

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, OCTOBER 13, 1983.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Pro Tem Frank D. Wing, with the following members present: BERRIOZABAL, DUTMER, WING, THOMPSON, ALDERETE, HASSLOCHER. Absent: WEBB, EURESTE, HARRINGTON, ARCHER, CISNEROS.

83-48 The invocation was given by Rev. Gail Sims, Alamo Heights Christian Church.

83-48 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

83-48 DRUG AWARENESS AND EDUCATION WEEK

Mayor Pro Tem Wing read the following Proclamation:

WHEREAS, the drug and alcohol epidemic has become a serious and growing problem in America and

WHEREAS, the "ready access" to drugs and alcohol and the abuse of both by our school-age youth is in devastating proportions, and

WHEREAS, "The Chemical People" is a public television event to be broadcast on two successive Wednesdays on November 2 and 9, 1983, to communities across the nation in an effort to combat school-age drug and alcohol abuse, and

WHEREAS, the program, "The Chemical People" will feature the nation's First Lady, Nancy Reagan and other public personalities, and

WHEREAS, the audience will learn that while drug usage among youth is a national problem, it also must be recognized within each individual community, school and home, and

WHEREAS, "The Chemical People" is a precedent-setting outreach program; this program will seek to convince individuals and communities to accept the problem of drug and alcohol abuse, and to organize to seek solutions rather than hide behind a wall of denial.

NOW, THEREFORE, I, HENRY CISNEROS, Mayor of the City of San Antonio, and the members of the City Council, do hereby urge all citizens to fully support this most worthwhile endeavor, and hereby proclaim the week of November 2 - 9, 1983, as

"DRUG AWARENESS AND EDUCATION WEEK"

in San Antonio, Texas.

* * * *

Mayor Pro Tem Wing then presented the Proclamation to Mr. Tyler Thomas, spokesman for Drug Awareness and Education Week, and spoke of his belief that alcohol is as large a problem as drugs in today's world, especially among young people.

Mr. Tyler Thomas, speaking on behalf of a number of local organizations, accepted the Proclamation and provided details of Drug Awareness and Education Week.

Mayor Pro Tem Wing spoke of the terrible effects of drugs on those who abuse them, and also spoke of the effects of toxicant inhalants.

83-48

FIRE PREVENTION WEEK

Mr. Alderete took note of Fire Prevention Week activities, and urged all citizens to make every effort to prevent fires by common sense. He also spoke of the need for the conduct of fire drills at home as well as at school and work, and of the need to plan escape routes in homes.

83-48

HALLOWEEN

Mrs. Dutmer spoke of the "Safe Halloween" program now underway, and noted that a group of local merchants is taking part, contributing to the Easter Seal Society's Halloween booklet program, whereby those who wish to may purchase books of tickets to various merchants, and give these certificates to children on Halloween instead of candy or other items. She then spoke in support of the efforts of the Easter Seal Society in this regard.

83-48

The minutes of the meeting of September 29, 1983 were approved.

83-48

CONSENT AGENDA

Mr. Alderete moved that items 5 - 28, constituting the consent agenda, be approved with the exception of item 12 to be pulled for individual consideration. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 57,697

ACCEPTING THE BID OF IBM CORPORATION TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH A 24-MONTH LEASE OF COLOR DISPLAY STATIONS AND COLOR PRINTER FOR A TOTAL COST OF \$43,796.00.

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AN ORDINANCE 57,698

ACCEPTING THE BID OF DULANY VERNAY, INC., TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH

October 13, 1983

mlr

PARKING TICKETS FOR THE INTERNATIONAL AIRPORT
PARKING DIVISION FOR A TOTAL COST OF \$12,250.00.

* * * *

AN ORDINANCE 57,699

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO FURNISH
THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND
SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1983-84
FISCAL YEAR.

* * * *

AN ORDINANCE 57,700

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO 4
FOR THE RECONDITIONING OF PECAN VALLEY DRIVE PROJECT
IN THE AMOUNT OF \$35,993.34; APPROPRIATING AN
ADDITIONAL \$24,130.12 IN THE CONSTRUCTION
CONTINGENCY AND AUTHORIZING PAYMENT.

* * * *

AN ORDINANCE 57,701

ACCEPTING THE BID IN THE AMOUNT OF \$96,480.00 PLUS
ALTERNATE NO. 1 (\$350.00) AND ALTERNATE NO. 2
(\$2,300.00) FOR A TOTAL AMOUNT OF \$99,130.00 FROM
JAMES E. MILLER CONSTRUCTION, INC., FOR CONSTRUCTION
OF THE ELLA AUSTIN CHILD CARE CENTER; APPROVING A
CONTRACT AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 57,702

AUTHORIZING THE CITY MANAGER TO EXECUTE CONSTRUCTION
AND MAINTENANCE AGREEMENTS WITH THE STATE DEPARTMENT
OF HIGHWAYS AND PUBLIC TRANSPORTATION TO REPLACE THE
HAYS STREET BRIDGE AT SO. PAC. RR AND THE W.
MAYFIELD BRIDGE AT SIX MILE CREEK.

* * * *

AN ORDINANCE 57,703

ACCEPTING THE BID OF H.B. ZACHRY COMPANY IN THE
AMOUNT OF \$3,606,557.42 FOR CONSTRUCTION OF STREETS
AND DRAINAGE WITHIN THE VISTA VERDE SOUTH UDAG
PROJECT (PHASE I), PROVIDING FOR CONSTRUCTION
CONTINGENCY, APPROVING A CONTRACT AND PROVIDING FOR
PAYMENT.

* * * *

AN ORDINANCE 57,704

AUTHORIZING THE EXECUTION OF A STANDARD PROFESSIONAL
SERVICES CONTRACT WITH W.M. DOREANDT, INC. TO
PROVIDE NECESSARY ENGINEERING SERVICES IN CONNECTION
WITH THE AIR CONDITIONING OF THE STINSON MUNICIPAL
AIRPORT TERMINAL BUILDING, APPROPRIATING FUNDS FOR
THE PROJECT AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 57,705

²⁷ AUTHORIZING THE EXECUTION OF A STANDARD PROFESSIONAL

28

SERVICES CONTRACT WITH ALFONSO E. FERNANDEZ, ARCHITECT, TO PROVIDE NECESSARY ARCHITECTURAL SERVICES IN CONNECTION WITH THE MARIO FARIAS ACTIVITY CENTER, AND AUTHORIZING FOR PAYMENTS.

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AN ORDINANCE 57,706

AUTHORIZING THE EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH MEISTER AND COMPANY FOR PALO ALTO PARK AND AUTHORIZING FOR PAYMENTS.

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AN ORDINANCE 57,707

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH BRENDLER-DOVE ASSOCIATES, INC. FOR MIRASOL PARK DEVELOPMENT, APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

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AN ORDINANCE 57,708

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH MARMON, MOK AND GREEN, INC. FOR MARTIN LUTHER KING PARK IMPROVEMENTS PHASE I AND AUTHORIZING PAYMENT.

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AN ORDINANCE 57,709

AUTHORIZING THE EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH BRADLEY/McCHESNEY ARCHITECTS, INC. FOR KENNEDY PARK DEVELOPMENT, APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

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AN ORDINANCE 57,710

AUTHORIZING THE EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH FERNANDEZ, FRAZER, WHITE, AND ASSOCIATES, INC. FOR ALDERETE PARK DEVELOPMENT - PHASE II, APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.

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AN ORDINANCE 57,711

AUTHORIZING PAYMENT FOR ARCHITECTURAL SERVICES AND CONTINGENCIES TO MR. JAMES E. KEETER FOR PROFESSIONAL SERVICES RELATED TO THE RIVERWALK IMPROVEMENTS PROJECT AUTHORIZED IN THE 9TH YEAR C.D.B.G. PROGRAM.

* * * *

AN ORDINANCE 57,712

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$14,320.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING TITLE AND/OR EASEMENTS TO CERTAIN LANDS, ACCEPTING

THE DEDICATION OF EASEMENTS TO CERTAIN LANDS; ALL IN CONNECTION WITH CERTAIN RIGHT-OF-WAY PROJECTS.

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AN ORDINANCE 57,713

CLOSING AND ABANDONING A PORTION OF JOYCE STREET ADJACENT TO NEW CITY BLOCK 7338; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE A QUITCLAIM DEED TO THE ADJACENT OWNER, FOR A CONSIDERATION OF \$1.00.

* * * *

AN ORDINANCE 57,714

AUTHORIZING \$62,192.50 FOR EXCESS LIABILITY INSURANCE.

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AN ORDINANCE 57,715

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

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AN ORDINANCE 57,716

AUTHORIZING PAYMENT NOT TO EXCEED \$19,500.00 TO COVER EXPENSES FOR A SALES PRESENTATION AND LUNCHEON ON WEDNESDAY, NOVEMBER 9, 1983 AT THE HYATT REGENCY HOTEL IN HOUSTON, TEXAS DURING THE NATIONAL TOUR ASSOCIATION'S ANNUAL CONVENTION.

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AN ORDINANCE 57,717

GRANTING A LICENSE TO THE HELOTES ART GUILD FOR USE OF THE RIVERWALK ON OCTOBER 16, 1983, IN CONJUNCTION WITH SAN ANTONIO CLASSICAL ARTS JAZZ FESTIVAL.

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AN ORDINANCE 57,718

AMENDING ORDINANCE NO. 56956 PASSED ON MAY 12, 1983, WHICH AUTHORIZED EXECUTION OF AN AGREEMENT WITH EYWATERS AND ASSOCIATES, INC., SO AS TO ALLOW FOR AN INCREASE IN THE TOTAL APPROPRIATED AMOUNT FOR TECHNICAL ASSISTANCE AUDITS BY \$6,000.00.

* * * *

83-48 The Clerk read the following Ordinance:

AN ORDINANCE 57,719

AUTHORIZING THE PAYMENT OF \$98,966.90 TO LEM CONSTRUCTION CO. AS FINAL SETTLEMENT OF CLAIM BY THE CONTRACTOR AGAINST THE CITY.

* * * *

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

Mrs. Dutmer spoke of her concern with the amount of money involved, and the fact that the delays causing the money-loss were not the City's fault.

Mr. Tom Finlay, Acting City Attorney, explained this settlement action, noting that it has been City policy to first settle with the contractor, then seek legal action if necessary to recover those costs from the agency involved, in this case the MKT Railroad.

Mr. Frank Kiobassa, Director of Public Works, briefly explained the background on the Ordinance action.

Mr. Hasslocher noted that both he and Mr. Wing had written other members of the Council in the past concerning matters such as this, brought about by railroad action.

Mayor Pro Tem Wing stated his opinion that the City has had problems with railroads concerning their lack of maintenance along rights-of-way.

Mr. Alderete spoke in favor of some type of action to limit the speeds of trains moving through the City, and asked City staff to provide information on speed limits allowed for trains inside the City limits.

Mrs. Dutmer noted that state legislation forces municipalities to bear the major portion of costs involved in repair of railroad crossing areas.

Mayor Pro Tem Wing asked that a segment of time be set aside later in the day to discuss this and other railroad-related matters, including the carrying of dangerous substances by rail through the City.

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

83-48

SMITHSON VALLEY HIGH SCHOOL CLASS

Mayor Pro Tem Wing recognized the presence in the audience today of a group of students from a class at Smithson Valley High School, and welcomed them to City Hall and the Council meeting.

ZONING HEARINGS

29. CASE Z83343 - to rezone Parcel 102, NCB 11635, in the 7600 Block of Callaghan Road, from Temporary "R-1" One Family Residence and "A" Single Family Residence District to "R-2A" Three and Four Family Residence District, located on the north side of Callaghan Road being 114' west of the intersection of Shakertown Ave. and Callaghan Road having 536.30' on Callaghan Road and a depth of 472.15' from Callaghan Road and having a maximum depth of 472.15'.

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

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

Mr. Thompson spoke of his concern that, with only six members of the City Council present for today's meeting, a negative vote by only one

member could defeat a zoning case. He also spoke of the possibility that some zoning cases might need to be postponed.

Mr. Hasslocher noted that both Mr. Harrington and Mr. Archer had discussed with him the various zoning cases scheduled to come up today for consideration within their respective Council districts, and had stated their support for each of these cases in their districts, including Mr. Harrington's support of this case in question at this time.

Mr. Al Sachs, 1100 N.W. Loop 410, representing the proponents, spoke of their plans to develop this property for three- and four-family residences.

Mr. Alderete spoke in support of the plan.

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

AN ORDINANCE 57,720

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 102, NCB 11635, IN THE 7600 BLOCK OF CALLAGHAN ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT AND "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "R-2A" THREE- AND FOUR-FAMILY RESIDENCE DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED.

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30. CASE ZB3345 - to rezone a 24.538 acre tract of land out of NCB 14658 and NCB 14659 being further described by field notes filed in the Office of the City Clerk, in the 6400 Block of Hollyhock Road, from Temporary "R-1" One Family Residence District to "P-1(R-5)" Planned Unit Development, One Family Residence District, located south of the intersection of Kitchener Road, Stoney Kirk Road and Hollyhock Road having approximately 600' on Hollyhock Road and having approximate maximum depth of 1400'.

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

Mr. Alderete moved that the recommendation of the Zoning Commission be approved. Mr. Hasslocher seconded the motion.

Ms. Berriozabal noted that the Alamo Farmsteads/Dabcock Road Homeowners Association favors passage of this zoning case, and stated her belief that it is important to work with neighborhood groups to seek their approval for zoning changes such as this.

In response to a question by Mrs. Dutmer, Mr. Harry Jewett discussed the area's traffic plan.

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

AN ORDINANCE 57,721

31 AMENDING CHAPTER 42 OF THE CITY CODE THAT

CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 24.538 ACRE TRACT OF LAND OUT OF NCB 14658 AND NCB 14659, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 6400 BLOCK OF HOLLYHOCK ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "P-1(R-5)" PLANNED UNIT DEVELOPMENT, ONE-FAMILY RESIDENCE DISTRICT.

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31. CASE Z83338 - to rezone Lot 2, Block 2, NCE 16485, in the 4200 Block of Stahl Road, from "B-2" Business District to "B-3NA" Business District, Non-Alcoholic Sales, located north of the intersection of Dublin Squares Drive and Stahl Road, having 147' on Dublin Squares and 85' on Stahl Road.

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

No citizen appeared to speak in opposition.

Mr. Alderete moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided. 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, Wing, Thompson, Alderete, Hasslocher; NAYS: None; ABSENT: Webb, Eureste, Harrington, Archer, Cisneros.

AN ORDINANCE 57,722

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLOCK 2, NCB 16485, IN THE 4200 BLOCK OF STAHL ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED.

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32. CASE Z83339 - to rezone Lot 12, Block 2, NCB 16435, in the 4000 Block of Stahl Road, from "R-3" Multiple Family Residence District to "B-3R" Restrictive Business District, located southeast of the intersection of Dublin Square and Stahl Road, having 120' on Dublin Square and 182.10' on Stahl Road.

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

No citizen appeared to speak in opposition.

Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that proper access and off-street parking are provided. Mr. Alderete seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES:

Berriozabal, Dutmer, Wing, Thompson, Alderete, Hasslocher; NAYS: None;
ABSENT: Webb, Eureste, Harrington, Archer, Cisneros.

AN ORDINANCE 57,723

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 12, BLOCK 2, NCE 16485, IN THE 4000 BLOCK OF STAHL ROAD, FROM "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT PROPER ACCESS AND OFF-STREET PARKING ARE PROVIDED.

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33. CASE Z83320 - to rezone Lot 21, Block 105, NCE 7220, 3315-3321 Blanco Road, from "E" Office District to "E-2" Business District, located southeast of the intersection of Clower Street and Blanco Road having 95' on Clower Street and 132.5' on Blanco Road.

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

Mr. Andy Guerrero, Planner II, noted that opposition to this zoning case is present in the audience.

Ms. Chris Pitzke, 6607 Southpoint, stated that the proponents are not interested in selling liquor on the property, but want to continue the present uses, such as a doctor's office.

Mr. Joe E. Kreidel, 910 Clower Street, noted that the building in question has been used for offices for more than 20 years, and spoke of his concern that a B-2 zoning now would allow sale of liquor. He also spoke of his concern with what will happen if the present owner sells the property, with B-2 zoning. He then presented to City staff present, certain petitions of area homeowners against the rezoning of this property.

Mrs. Dutmer moved that further consideration of this case be postponed until later in this meeting, to allow City staff sufficient time to determine whether the number of signatures on the petitions constitute more than 20 per cent of the homeowners within 200 feet of subject property, and thus would require nine affirmative votes to approve the rezoning. Ms. Berriozabal seconded the motion.

After discussion, the case was postponed until later in the meeting by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Hasslocher; NAYS: None; ABSENT: Webb, Eureste, Harrington, Archer, Cisneros.

(See page 12 for continuation of this zoning case.)

34. CASE Z83351 - to rezone Parcel 4, NCE 15679, 13575 Wetmore Road, from Temporary "R-1" One Family Residence District to "E-3" Business District, located on the northwest side of Wetmore Road, being approximately 1320' northeast of the intersection of Wetmore Road and Thousand Oaks Drive having 105' on Wetmore Road and a depth of 239.3'.

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

Mr. Hasslocher moved that the Ordinance be approved provided that

proper commercial access and paved off-street parking are provided. 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, Wing, Thompson, Alderete, Hasslocher; NAYS: None; ABSENT: Webb, Eureste, Harrington, Archer, Cisneros.

AN ORDINANCE 57,724

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 4, NCB 15679, 13575 WETMORE ROAD, FROM TEMPORARY "R-1" ONE-FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER COMMERCIAL ACCESS AND PAVED OFF-STREET PARKING ARE PROVIDED.

* * * *

35. CASE Z83297 - to rezone Lot 25, NCB 6033, in the 600 Block of San Patricio Street, from "B-2" Business District to "R-5" One Family Residence District, located southwest of the intersection of S. Nueces Street and San Patricio Street having 75.5' on San Patricio Street and 74.5' on S. Nueces Street.

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

No citizen appeared to speak in opposition.

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

In response to a question by Mr. Thompson, Mr. Andy Guerrero, Planner II, explained the need for R-5 zoning on this property, in order to construct a residence in conformance with the City Code.

Mrs. Dutmer spoke in favor of the request, noting that it changes a zoning from business to residential.

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

AN ORDINANCE 57,725

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 25, NCB 6033, IN THE 600 BLOCK OF SAN PATRICIO STREET, FROM "B-2" BUSINESS DISTRICT TO "R-5" ONE-FAMILY RESIDENCE DISTRICT.

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83-48

ZONING PETITIONS

In response to a question by Mr. Thompson, Mr. Andy Guerrero, Planner II, explained the City's procedures to be followed in checking

petitions submitted in connection with zoning cases on the day that the certain case is being considered by the City Council.

Mr. Thompson spoke of his concern that the petition signatures are accepted as valid, at face value, without further confirmation, before it is reported to City Council to determine voting requirements for a particular zoning case.

Ms. Berriozabal noted that many persons do not understand that they can mail in the zoning-case reply card instead of bringing it in, personally, on the day that the case is considered by City Council. She also noted that a segment of a neighborhood planning meeting, scheduled for this Saturday at San Antonio College, will deal with zoning matters.

83-48 The Clerk read the following Ordinance:

AN ORDINANCE 57,726

NOMINATING A CANDIDATE FOR THE BOARD OF DIRECTORS OF THE APPRAISAL DISTRICT.

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

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

83-48 The Clerk read the following Ordinance:

AN ORDINANCE 57,727

AUTHORIZING THE SUBMISSION OF APPLICATIONS TO THE ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR GRANTS TOTALLING \$24,960,000.00 OR FOR SUCH TOTAL AVAILABLE IN PARTIAL SUPPORT OF THE COST OF CONSTRUCTION PROJECTS - LEON CREEK WASTEWATER TREATMENT PLAN EXPANSION, DOS RIOS WASTEWATER TREATMENT FACILITY AND THE RILLING ROAD TRANSFER LINE IN THE ONGOING WASTEWATER FACILITIES IMPROVEMENTS PROGRAM.

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

In response to a question by Mr. Thompson, Mr. Frank Kiobassa, Director of Public Works, explained the amount of the available grants is much more substantial than City staff had expected, noting that the amount of the grants is determined by a priority system established by the State Department of Water Resources, which is allocating some \$100 million this coming year, of which San Antonio and Houston each are receiving much more than other cities. He then briefly explained the separate projects involved in the grant requests, noting that this amount is some three times what was originally expected, but stressed that it probably will be a one-time windfall for the City of San Antonio.

Mr. Louis J. Fox, City Manager, stated that he still expects a reduction in available federal funds for wastewater projects, in the out-years, as anticipated in earlier planning.

Mr. Thompson spoke of his concern for the stated need for additional sewer service charge fees, if the federal government is going to continue giving the City of San Antonio substantially more than it had earlier predicted.

Mr. Kiolbassa stated his opinion that the problem of less-than-needed federal grant funds will continue, despite this one-time situation.

Mr. Hasslocher asked that an investigation be made into the oxygen system used in the newest wastewater treatment plants around the nation.

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

83-48 At this time, consideration of Zoning Case Z83320 was continued (see page 9 for previous actions in this matter.)

Mr. Andy Guerrero, Planner II, stated that City staff had completed a check of the petitions submitted in conjunction with this zoning case, and nine affirmative votes of the City Council would be necessary for passage of the requested rezoning, inasmuch as the names on those petitions constitute more than 20 per cent of the homeowners within 200 feet of the subject property.

Mrs. Dutmer moved that Zoning Case Z83320 be postponed for a period of three weeks. Mr. Hasslocher seconded the motion.

Ms. Berriozabal stated that she wished to get in touch with Mr. Kreidel, who gathered the petitions in opposition to the zoning case, so that some possible solution to the matter might be worked out before the case returns to the City Council for reconsideration in three weeks.

After consideration, the motion to postpone consideration of this case for three weeks prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Alderete, Hasslocher; NAYS: None; ABSENT: Webb, Eureste, Harrington, Archer, Cisneros.

Case Z83320 was postponed for three weeks.

83-48 The Clerk read a proposed Ordinance authorizing the execution of a joint agreement with the Muscular Dystrophy Association and International Association of Firefighters for establishment of a life-safety system in the City of San Antonio.

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

Mr. Hasslocher stated his belief that state law prohibits the City from participating in this life-safety system, and spoke of his concern that the City, through this matter, is competing with the private sector business community. He also spoke of his concern with the costs and the matter of liability, and spoke against passage of the Ordinance.

Mrs. Dutmer made a motion to table consideration of this Ordinance for a period of four weeks. Ms. Berriozabal seconded the motion. On roll call, the motion failed to carry by the following vote: Berriozabal, Dutmer, Wing, Thompson, Alderete; NAYS: Hasslocher; ABSENT: Webb, Eureste, Harrington, Archer, Cisneros.

Fire Chief I. O. Martinez briefly explained the functioning of the system, stating that the telephone company would install the

connections necessary in each home, and the Firefighters Association would set up the program in cooperation with the Muscular Dystrophy Association, providing some 100 free life-safety systems in selected residences. He noted that two other cities currently have such systems in place, and stated that the system cost in San Antonio would be about \$60,000. He further stated that the life-safety systems would be a free gift to 100 persons with serious incapacitations or impaired mobility. He then noted that after the Firefighters have the systems installed, the units belong to the City. He then made a brief explanation of how the system works, noting that any future equipment purchased would come from the Firefighters Association.

Mr. Hasslocher noted that some private alarm companies are concerned with this system and its impact upon their business.

Mrs. Dutmer stated that she will be voting against the proposed Ordinance, in order that she might be on the prevailing side of the issue and this will enable reinstatement for discussion of the Ordinance at a later date for additional consideration. She then spoke in favor of the program.

In response to a question by Mr. Thompson, Chief Martinez explained that after installation, the 100 units of the life-safety system would become property of the City of San Antonio, and spoke to results of his conversations with the fire chief of Orange, California as to the system's value to that community. He then outlined the criteria to be used in selecting recipients of the system equipment, noting that the City's Handicapped Access Office would set the criteria for the selection.

Mr. Thompson stated his opinion that the question of affordability is paramount in this issue, noting that many persons who might well use this system still cannot afford the cost, if the system were to be purchased by each person from the private business community. He spoke in support of a one-year trial program.

In response to a question by Mr. Alderete, Chief Martinez stated that he has no knowledge of plans by the International Association of Firefighters to get into the business of selling smoke alarms or other such devices.

Mr. Steve Worley, representing the San Antonio Firefighters Union, stated that the international union of firefighters is jointly sponsoring this program with the MDA, which is putting up the money to fund the project, and that no monies are going to the International Association of Firefighters.

At this point, Mr. Alderete made a motion to table the matter. The motion died for lack of a second.

Ms. Berriozabal thanked the firefighters group for bringing this program to San Antonio, stating her support of the program, noting that she has seen such a system work at a senior citizen nutrition site. She spoke to the good points of the program, noting that she, too, will vote against its approval at this time, in order to be on the prevailing side of the issue and thus able to bring the matter back up for consideration by the City Council at some future date.

Mrs. Dutmer asked the City Manager and City Attorney to be prepared to discuss the liability concerns and other matters when the case comes up again in the future.

Mayor Pro Tem Wing stated his opinion that rejection of the proposed Ordinance is an indictment of the free enterprise system, inasmuch as it in effect rejects needed help for some 100 persons.

Mr. Hasslocher spoke of his concern with the liability matter, and spoke of his wish to upgrade the 911 emergency telephone system several weeks ago, a request that was denied by the majority of the City

Council, noting that such upgrading was badly needed by the mobility-impaired and otherwise handicapped community.

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

Mr. Tom Finlay, Acting City Attorney, stated that this matter can be brought back before City Council at a future date by petition of at least six members of City Council.

83-48 Agenda item 39, being an Ordinance authorizing an amendment to the Target 90's Professional Services support contract with Van Steenberg Enterprises, was withdrawn from consideration.

83-48 The Clerk read the following Ordinance:

AN ORDINANCE 57,728

REAPPOINTING AND APPOINTING MEMBERS TO SERVE ON THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A PERIOD TO EXPIRE OCTOBER 24, 1985. (REAPPOINTMENT: MARY WOMACK - DISTRICT 6; APPOINTMENT: MARTHA TIJERINA - DISTRICT 1)

* * * *

Mr. Thompson moved that the Ordinance be approved. Ms. Berriozabal seconded the motion.

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

83-48 TRAVEL AUTHORIZATIONS - Granted:

Councilwoman Dutmer to travel to Houston for the Texas Municipal League meeting October 7-10, 1983.

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Mayor Henry Cisneros to travel to Houston for the Texas Municipal League meeting October 7-9, 1983.

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83-48 TIRE DUMPING FEES

City Manager Louis J. Fox noted that the matter of discussion concerning discard and/or dumping of automobile tires at City disposal sites is scheduled for 6:00 P.M., and several members of the City Council have indicated that they probably will not be in attendance because of prior commitments.

A brief discussion then took place concerning plans of the

various Council members for that time, during which it was decided that at least five would be in attendance for the scheduled 6:00 P.M. discussion.

83-48

CAROLYN KEANE MEMORIAL AWARD

City Manager Louis J. Fox spoke to the recent receipt by the City of the Carolyn Keane Memorial Award from the International City Management Association for its efforts to enhance opportunities for the handicapped, and thanked the City Council for its work in helping the City qualify for the award. He also thanked Ms. Judy Eabbitt of the Handicapped Access Office and Mr. Roland Lozano, Director of Planning, for their work in this field.

Mr. Alderete also congratulated the citizens who first brought this matter to the attention of the City Council.

83-48

MR. WILLIE W. BOMER

Mr. Willie W. Bomer, 115 Samoth Drive, spoke concerning the tax exemption available for the disabled, noting his concern that this is only a deferred tax matter, not a true exemption, in that the taxes still are owed on the property should that property be sold by the disabled property owner or conveyed to his heirs.

Mr. Thompson spoke of the difference between a 'deferral' and an 'exemption' from City taxes.

A brief discussion then took place concerning a recent newspaper editorial on this matter, and how its words can be interpreted.

Mr. Tom Finlay, Acting City Attorney, stated his belief that the matter involving the handicapped is a deferral, rather than an exemption, involving City taxes.

Mrs. Dutmer explained the matter and provided its background.

Mr. Bomer also spoke of his concern with a fencing requirement placed upon property near his home, involving a nearby church, and he stated that the property next to the church now is in business usage, and places heavy traffic onto Samoth Drive, through the church property which is used as an exit from the business property onto the street. He spoke of his concern that small children playing in the street may be injured by this traffic. He also asked that the fencing requirements be removed from the property concerned.

Mrs. Dutmer asked City staff to meet with Mr. Bomer and to look into the fence matter.

83-48

RAILROADS

The City Council then entered into an informal presentation and discussion concerning railroads in the City of San Antonio.

83-48 The City Council recessed its regular meeting at 3:30 P.M., reconvening at 5:11 P.M. for Citizens to be Heard.

CITIZENS TO BE HEARD

MRS. JUDY ROGERS

Mrs. Judy Rogers, 4527 Elack Hickory Woods, addressed the City Council on the ongoing problems they are having with the Pioneer Asphalt,

Concrete & Aggregate Company. She spoke about the different problems, i.e. noise and pollution, and asked the City Council to annex the rock quarry in order to have better control and protection for San Antonio citizens. She further stated that the rock quarry was built after the residences were already in existence. She asked about the status of the annexation request they had made.

In response to Mayor Pro Tem Wing, Mr. Roland Lozano, Director of Planning, stated that staff is looking at annexing all the rock quarries in that area and stated that they will be meeting with the Council's Annexation Committee.

Mr. Bill Avila, Assistant City Attorney, spoke to the Council about the problems mentioned by Mrs. Rogers. He stated that they have spoken to staff of the Air Quality Control Board and a memo was sent to the City Manager addressing these issues.

Councilman Bob Thompson stated that there is a lack of abatement processes for this type of activity. He also stated that the City at the present time has no jurisdiction and also spoke to nonconforming rights.

In response to Mrs. Dutmer, Mrs. Rogers stated that she has approached her County Commissioner who told her that there was nothing that could be done by the County.

Councilman Hasslocher stated that he will be pleased to meet with Mrs. Rogers on this matter.

In response to Mayor Pro Tem Wing, Mr. Avila stated that this company has been cited by the Texas Air Quality Control Board.

Mrs. Rogers stated that a public hearing to be conducted by the Texas Air Quality Control Board will be held on Tuesday, October 18, 1983 at 6:30 P.M. at Lockhill Elementary School, 5050 De Zavala Road, to discuss this issue.

The Council then discussed its jurisdiction in this matter and the problems of enforcing air pollution controls.

MRS. MARY LOU CAMPOS

Mrs. Mary Lou Campos spoke of her concern that City employees have been told that they will be terminated if they do not reside in the City. She asked the City Council to intercede and allow them an interval of time in order to relocate within the City limits. She asked for a 3 to 6 month provisional time before termination.

Mayor Pro Tem Wing stated that it was the City Council that insisted that this rule be enforced.

City Manager Fox stated that in 1978 this rule was mandated by ordinance. He then gave a history of the enforcement of this rule. Mr. Fox stated that the Personnel Department does advise new City employees that they have six months to move within the City limits after he/she is employed.

He then spoke of his recommendations to enforce the Council's policy on residency requirements and also to enforce the rule that firemen and policemen live within the County.

Ms. Berriozabal also spoke of the policy and that the City Manager's enforcement be upheld.

Mayor Pro Tem Wing asked Mrs. Campos to make her information available to City staff.

October 13, 1983

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Mr. Thompson concurred with the recommendations made by the City Manager.

In response to Mrs. Dutmer, Mr. Leroy Harvey, Personnel Director, spoke about the Personnel Department's role in enforcing this policy.

Mrs. Minnie Flores stated that she was told that four employees were going to be terminated and she was unaware of the 30 to 60 day grace period mentioned by the City Manager.

Mayor Pro Tem Wing also stated that in 1978 this policy was established by the City Council, and there had been two 'grandfather' provisions already made.

* * * *

83-48

TIRE DISPOSAL DISCUSSION

Mr. Frank Kiolbassa, Director of Public Works, presented a four-page update report and recommendation to the City Council concerning the matter of tire disposal operations, a copy of which is made a part of the papers of this meeting. He stated that he favors this revised plan, noting that it includes a more reasonable price for tire disposal. He then made three recommendations in this regard.

Ms. Juanita Vasquez spoke of the need for the City and local businesses who must pay for disposal of old tires, to work together, noting that many of these shops discard many tires each week of the year, and must pay the City for that disposal.

Ms. Margaret Salas spoke in favor of the plan which includes a more reasonable rate for disposal.

Mr. Jesus Flores, Jr. spoke in agreement with the staff recommendations.

In response to a question by Mr. Thompson, Mr. Kiolbassa stated that one local vendor now charges \$.25 for disposal of each automobile tire, and \$.35 for each truck tire. He noted that the firm has told him that it would bid on a City contract for tire disposal, if such work were put out for bid.

Mr. Thompson spoke of the need for the City to maintain tire-disposal operations at a reasonable price for citizens, and spoke of his concern that the newly-recommended costs for tire disposal might cause more illegal dumping of old tires.

Mr. Kiolbassa stated that he would be meeting with other firms who shred old tires, to discuss the possibility of putting the work out for bid.

In response to a question by Mrs. Dutmer, Mr. Kiolbassa stated that four auto tires weigh approximately 100 pounds.

Mr. Kiolbassa noted that the staff also needs City Council action to set a new fee structure for tire disposal.

83-48 The City Clerk read the following Letter:

October 6, 1983

Honorable Mayor and Members of the City Council
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.

September 30, 1983

Petition submitted by Mrs. Inez C. Eisazadeh, 3847 Crossette Drive, San Antonio, Texas 78228 and other petitioners requesting that a sidewalk be installed on the corner of Crossette and along Hillcrest; that walk crossovers on both sides of the creek be installed and that other concerns of the area be addressed.

* * * *

/s/Norma S. Rodriguez
City Clerk

There being no further business to come before the Council, the meeting was adjourned at 6:08 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R

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