

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, DECEMBER 13, 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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90-54 Invocation - Father Enda McKenna, St. Vincent De Paul Catholic Church.

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90-54 Pledge of Allegiance to the flag of the United States.

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90-54 Minutes of the November 8, 1990 Regular meeting were approved.

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90-54 DR. WILLIAM JULIUS WILSON

Mayor Cockrell recognized Dr. William Julius Wilson, author/researcher in the fields of sociology and public policy at the University of Chicago.

Ms. Berriozabal spoke of Dr. Wilson's work in researching poverty in the United States.

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90-54 SWEARING-IN OF NEW BOARD/COMMISSION MEMBERS

Mayor Cockrell recognized a group of new and/or reappointed City board/commission members, and expressed the City Council's appreciation to each for the voluntary donation of their time and talents.

City Clerk Norma S. Rodriguez then administered the Oath of Office to the assembled board/commission members, en masse, and congratulated them.

Mayor Cockrell and individual City Council members then distributed Certificates of Appointment to the board/commission appointees

present today.

90-54

LITERACY EFFORTS

Mr. Joe Carroll Rust, Chairman of the Commission on Literacy, distributed copies of his group's most recent status report on literacy efforts, a copy of which is made a part of the papers of this meeting. He spoke briefly to its substance, and distributed small Christmas gifts to each Council member, on behalf of the Commission.

Mayor Cockrell thanked Mr. Rust and his Commission for their hard work.

Ms. Berriozabal spoke of recent National League of Cities efforts to put together a booklet on successful literacy efforts around the nation, including San Antonio as an excellent example.

Other City Council members spoke to the Commissions's literacy efforts and future plans.

90-54

CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 9 through 32, constituting the Consent Agenda, with Items 31 and 32 to be pulled for individual consideration. Mrs. Dutmer 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, Wing, Martinez, Thompson, Vera, Hasslocher, Cockrell; NAYS: None; ABSENT: Wolff, Labatt.

AN ORDINANCE 72,758

ACCEPTING THE LOW BID OF VULCAN ALUMINUM TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ALUMINUM SIGN BLANKS FOR A TOTAL OF \$71,636.00.

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AN ORDINANCE 72,759

ACCEPTING THE LOW BID OF KOCH MATERIALS COMPANY TO FURNISH THE CITY OF SAN ANTONIO TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH ASPHALT

SEALER/PRESERVER FOR A TOTAL OF \$5,700.00.

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AN ORDINANCE 72,760 .

ACCEPTING THE PROPOSAL OF MOTOROLA COMMUNICATIONS &
ELECTRONICS INC. TO FURNISH THE CITY OF SAN ANTONIO
WITH PORTABLE RADIOS FOR A TOTAL OF \$60,637.54.

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AN ORDINANCE 72,761 .

ACCEPTING THE PROPOSAL OF R. R. BOWKER COMPANY TO
FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH
BOOK CATALOGS FOR A TOTAL OF \$13,643.52.

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AN ORDINANCE 72,762 .

AUTHORIZING PAYMENT TO MONTGOMERY ELEVATOR FOR
EMERGENCY REPAIRS TO A FREIGHT ELEVATOR AT THE
CONVENTION FACILITIES FOR A TOTAL OF \$11,900.00.

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AN ORDINANCE 72,763 .

AUTHORIZING PAYMENT TO THE TEXAS WATER COMMISSION
FOR YEARLY FEES IN THE AMOUNT OF \$4,125.00 FOR
UNDERGROUND FUEL STORAGE TANKS.

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AN ORDINANCE 72,764 .

ACCEPTING THE LOW QUALIFIED BID OF ADVANCED
STRUCTURAL SYSTEMS, INC. IN THE AMOUNT OF \$38,851.00
TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH
THE HARLANDALE CENTER FOUNDATION REPAIRS;
AUTHORIZING THE EXECUTION OF A CONSTRUCTION
CONTRACT; AUTHORIZING \$9,712.75 FOR THE CONSTRUCTION
CONTINGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR
PAYMENT.

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AN ORDINANCE 72,765

ACCEPTING THE LOW QUALIFIED BID OF ADVANCED STRUCTURAL SYSTEMS, INC. IN THE AMOUNT OF \$22,500.00 TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE TOWER OF THE AMERICAS - EXTERIOR DRAINAGE PROJECT; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$5,625.00 FOR THE CONSTRUCTION CONTINGENCY; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,766

ACCEPTING THE LOW QUALIFIED BID OF TONY C. QUINTANILLA, INC., IN THE AMOUNT OF \$201,905.00, TO CONSTRUCT THE TERMINAL IMPROVEMENTS-1990 (PACKAGE 1A - DELTA AIRLINES EXPANSION) AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING \$20,190.00 FOR A CONTINGENCY ACCOUNT; AUTHORIZING \$2,000.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,767

APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$16,272.47 TO THE CONTRACT WITH S. A. WINCO, INC., TO PROVIDE FOR ADJUSTMENTS IN CONNECTION WITH THE FIVE PALMS FROM PEARSALL ROAD TO KIM VALLEY PROJECT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,768

ACCEPTING THE LOW, QUALIFIED BID OF E-Z BEL CONSTRUCTION CO., INC. IN THE AMOUNT OF \$332,932.43 IN CONNECTION WITH THE BALBOA AVENUE (MERIDA TO CASTROVILLE) PROJECT; AUTHORIZING A CONTRACT; REVISING THE PROJECT BUDGET; AUTHORIZING \$33,293.24 FOR CONSTRUCTION CONTINGENCIES; AUTHORIZING \$13,983.16 FOR PROJECT OVERSIGHT COSTS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 72,769

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH CARL A. NENTWICH, FOR PREPARATION OF RIGHT-OF-WAY ACQUISITION APPRAISALS FOR THE WETMORE ROAD RECONSTRUCTION-THOUSAND OAKS TO CITY LIMITS PROJECT AND AUTHORIZING PAYMENT UP TO \$7,500.00.

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AN ORDINANCE 72,770

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH PATRICIA STEBBINS, SRPA, OF THE STEBBINS COMPANY FOR PREPARATION OF RIGHT-OF-WAY ACQUISITION APPRAISALS FOR THE RITTIMAN ROAD RECONSTRUCTION - I.H. 35 TO RITTIMAN PLAZA AND AUTHORIZING PAYMENT UP TO \$3,600.00.

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AN ORDINANCE 72,771

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$260.00 OUT OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING TITLE TO FOUR (4) PARCELS IN CONNECTION WITH THE WEST AVENUE - FREDERICKSBURG Road to I. H. 10 PROJECT AND APPROPRIATING FUNDS; AND ACCEPTING A DEDICATION DEED IN CONNECTION WITH THE TRAVIS STREET PROJECT - CAMARON TO SOLEDAD.

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AN ORDINANCE 72,772

AUTHORIZING THE EXECUTION OF A ONE-YEAR TERM CONTRACT FOR EMS SERVICE WITH THE CITY OF CHINA GROVE.

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AN ORDINANCE 72,773

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE CONTRACTS FOR ARTISTIC, PROFESSIONAL, TECHNICAL AND SUPPORT SERVICES RELATED TO THE SPONSORSHIP OF THE CARVER COMMUNITY CULTURAL CENTER SEASON OF EVENTS; AND RATIFYING ARTISTIC, TECHNICAL AND SUPPORT SERVICE CONTRACTS.

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AN ORDINANCE 72,774

AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF AN HHS GRANT FOR THE HEAD START EARLY CHILD CARE PROGRAM YEAR 13 IN THE AMOUNT OF \$6,988,058.00; AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF ANY SUPPLEMENTAL GRANTS FOR THE HEAD START PROGRAM DURING THE PROGRAM YEAR 13; AND AUTHORIZING AN AGREEMENT WITH PARENT-CHILD, INCORPORATED TO OPERATE THE PROGRAM.

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AN ORDINANCE 72,775

APPROVING THE SUBMISSION OF A PROPOSAL AND ACCEPTANCE OF A GRANT OF \$167,575.00 TO PROVIDE FUNDING TO THE EMERGENCY FOOD AND SHELTER BOARD PROGRAMS: FIRST MONTH'S RENT PROGRAM - \$49,000.00; RENT ASSISTANCE PROGRAM - \$76,000.00; MORTGAGE ASSISTANCE PROGRAM - \$36,000.00; AND EMERGENCY UTILITY ASSISTANCE PROGRAM - \$6,575.00.

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AN ORDINANCE 72,776

APPROVING RECORDS CONTROL SCHEDULES FOR THE DEPARTMENT OF HEALTH AS REQUIRED BY CITY ORDINANCE NO. 72054 PASSED AND APPROVED ON AUGUST 9, 1990.

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AN ORDINANCE 72,777

AUTHORIZING EXECUTION OF A CONTRACT WITH THE METROPOLITAN PLANNING ORGANIZATION FOR THE CITY TO PERFORM CERTAIN TRANSPORTATION PLANNING TASKS IN THE SAN ANTONIO/BEXAR COUNTY TRANSPORTATION PLANNING AREA'S 1990-91 UNIFIED WORK PROGRAM AND APPROPRIATING FUNDS.

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AN ORDINANCE 72,778

AUTHORIZING AN AGREEMENT WITH THE TEXAS LEGISLATIVE

SERVICE TO PROVIDE FULL-TEXT DOCUMENT AND LEGISLATIVE BILL TRACKING SERVICES IN THE AMOUNT OF \$4,990.00; AND PROVIDING FOR PAYMENT.

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90-54 (At this point, Mayor Cockrell was obliged to leave the meeting. Mayor Pro Tem Martinez presided.

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90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,779

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AUTHORIZING SUBMISSION OF A \$50,000 GRANT APPLICATION TO THE BROWN FOUNDATION, INC., TO ASSIST WITH DEVELOPMENT OF A PLAYGROUND IN BRACKENRIDGE PARK, AND EXPRESSING CITY COUNCIL'S GRATITUDE TO SAID FOUNDATION FOR ITS GENEROUS PUBLIC SERVICE IN THE INTERESTS OF CHILDREN AND YOUTH.

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

Mr. Ron Darner, Director of Parks and Recreation, explained the ordinance and donation for a playground.

Mr. Thompson asked for a report on the "Holiday in Lights" program in Brackenridge Park, to which Mr. Darner responded with current attendance figures.

Mrs. Dutmer asked that the Parks and Recreation Department consider placing concrete benches in Pickwell Park.

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

90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,780 .

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APPROVING AN AGREEMENT FOR TRUST ASSISTANCE BETWEEN THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. AS A SPONSOR OF AN AFFORDABLE HOUSING PROGRAM FUNDED BY THE CITY OF SAN ANTONIO HOUSING TRUST IN AN AMOUNT NOT TO EXCEED \$120,000.00.

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

In response to a question by Mr. Thompson, Mr. Rolando Bono, Assistant City Manager, explained that this is the first in a series of agreements with organizations for low-cost housing, noting that the program in question will identify certain City-owned properties for similar uses.

Mr. Thompson spoke of the excellent work in this area by Habitat for Humanity, Inc.

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

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90-54 The Clerk read the following Resolution:

A RESOLUTION NO. 90-54-65 .

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APPROVING THE FEDERAL AVIATION REGULATION (FAR) PART 150 EXISTING CONDITIONS AND 1993 FUTURE CONDITIONS NOISE EXPOSURE MAPS AND NOISE COMPATIBILITY PROGRAM FOR SAN ANTONIO INTERNATIONAL AIRPORT.

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

(At this point, Mayor Cockrell returned to the meeting to preside.)

Mr. Labatt, Chairman of the Council's Airport Noise Abatement Committee, spoke to the events and Public Hearings held, leading up to

today's proposed Resolution. He addressed the current noise-abatement plan which has eliminated the previously-recommended purchase of noise-affected properties, and has effected a modification of the recommended noise-insulation actions. He then spoke of certain other recommendations of various groups involved in this matter, but which were not included in today's Resolution.

Mr. Phil Fryberger, representing the OakPark North Neighborhood Association, noted the presence of a group of citizens from his association in the audience today, and stated that they desire more noise-abatement efforts. He spoke to a letter he had sent to Council members, speaking to three elements he feels will enhance the proposed Resolution: (1) encourage use of the secondary runway to 25 per cent of the usage of International Airport; (2) establish a five-cent-per-gallon surcharge on fuel for all aircraft using Stage Two engines, with the funds derived to be used to alleviate noise problems at area schools and nursing homes; and (3) establish a 10:30 P.M. to 6:30 A.M. curfew against usage of Stage Two aircraft. A copy of his remarks is made a part of the papers of this meeting.

Mr. Mike Kutchins, Director of Aviation, briefly responded to the three elements noted in the previous speaker's address, noting that the Federal Aviation Administration decides runway usage at airports. He spoke to formation of a new team that will look at possible new airspace utilization recommendations. He stated that he is unsure about the legality of point number 2, the fuel surcharge, and spoke to a national study on curfews now underway, noting that only eight cargo aircraft normally operate daily between the hours of 10:30 P.M. and 6:30 A.M. out of International Airport.

In response to a question by Mr. Thompson, Mr. Les Hopgood, noise abatement officer, Department of Aviation, noted that some 40 per cent of the aircraft usage at International Airport involves Stage Two aircraft, and that number is diminishing. He spoke in support for the move toward use of Stage Three aircraft engines, and stated his opinion that a curfew would adversely affect certain cargo carriers using International Airport, and he recommended against it. He also noted that San Antonio is receiving more than its equal share of Stage Three aircraft as a result of efforts of the Department of Aviation and comments from interested citizens.

Mr. Thompson stated his opinion that changes in airspace utilization probably would not work, in this case.

Mr. Labatt noted that the major airlines are moving toward using more Stage Three engines, and he spoke to the federal mandate for use of Stage Three aircraft by the year 1999. He then addressed retrofit work now being performed on several air carriers' aircraft, and stated that he will continue to work on noise abatement issues at International Airport. He noted further that the cost of aviation fuel will push retrofitting

operations toward more fuel-economical Stage Three engines.

Ms. Vera spoke in support of a balance between noise-abatement efforts and economic development for San Antonio.

Mr. Hasslocher spoke to areas affected by airport noise, and commended Mr. Kutchins and his staff, and Mr. Labatt, for their hard work on this issue.

Mr. Wolff stated that he is pleased to see the modifications called for in this Resolution, and addressed the current study on development of Stinson Airport.

Ms. Berriozabal spoke to the Resolution asked for by the citizens, and spoke in support of it.

In response to a question by Ms. Berriozabal, Mr. Kutchins stated his opinion that charging a five-cent surcharge on fuel for Stage Two aircraft might cause the affected airlines to re-think their scheduling matters.

Ms. Berriozabal asked City staff to assemble data on the three citizen requests, both pro and con, and make an analysis of the possibility of performing a study of each of the three. She spoke in favor of looking closely at the last two recommendations made.

Mr. Labatt noted that the committee had looked at all three recommendations, and he spoke to the impact of each. He then recommended enactment by the Council of the Resolution currently before it, and urged the Council not to enact any new additions to the Resolution on the table. He stated that he would vote against anything else.

Mrs. Dutmer spoke to airport development at San Antonio International Airport and noted that the aviation facility was located there first, then residential areas were created around it. She stated her feeling that the City is at fault for allowing this close-by residential development, and cautioned that the City needs to protect Stinson Airport, as well, as it is further developed.

Mr. Thompson spoke to FAA regulations on runway usage being dictated by traffic patterns and prevailing winds, and stated his opinion that to surcharge aircraft by five cents per gallon for Stage Two aircraft would result in the carriers refueling elsewhere than San Antonio. He also stated his opinion that curfews would not work because of the adverse impact on mail and cargo haulers.

Mayor Cockrell spoke to the 'give-and-take' of this entire process, and asked City staff to continue to work toward better noise abatement, including the urging of retrofitting of aircraft to Stage Three engines.

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

90-54 The Clerk read the following Resolution:

A RESOLUTION NO. 90-54-66

ASSIGNING AND TRANSFERRING TAX PHASE-IN AGREEMENT RIGHTS GRANTED TO MR. CHARLES MARTIN WENDER AND THE WISEMAN FAMILY, TO SAN ANTONIO RESORT LIMITED PARTNERS, L.P.

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

Mr. Kevin Moriarty, Acting Director, Department of Economic and Employment Development, briefly explained the proposed Resolution.

In response to a question by Mr. Martinez, Mr. Moriarty noted that this will coincide with actions by the County and Independent School District involved, as well.

Mr. Hasslocher explained the technical, legal transfer of property to encourage economic development of this area.

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

90-54 ZONING HEARINGS

5A. CASE Z90130(CC) - to rezone 1.963 ACRE TRACT OF LAND OUT OF NCB 14669 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT; AND A 92.333 ACRE TRACT OF LAND, SAVE AND EXCEPT A 1.963 ACRE TRACT OUT OF NCB 14669 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT & TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "R-1" CC SINGLE FAMILY RESIDENCE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A GOLF COURSE & "R-1" ERZD CC SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A GOLF COURSE, LOCATED ON THE WEST SIDE OF ROCHELLE ROAD WEST

OF THE INTERSECTION OF STONYKIRK AND ROCHELLE ROAD, HAVING A TOTAL OF 912.04 FEET ON ROCHELLE ROAD AND A MAXIMUM DEPTH OF 1758.89 FEET.

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

In response to a question by Mr. Wolff, Mr. Scott Halty, Environmental Protection Officer, spoke to the impact of any storage on property over the Edwards Aquifer Recharge Zone.

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

In response to a question by Ms. Berriozabal, Mr. Halty stated that the developer will comply with City staff recommendations in this case.

In response to a question by Mr. Wolff, Mr. Gary Van Delden, developer, addressed the entrance to the property and access to City water.

Mr. Wolff made a motion that the word "shall" be substituted for the word "should" in Recommendation #6 by City staff. Mr. Thompson seconded the motion.

A discussion then took place concerning the long-term objective of using re-use water supplies for golf courses.

After consideration, the motion to use the word "shall" instead of "should" prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Thompson, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Webb, Martinez, Vera.

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

AN ORDINANCE 72,781

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 1.963 ACRE TRACT OF LAND OUT OF NCB 14669 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT; AND A 92.333 ACRE TRACT OF LAND, SAVE AND EXCEPT A 1.963 ACRE TRACT OUT OF NCB 14669 FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT & TEMPORARY "R-1"

ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "R-1" CC SINGLE FAMILY RESIDENCE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A GOLF COURSE & "R-1" ERZD CC SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR A GOLF COURSE, LOCATED ON THE WEST SIDE OF ROCHELLE ROAD WEST OF THE INTERSECTION OF STONYKIRK AND ROCHELLE ROAD, HAVING A TOTAL OF 912.04 FEET ON ROCHELLE ROAD AND A MAXIMUM DEPTH OF 1758.89 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5b. CASE Z90132 - to rezone THE NORTH 112 FEET OF THE SOUTH 231.67 FEET OF LOT 34, NCB 11880 FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT; AND THE NORTH 112 FEET OF THE SOUTH 231.67 FEET OF LOT 32, NCB 11880 FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED ON THE EASTSIDE OF EVEREST DRIVE 336 FEET SOUTH OF LAWDALE DRIVE, HAVING 112 FEET ON EVEREST DRIVE AND A DEPTH OF 392 FEET.

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

Mr. Labatt spoke to reasons for City staff and Zoning Commission recommendations, and plans of the proponents for inside storage of any equipment. He then spoke to separation of this property from nearby residential areas.

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

AN ORDINANCE 72,782

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 NORTH 112 FEET OF THE SOUTH 231.67 FEET OF LOT 34, NCB 11880 FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT; AND THE NORTH 112 FEET OF THE SOUTH 231.67 FEET OF LOT 32, NCB 11880 FROM "A" SINGLE FAMILY RESIDENCE

DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED ON THE EASTSIDE OF EVEREST DRIVE 336 FEET SOUTH OF LAWNDALE DRIVE, HAVING 112 FEET ON EVEREST DRIVE AND A DEPTH OF 392 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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5C. CASE Z90135 - to rezone THE EAST 65 FEET OF LOT 25, BLOCK 1, NCB 11713, LOCATED ON THE NORTH SIDE OF MCCARTY ROAD 329.8 FEET EAST OF THE INTERSECTION OF MCCARTY ROAD AND BLANCO ROAD, HAVING 65 FEET ON MCCARTY ROAD AND A MAXIMUM DEPTH OF 235 FEET, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT; AND A 7,497.6 SQUARE FOOT TRACT OF LAND OUT OF LOT 25, BLOCK 1, NCB 11713, LOCATED 48 FEET EAST OF BLANCO ROAD AND 260 FEET NORTH OF THE INTERSECTION OF BLANCO ROAD AND MCCARTY ROAD, BEING A TRACT OF LAND HAVING A WIDTH OF 66 FEET AND A DEPTH OF 113.6 FEET, FROM "O-1" OFFICE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 7400 BLOCK OF BLANCO ROAD.

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

Ms. Kellie Fleming, 7410 Blanco Road, Oxford Group Property Management, representing the proponents, Sun Life Insurance Company, spoke to the request to locate a bank on this property.

Mrs. T. A. Knauf, 803 Briarcliff, spoke in opposition to the request because of the impact of additional business activity to the neighborhood.

Mr. T. A. Knauf, 803 Briarcliff, expressed his concerns that downzoning of the property will just open the door for other rezonings.

Mr. Carl Goleman, 802 Tamworth, stated his opposition to the proposed rezoning because of the precedent it will set. He then presented a petition signed by some 30 area residents in opposition to the proposal.

In response to a question by Mayor Cockrell, Mr. Andy Guerrero, Land Development Services, explained why the petition does not affect the required number of votes needed to approve the rezoning request.

Ms. Mary M. Goleman, 802 Tamworth, reiterated statements made by previous speakers.

Mr. Phil Garay, representing the proponent, briefly explained what his clients are proposing for this particular tract of land and described other business uses in the area. He noted that no drive-thru

banking facility is planned, and spoke of his desire to work with the residents of the neighborhood, noting that the bank will operate more as an office building.

In response to a question by Mr. Wolff, Mr. Guerrero explained the types of uses and the zoning required for each, noting that a Special Use Permit would not be feasible in this case.

A discussion ensued concerning the possible postponing of this case until January 10, 1991 so that both sides of the issue can meet to discuss possible deed restrictions.

Mr. Wolff made a motion to postpone this rezoning case until January 10, 1991.

After consideration, the motion to postpone this case prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Cockrell; NAYS: Thompson; ABSENT: Hasslocher.

Case Z90135 was postponed until January 10, 1991.

90-54

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE ON
CAPITAL IMPROVEMENTS PLAN FOR WATER FACILITIES 1988-1998.

Ms. Rebecca Q. Cedillo, Director of Planning, briefly explained the proposed ordinance.

Mayor Cockrell declared the Public Hearing to be open.

In response to a question by Mrs. Dutmer, Mr. Chris Powers, City Water Board, stated that this ordinance does not include the Applewhite Reservoir.

There being no further citizens to speak to this matter, Mayor Cockrell declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 72,783

ADOPTING THE AMENDMENTS TO THE CITY WATER BOARD CAPITAL IMPROVEMENTS PLAN 1988-1998 IN ACCORDANCE WITH CHAPTER 395 OF LOCAL GOVERNMENT CODE, VERNON'S TEXAS CODES ANNOTATED; DESIGNATING ADDITIONAL SERVICE AREAS IN WHICH A LOCAL BENEFIT IMPACT FEE SHALL BE IMPLEMENTED; AND SETTING THE MAXIMUM ALLOWABLE FEES FOR EACH ADDITIONAL SERVICE AREA.

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

A discussion then took place concerning the estimated 5-8 years it will take to provide water service to currently-unserved City areas.

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

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90-54 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE ON AMENDMENT TO REGULATIONS FOR WATER SERVICE (LOCAL BENEFIT IMPACT FEE.)

Mayor Cockrell declared the Public Hearing Open.

No Citizens appeared to speak on this matter.

Mayor Cockrell declared the Public Hearing closed

The City Clerk read the following Ordinance:

AN ORDINANCE 72,784

ADOPTING THE AMENDMENTS TO THE CITY WATER BOARD REGULATIONS FOR WATER SERVICE IN ACCORDANCE WITH CHAPTER 395 OF LOCAL GOVERNMENT CODE, VERNON'S TEXAS CODES ANNOTATED, TO INCLUDE THE LOCAL BENEFIT IMPACT FEE SCHEDULE.

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

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

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90-54 ZONING HEARINGS (CONTINUED)

5D. CASE Z90127 - to rezone LOTS 1 AND 2, THE NORTH 60 FEET OF LOT A,

BLOCK 13, NCB 7876, 1102 COMMERCIAL AVENUE, FROM "B" RESIDENCE DISTRICT AND "O-1" SUP OFFICE DISTRICT FOR THE RETAIL SALE OF TILE TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED WITH HARLAN STREET ON THE NORTH, COMMERCIAL AVENUE ON THE WEST AND I.H. 35 SOUTH EXPRESSWAY ON THE EAST, HAVING 79.77 FEET ON HARLAN STREET, 147.53 FEET ON COMMERCIAL AVENUE AND 167.53 FEET ON I.H. 35 SOUTH EXPRESSWAY.

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

In response to a question by Mr. Wing, the proponent agreed to accept the imposition of a non-access easement along Harlan Street.

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

AN ORDINANCE 72,785

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 AND 2, THE NORTH 60 FEET OF LOT A, BLOCK 13, NCB 7876, 1102 COMMERCIAL AVENUE, FROM "B" RESIDENCE DISTRICT AND "O-1" SUP OFFICE DISTRICT FOR THE RETAIL SALE OF TILE TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED WITH HARLAN STREET ON THE NORTH, COMMERCIAL AVENUE ON THE WEST AND I.H. 35 SOUTH EXPRESSWAY ON THE EAST, HAVING 79.77 FEET ON HARLAN STREET, 147.53 FEET ON COMMERCIAL AVENUE AND 167.53 FEET ON I.H. 35 SOUTH EXPRESSWAY. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5E. CASE Z90133 - to rezone LOT 6, NCB 15667, 12050 HWY 281 SOUTH, FROM "B-2" BUSINESS DISTRICT TO "R-4" MANUFACTURED HOME RESIDENCE DISTRICT, LOCATED ON THE EAST SIDE OF HWY 281 SOUTH, 2023 FEET SOUTH OF THE CUT-OFF AT THE INTERSECTION OF HWY 281 SOUTH AND S. FLORES, HAVING 70 FEET ON HWY 281 SOUTH AND A DEPTH OF 150 FEET.

The Zoning Commission has recommended that this request of change

of zone be approved by the City Council.

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

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

AN ORDINANCE 72,786

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 6, NCB 15667, 12050 HWY 281 SOUTH, FROM "B-2" BUSINESS DISTRICT TO "R-4" MANUFACTURED HOME RESIDENCE DISTRICT, LOCATED ON THE EAST SIDE OF HWY 281 SOUTH, 2023 FEET SOUTH OF THE CUT-OFF AT THE INTERSECTION OF HWY 281 SOUTH AND S. FLORES, HAVING 70 FEET ON HWY 281 SOUTH AND A DEPTH OF 150 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5F. CASE Z90117 - to rezone LOT 4 AND SOUTHEAST 145 FEET OF LOT 21, BLOCK 3, NCB 3081, 133 CATALPA, FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, LOCATED ON THE NORTHWEST SIDE OF CATALPA, BEING 77 FEET NORTHEAST OF THE INTERSECTION OF CATALPA AND PERSHING, HAVING 150 FEET ON CATALPA AND A MAXIMUM DEPTH OF 150 FEET.

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

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

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

AN ORDINANCE 72,787

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 AND SOUTHEAST 145 FEET OF LOT 21, BLOCK 3, NCB 3081, 133 CATALPA, FROM "B" RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, LOCATED ON THE NORTHWEST SIDE OF CATALPA, BEING 77 FEET NORTHEAST OF THE INTERSECTION OF CATALPA AND PERSHING, HAVING 150 FEET ON CATALPA AND A MAXIMUM DEPTH OF 150 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5G. CASE Z90119 (PP) - to rezone LOT 12, BLOCK 6, NCB 12836, 2700 BLOCK OF NORTH I. H. 35 EXPRESSWAY FROM "C" APARTMENTS 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. Webb stated that he has been unable to meet with the proponents in this case since its earlier postponement, concerning the type of facility to be built on the property and its management.

Mr. Wayne Talley, builder, briefly described the planned 26,000 square foot/60-unit motel and noted that no operator of the facility has yet been selected.

Mr. Webb spoke of his concern with the type facility planned, unless it has a nationally-known operator such as Best Western.

Mr. Webb made a motion to deny the rezoning request. Ms. Vera seconded the motion.

Mayor Cockrell spoke to her concern with the possible impact this facility will have on the nearby residential area.

Mr. Andy Guerrero, Land Development Services, briefly described the City staff and Zoning Commission recommendations, and spoke about the immediate neighborhood. He noted that, under the current zoning, the proponent still can construct apartments on the property.

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

Zoning Case Z90119 (PP) was denied.

5H. CASE Z90134 - to rezone LOT 3, BLOCK 1, NCB 18307, 8980 GUILBEAU ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, LOCATED ON THE SOUTHSIDE OF GUILBEAU ROAD, 508.97 FEET EAST OF THE INTERSECTION OF TEZEL ROAD AND GUILBEAU ROAD, HAVING 100 FEET ON GUILBEAU ROAD AND A DEPTH OF 206.98 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. 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, Wing, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Dutmer, Martinez, Thompson, Hasslocher.

AN ORDINANCE 72,788

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 3, BLOCK 1, NCB 18307, 8980 GUILBEAU ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT, LOCATED ON THE SOUTHSIDE OF GUILBEAU ROAD, 508.97 FEET EAST OF THE INTERSECTION OF TEZEL ROAD AND GUILBEAU ROAD, HAVING 100 FEET ON GUILBEAU ROAD AND A DEPTH OF 206.98 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5I. CASE Z90137 - to rezone A 4.62 ACRE TRACT OF LAND OUT OF NCB 8702, BASSE ROAD AND PETER BAQUE ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, LOCATED NORTH OF THE INTERSECTION OF PETER BAQUE ROAD AND BASSE ROAD, HAVING 459.67 FEET ON PETER BAQUE ROAD AND 471.29 FEET ON BASSE ROAD

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

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

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

AN ORDINANCE 72,789

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 4.62 ACRE TRACT OF LAND OUT OF NCB 8702, BASSE ROAD AND PETER BAQUE ROAD, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO "B-1" BUSINESS DISTRICT, LOCATED NORTH OF THE INTERSECTION OF PETER BAQUE ROAD AND BASSE ROAD, HAVING 459.67 FEET ON PETER BAQUE ROAD AND 471.29 FEET ON BASSE ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5J. CASE Z90153 - to rezone LOTS 2 AND 3, NCB 17859, 1440 BITTERS ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF BITTERS ROAD 1654.62 FEET WEST OF THE INTERSECTION OF BLANCO ROAD AND BITTERS ROAD HAVING 1560.03 FEET ON BITTERS ROAD AND A MAXIMUM DEPTH OF 748.95 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. Ms. Vera seconded the motion.

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

AN ORDINANCE 72,790

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF

THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 2 AND 3, NCB 17859, 1440 BITTERS ROAD, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, LOCATED ON THE SOUTHWEST SIDE OF BITTERS ROAD 1654.62 FEET WEST OF THE INTERSECTION OF BLANCO ROAD AND BITTERS ROAD HAVING 1560.03 FEET ON BITTERS ROAD AND A MAXIMUM DEPTH OF 748.95 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5K. CASE Z90126 - to rezone LOT 55, NCB 15602, 7404 U. S. HWY 90 WEST EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, LOCATED ON THE SOUTHSIDE OF U. S. HWY 90 WEST EXPRESSWAY, BEING 619.13 FEET WEST OF THE CUTBACK AT THE INTERSECTION OF S. W. MILITARY DRIVE AND U. S. HWY. 90 WEST EXPRESSWAY, HAVING 1742.54 FEET ON U. S. HWY 90 WEST AND A MAXIMUM DEPTH OF 1423.72 FEET.

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

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

AN ORDINANCE 72,791

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 55, NCB 15602, 7404 U. S. HWY 90 WEST EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT, LOCATED ON THE SOUTHSIDE OF U. S. HWY 90 WEST EXPRESSWAY, BEING 619.13 FEET WEST OF THE CUTBACK AT THE INTERSECTION OF S. W. MILITARY DRIVE AND U. S. HWY. 90 WEST EXPRESSWAY, HAVING 1742.54 FEET ON U. S. HWY 90 WEST AND A MAXIMUM DEPTH OF 1423.72 FEET. "THE PENALTY FOR VIOLATION

IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

5L. CASE Z90129 - to rezone LOT 8, BLOCK 33, NCB 8476, 1221 WEST AVENUE, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED AT THE SOUTHWEST INTERSECTION OF OLMOS DRIVE AND WEST AVENUE, HAVING 50 FEET ON OLMOS DRIVE AND 123 FEET ON WEST AVENUE.

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

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

AN ORDINANCE 72,792

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, BLOCK 33, NCB 8476, 1221 WEST AVENUE, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, LOCATED AT THE SOUTHWEST INTERSECTION OF OLMOS DRIVE AND WEST AVENUE, HAVING 50 FEET ON OLMOS DRIVE AND 123 FEET ON WEST AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,793

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A QUITCLAIM DEED FOR FEDERAL BUILDING 7-G-TX-985 AND TO FORMALLY NAME THE BUILDING THE DWYER AVENUE CENTER.

* * * *

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

Mr. Sergio Soto, Acting Director, Department of Human Resources and Services, explained the plan for City ownership of this former federal property and building.

Mr. Alex Briseno, City Manager, stated his opinion that it is in the City's best interests to own this facility.

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

- - -
90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,794

AUTHORIZING THE ESTABLISHMENT OF A SINGLE PROJECT ACCOUNT FOR ALL DWYER AVENUE CENTER RENOVATION FUNDS.

* * * *

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

In response to a question by Mr. Martinez, Mr. Sergio Soto, Acting Director, Department of Human Resources and Services, stated that the Finance Department had requested to put all Dwyer Street Center financial accounts into one account.

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

- - -
90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,795

AUTHORIZING THE ACCEPTANCE OF \$27,000 FROM THE COUNTY OF BEXAR FOR CONTRIBUTION TO THE RENOVATION OF THE DWYER AVENUE CENTER AND RATIFYING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SAN

ANTONIO AND THE COUNTY OF BEXAR.

* * * *

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

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

90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,796

APPROPRIATING \$500.00 FROM THE DISTRICT 3 DISCRETIONARY ACCOUNT FOR USE BY THE SAN ANTONIO WOMEN'S HALL OF FAME AND THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR THE PURPOSE OF RECOGNIZING OUTSTANDING WOMEN IN SAN ANTONIO.

* * * *

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

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

90-54 TRAVEL AUTHORIZATION - granted:

Mayor Lila Cockrell to travel to New York regarding City Water Board Bonds and Washington D.C. for meetings with the Department of Transportation officials, from December 19, 1990 through December 27, 1990.

90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,797

APPOINTING DR. EDWARD W. WILLIAMS TO THE CHARTER
REVIEW COMMITTEE.

* * * *

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

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

90-54 (The City Council recessed its regular meeting at 4:11 P.M., reconvening at 4:25 P.M.)

90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,798

APPOINTING MEMBERS TO SERVE ON THE VIA METROPOLITAN
TRANSIT AUTHORITY FOR STAGGERED TERMS TO BEGIN ON
JANUARY 1, 1991.

* * * *

Mayor Cockrell stated that the Council can decide this issue today or in the near future, and recommended that the matter be postponed until the first City Council meeting in January, 1991. She spoke to the importance of establishing a 'bottom line' on issues with VIA Metropolitan Transit Authority, and noted that the VIA board is scheduled to meet next Tuesday, and certain agreements can be made on important matters at that time. She then spoke to an ongoing list of possible VIA board members and noted that the suggested postponement would give the Council members a chance to review all possible suggestions. She asked the City Manager for recommendations to be brought forth at the first Council meeting in January concerning several issues involving VIA, including street maintenance, etc.

Mrs. Dutmer made a motion to postpone consideration of VIA board appointments until January 3, 1991. Mr. Thompson seconded the motion.

Mr. Martinez stated his opinion that it is untimely to make a motion for postponement of this issue, thus killing debate on the issue posted on the agenda. He asked that the motion be withdrawn by the maker and seconder of that motion.

Mrs. Dutmer noted that the terms of the VIA board members run through December 31, 1990, and she spoke of the need to give them a chance to discuss certain issues.

Ms. Berriozabal, Ms. Vera and Mr. Wolff spoke against postponing this action until January 3, 1991.

Mr. Webb spoke in objection to the process involved in this motion.

After consideration, the motion failed by the following vote:
AYES: Dutmer, Thompson, Labatt, Hasslocher, Cockrell; NAYS:
Berriozabal, Webb, Wing, Martinez, Vera, Wolff; ABSENT: None.

Mr. Martinez spoke to the need for new blood on the VIA board, and noted that problems pre-date the domed stadium issue, such as the matter of street maintenance. He stated his opinion that VIA lacks sensitivity toward small and minority business/women-owned business matters and issues, as well as accountability to the public. He stated that he plans to offer one nomination to the VIA board, later today.

Mr. Thompson spoke to issues involving VIA, such as street maintenance and the domed stadium. He stated his belief that VIA board members should be allowed to express their own opinions and not be replaced when the City Council disagrees with them. He spoke to the accomplishments of VIA and its management, and stated his belief that issues with VIA can be negotiated, separate and apart from the matter of VIA board appointments.

A discussion then ensued concerning the change in terms of VIA board members, by state law.

Ms. Vera stated her belief that it is appropriate to make board appointments at VIA at this time, noting that many persons are qualified, independent thinkers, yet share the City Council's concerns. She spoke to a lack of progress in discussions on street maintenance with VIA, and also spoke to a lack of sensitivity by the VIA staff, in her opinion, in favoring elimination of the local rate review committee. She stated further that she would be making her own nomination to the VIA board, later today.

Mr. Labatt stated that he is not convinced that wholesale changes on the VIA board is appropriate or contributes to a solution to the major issues, such as the depression of Montana Street.

Mr. Wolff spoke against wholesale changes in the VIA board, but stated that he can support some changes. He spoke to the need for action on such matters as the depression of Montana Street and street maintenance.

(At this point, Mayor Cockrell was obliged to leave the meeting. Mr. Labatt presided in the absence of the Mayor Pro Tem, as well).

Mr. Webb spoke against stifling debate on an issue, and spoke to changes in the length of VIA board terms and the recent change in the chair of the VIA board. He spoke to his concerns with VIA service and personnel rules, as well as on such matters as the domed stadium and the Montana Street depression. He then spoke to the need for VIA board sensitivity on many issues, and stated that he is prepared to make new board appointments at VIA.

(At this point, Mayor Cockrell returned to the meeting to preside.)

Ms. Berriozabal spoke to several issues involving VIA, including the domed stadium and stated that she is amenable to a counter-proposal to VIA on matters such as the domed stadium, street maintenance, rates, minority business, employment, etc. She stated her desire to have the Council deal with the issues involved before making new board appointments at VIA, and stated her opinion that only changing board faces will not solve the problem.

Mrs. Dutmer noted that the City Council can change its five VIA board appointments anytime it wishes, and stated her belief that the VIA board is charged with protecting VIA's interests, not the City Council's interests. She stated her opinion that federal funds cannot be used for stadium purposes.

Mr. Martinez spoke to a number of questions involving personnel and budget issues at VIA, and brought into question VIA's leadership and accountability.

Ms. Vera and Mr. Thompson both spoke to the possibility of nominating Ms. Helen Ayala to the VIA board, and spoke further to the need to deal with a number of issues with VIA, as well.

Mr. Labatt made a motion that the City Council will vote today only on the VIA board vacancy created by the appointment of Mr. John Gatti as new VIA board chairman, and to postpone the other four appointments until the January 3, 1991 City Council meeting. Ms. Berriozabal seconded the motion.

After consideration, the motion, failed by the following vote:
AYES: Thompson, Labatt; NAYS: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Hasslocher, Cockrell; ABSENT: None.

In response to a question by Mrs. Dutmer, Mr. Lloyd Garza, City Attorney, noted that the City Council does not have to re-appoint Mr. Gatti, should it wish to do so, because he becomes chairman of the VIA board on January 1, 1991, and therefore will not then be a City appointee to the VIA board.

Mr. Labatt made a motion that the vote today on VIA board appointments not be by secret ballot. Ms. Berriozabal seconded the motion.

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

Following due discussion, it was the decision of the City Council to proceed with VIA board appointments, place by place.

Mayor Cockrell spoke of the AFL/CIO Council letter with three possible nominations for the position on the VIA board which in the past has been occupied by a labor representative.

The names of Mr. Tom Cummins, Mr. Fernando Rodriguez, and Mr. Eddie Parker then were placed in nomination by members of the City Council for Place 1, to fill the vacancy of Fernando Rodriguez.

Mr. Tom Cummins was appointed to Place 1 by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Vera, Wolff, Cockrell. NAYS: Berriozabal, Thompson, Labatt, Hasslocher; ABSENT: None.

The name of Mr. Ben Alexander, to be re-appointed to Place 2, was placed in nomination.

Following discussion, Mr. Alexander was re-appointed to Place 2 by acclamation, to wit: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

The names of Mr. Wayne Harwell, Ms. Barbara Banker, Mr. Pete van de Putte, Dr. Felix Almaraz, and Mr. Frank Burney then were placed in nomination by members of the City Council for Place 3, to fill the vacancy created by the pending elevation of Mr. John Gatti to the chair of the VIA board on January 1, 1991.

The appointment of Mr. Harwell failed to carry by the following vote: Ayes: Dutmer; NAYS: Berriozabal, Webb, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; ABSENT: None.

Ms. Barbara Banker was appointed to Place 3 by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Thompson, Vera, Hasslocher,

Cockrell; NAYS: Berriozabal, Wolff, Labatt; ABSENT: None.

The names of Ms. Dora Salinas, incumbent, and Ms. Helen Ayala then were placed in nomination by members of the City Council for Place 4, to fill the position currently held by Ms. Salinas.

The appointment of Ms. Salinas failed to carry by the following vote: AYES: Berriozabal, Dutmer, Labatt, Cockrell; NAYS: Webb, Wing, Martinez, Thompson, Vera, Wolff, Hasslocher; ABSENT: None.

Ms. Helen Ayala was appointed to Place 4 by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: None.

The names of Mr. Ruben Munguia, incumbent, and Mr. Rudy Rodriguez then were placed in nomination by members of the City Council for Place 5, to fill the position currently held by Mr. Munguia.

The appointment of Mr. Munguia failed to carry by the following vote: AYES: Berriozabal, Dutmer, Thompson, Wolff, Labatt; NAYS: Webb, Wing, Martinez, Vera, Hasslocher, Cockrell; ABSENT: None.

Mr. Rudy Rodriguez was appointed to Place 5 by the following vote: AYES: Berriozabal, Webb, Wing, Martinez, Thompson, Vera, Hasslocher, Cockrell; NAYS: Dutmer, Wolff, Labatt; ABSENT: None.

Mr. Hasslocher then offered a motion to appoint Mr. Tom Cummins, Mr. Ben Alexander, Ms. Barbara Banker, Ms. Helen Ayala, and Mr. Rudy Rodriguez to the board of directors of VIA Metropolitan Transit Authority, effective January 1, 1991. Mr. Thompson seconded the motion.

Following discussion, the motion prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Martinez, Thompson, Vera, Wolff, Hasslocher, Cockrell; NAYS: None; ABSTAIN: Dutmer, Labatt; ABSENT: None.

The City appointments to the VIA Board were then determined to be: Cummins; Alexander; Ayala; Banker; Rodriguez.

90-54 The Clerk read the following Ordinance:

AN ORDINANCE 72,799

CLOSING MAIN PLAZA BETWEEN COMMERCE AND DOLOROSA, AND TREVINO ALLEY BETWEEN S. FLORES AND MAIN PLAZA ON DECEMBER 19-22, 1990, FROM 6:00 P.M. TO MIDNIGHT TO ALLOW SAN FERNANDO CATHEDRAL TO HOLD NAVIDAD VIVIENTE, A SPECIAL CHRISTMAS EXHIBITION, SPONSORED

BY SAN FERNANDO CATHEDRAL AND THE CONSUL GENERAL OF MEXICO; PROVIDING FOR PAYMENT OF THE CLOSURE FEES THROUGH THE DISTRICT 3 DISCRETIONARY FUND; AND DECLARING AN EMERGENCY.

* * * *

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

Mr. Joe Aceves, Director of Public Works, noted that City staff recommends approval of the ordinance, but not the waiver of street closure fees of \$360.00.

Mrs. Dutmer offered an amendment to donate the necessary \$360.00 street closure fees to be paid from her District 3 Discretionary Funds. Mr. Thompson seconded the motion.

After consideration, the motion on the amendment prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Martinez, Thompson, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Wing, Vera.

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

90-54

CITY MANAGER'S REPORT

FUNDING OF DOMED STADIUM FACILITY

Mr. Alex Briseno, City Manager, spoke to proposals to resolve the domed stadium funding and other related issues. A copy of his report is made a part of the papers of this meeting.

Mr. Roland Lozano, Director of Dome Development, explained City staff's proposal regarding the Montana Street depression, insurance coverage, ownership of Montana Street, and other pertinent issues.

Mayor Cockrell spoke in favor of the proposal submitted by City staff.

In response to a question by Mr. Martinez, Mr. Lozano spoke about the funding generated by the Southern Pacific depot, going back to VIA. He noted that the proposed cost of the underground bus terminal is some \$5.2 million, and he discussed insurance requirements and the source of the funds for projects.

A discussion then took place concerning the latest proposals tendered by VIA board chairman-elect John Gatti for funding the depression of Montana Street.

Ms. Berriozabal asked the Council to set a work session in order to deal with such issues as street maintenance, minority business, VIA personnel matters, etc. During the discussion, City staff was directed to set up such a work session.

A discussion then took place concerning the domed stadium structural bid coming in some \$800,000 under estimates, during which Mr. Lozano noted that any surplus would go into the construction contingency fund.

Mr. Wolff made a motion to accept the City Manager's report and recommendations. Ms. Vera seconded the motion.

After consideration, the motion to accept the City Manager's report and recommendations prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Cockrell; NAYS: None; ABSENT: Hasslocher.

90-54

CITIZENS TO BE HEARD

VIET NAM WAR EXPERIENCES

Mr. Jim Shaw, President and Executive Director of the Viet Nam War Institutes, introduced other members of his organization present in the audience and referred to detailed information regarding the Vietnam War Experience event, a copy of his statement is on file with the papers of this meeting. He asked for a proclamation designating Saturday, January 26, 1991, as "Vietnam Veterans Day".

Mr. Scott Malone, Vietnam War Experiences, spoke about the reception which this event has received in its first city's exhibition.

Mayor Cockrell stated that the City would be issuing a proclamation in connection with this event.

(Mayor Cockrell left the meeting at this time and Mayor Pro Tem Martinez presided.)

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MR. JESSE WRIGHT

Mr. Jesse Wright spoke to the Council about the treatment he has

received from the City. He also spoke to his brother's peril.

90-54 The Regular City Council meeting recessed at 7:10 p.m. and reconvened at 7:45 p.m.

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90-54

CITY MANAGER'S REPORT (CONTINUED)

CITY AND STATE SURVEY

Mr. Alex Briseno, City Manager, and Mr. George K. Noe, Director of Management Services, noted that City and State Magazine recently published a survey which ranked the top 50 cities in the United States in six categories of governmental financial management, and stated that San Antonio ranked high in the survey. They then spoke to a comparison of figures to support the ranking.

Mayor Cockrell spoke to the city's ranking in one category, that of City employees per capita, which indicates that San Antonio is a good tax value to citizens.

LEVI STRAUSS SITUATION

Mr. Kevin Moriarty, Acting Director, Department of Economic and Employment Development, provided the City Council with updated information in reply to concerns expressed by citizens at the City Council meeting last week. He noted that his department has assembled a task force involving DEED and the State Department of Human Resources, along with interested citizens, to study what can be done about the Levi Strauss matters, including educational and job training issues. He stated that the task force may have to ask City Public Service, City Water Board, Southwestern Bell Telephone, etc. to perhaps waive utility payments, and ask FHA and HUD to allow certain delays and refinancing of home mortgages for affected persons involved in the Levi Strauss plant closure. He stated his belief that many existing policies would have to be waived to accomplish this, and stated that the group now is ranking affected former Levi Strauss employees to determine exactly what can be done. He noted that the task force will bring the matters to City Council in six weeks for a decision on certain matters.

Mayor Cockrell expressed concern with other persons in the same fire straits, over and above the former Levi Strauss employees.

Mrs. Dutmer stated her opinion that the City and the utilities cannot afford to do some of these things, financially.

Ms. Berriozabal stated her belief that the dislocated Levi Strauss workers need to know what the City can do.

Mr. Moriarty noted that he is doing this, now, and that the City staff has gone to the dislocated workers' site, to process them.

A discussion then took place concerning the various meetings being held on this matter.

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90-54

MR. JOE TOVAR

Mr. Joe Tovar, the new Community Action Administrator, was introduced to the Council at this time by the City Manager.

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90-54 City Council recessed its regular meeting to convene the "B" Session at 8:20 p.m. to discuss Dwyer Avenue Center Financing Report and a briefing by the Fiesta Commission on Fiesta 1991.

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90-54 City Council reconvened into "A" Session at 9:59 p.m.

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90-54

EXECUTIVE SESSION

Mayor Cockrell recessed the "A" Session at 10:00 p.m. and convened an Executive Session on:

- 1.) Dwyer Avenue Center Financing Report.
- 2.) Briefing by the Fiesta Commission on Fiesta 1991.

- - -
90-54 Mayor Cockrell reconvened the "A" Session at 10:23 p.m. and Council gave direction to staff on the issues under consideration.

90-54 There being no further business to come before Council, the meeting was adjourned at 10:25 p.m.

A P P R O V E D

Lila Cockrell

M A Y O R

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