

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, FEBRUARY 28, 1991

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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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91-09

OPERATION DESERT STORM FAMILIES

Mr. Labatt stated that he is grateful for the ceasefire in the war in the Persian Gulf, and introduced representatives of nine families from District 9, who have loved ones serving in that theater of conflict. Those families include Robert Cruz, Ernest L. Cuevas, Michael A. Flores, Fredrick M. Garcia, Russell Lee Kent, Anthony Losoya, George Salazar, Jose Luis Salazar, Jr., and Ernest Tagle.

Invocation was given by Reverend Hector Grant, Bethel United Methodist Church.

Representatives of each District 9 family then led the audience and Council in the Pledge of Allegiance to the flag of the United States.

Mayor Cockrell and Mr. Labatt presented special Citations to each family, along with a yellow rose.

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91-09 The minutes of the Regular City Council Meeting of January 17, 1991, were approved.

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91-09

CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 8 through 38, constituting the Consent Agenda. Mr. Labatt seconded the motion.

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

AN ORDINANCE 73,172 .

ACCEPTING THE PROPOSAL OF ASTM TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH ASTM STANDARD BOOKS FOR A TOTAL OF \$3,700.00.

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AN ORDINANCE 73,173 .

ACCEPTING THE PROPOSAL OF LIBRARY VIDEO COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH VIDEOCASSETTES FOR A TOTAL OF \$3,041.64.

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AN ORDINANCE 73,174 .

ACCEPTING THE LOW BID OF COOPER EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH A BRUSH CHIPPER FOR A TOTAL OF \$15,478.00.

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AN ORDINANCE 73,175 .

ACCEPTING THE LOW BID OF SOUTHERN ALUMINUM MFG., INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH WATERPROOF FOLDING TABLES FOR A TOTAL OF \$3,191.50.

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AN ORDINANCE 73,176 .

ACCEPTING THE LOW BIDS OF WILBUR ELLIS/TIDE DIVISION AND ESTES, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH HERBICIDES FOR A TOTAL OF \$87,430.20.

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AN ORDINANCE 73,177 .

ACCEPTING THE LOW BID OF ABC TREADCO, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH TRUCK TIRES FOR A TOTAL OF \$6,804.00.

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AN ORDINANCE 73,178 .

ACCEPTING THE LOW QUALIFIED BID OF DALMOLIN APPLIANCE COMPANY TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH AIR CONDITIONERS FOR A TOTAL OF \$9,216.00.

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AN ORDINANCE 73,179 .

ACCEPTING THE LOW BID OF INSTALL OF SAN ANTONIO FOR TRANSPORTING OF VOTING MACHINES FOR THE CITY OF SAN ANTONIO CITY CLERK'S OFFICE FOR A TOTAL OF \$19,450.00.

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AN ORDINANCE 73,180 .

ACCEPTING THE LOW BID OF CRUMRINE, INC. FOR PRINTING OF ELECTION SUPPLIES FOR THE CITY OF SAN ANTONIO CITY CLERK'S OFFICE FOR A TOTAL OF \$16,268.20.

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AN ORDINANCE 73,181 .

ACCEPTING THE BID OF STEWART & STEVENSON, INC. FOR REPAIR SERVICE FOR THE AVIATION DEPARTMENT'S OSHKOSH CRASH TRUCK FOR A TOTAL OF APPROXIMATELY \$8,000.00.

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AN ORDINANCE 73,182 .

ACCEPTING THE BID OF MCCOMBS ISUZU TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH ISUZU TRUCK PARTS AND SERVICE ON AN ANNUAL CONTRACT BASIS FOR A TOTAL OF APPROXIMATELY \$3,000.00.

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AN ORDINANCE 73,183 .

ACCEPTING THE LOW BID OF CENTRAL ELECTRICAL IN THE AMOUNT OF \$59,170.00 TO PROVIDE ELECTRICAL SERVICES AND INSTALLATION OF SECURITY LIGHTING AT THE JAPANESE TEA GARDENS; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$14,792.00 FOR THE CONSTRUCTION CONTINGENCY; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,184

RATIFYING WORK AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,770.00 TO RABA-KISTNER CONSULTANTS, INC. FOR ADDITIONAL DESIGN, CONSTRUCTION, AND TRANSPORTATION SERVICES PROVIDED IN CONNECTION WITH THE MITCHELL LAKE REHABILITATION PROJECT.

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AN ORDINANCE 73,185

ACCEPTING THE LOW BID OF H. KARP COMPANY, IN THE AMOUNT OF \$48,884.00 TO PROVIDE CONSTRUCTION SERVICES AS NECESSARY TO REPAIR THE DAMAGES TO THE HEALTH DEPARTMENT BUILDING WHICH WERE CAUSED BY A RECENT FLOOD; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$9,776.80 FOR THE CONSTRUCTION CONTINGENCY; AUTHORIZING \$200.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,186

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH LIZCANO CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$5,005.30 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE FARMERS' MARKET BUILDING GAS HEATERS PROJECT; AUTHORIZING \$500.00 FOR THE ENGINEERING CONTINGENCY; AUTHORIZING \$200.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,187

ACCEPTING THE PROPOSAL OF WEYMAN & ASSOCIATES, INC. IN THE AMOUNT OF \$7,341.83 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE W. HARDING BLVD. - SIDEWALKS FROM PLEASANTON ROAD TO SOUTH FLORES STREET PROJECT; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT; AUTHORIZING \$2,000.00 FOR THE ENGINEERING CONTINGENCY; AUTHORIZING \$200.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,188

APPROVING FIELD ALTERATIONS 8, 9, 10, AND 12 TO THE CONTRACT WITH S. A. WINCO, INC., IN THE AMOUNT OF \$13,431.75 TO PROVIDE FOR ADJUSTMENTS IN CONNECTION WITH THE NOGALITOS STREET RECONSTRUCTION - FURNISH TO BIGFOOT PROJECT; APPROPRIATING AN ADDITIONAL \$12,332.91 TO THE BALANCE IN THE CONSTRUCTION CONTINGENCY ACCOUNT; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,189

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH OZUNA & ASSOCIATES, INC., IN THE AMOUNT OF \$141,738.00 TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE NORTH BEACON HILL AREA SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING \$250.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,190

ACCEPTING THE LOW BID OF SACC, INC., IN THE AMOUNT OF \$345,079.92 TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE COLIMA STREET - DELL OAK, ELKHORN - LANARK, SALADO CREEK SANITARY SEWER & EVERS ROAD MINI-STORAGE (QUARTERLY PROJECTS IV); AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$34,508.00 FOR THE CONSTRUCTION CONTINGENCY; AUTHORIZING \$250.00 FOR ADVERTISING EXPENSES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 73,191

APPROVING THE PRICE, TERMS AND CONDITIONS OF SALE BY THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO OF A CERTAIN PARCEL OF LAND LOCATED WITHIN THE NEW BRAUNFELS CORRIDOR COMMUNITY DEVELOPMENT PROJECT.

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AN ORDINANCE 73,192

AUTHORIZING THE EXPENDITURE OF THE SUM OF \$3,513.78 OUT OF GENERAL OBLIGATION BONDS FOR THE PURPOSE OF ACQUIRING TITLE TO FOUR PARCELS; PAYING FOR TITLE CHARGES IN CONNECTION WITH THE HI-LIONS DRAINAGE PROJECT #80; ACQUIRING TITLE TO A PARCEL IN

CONNECTION WITH THE WEST AVENUE IMPROVEMENT PROJECT
- FREDERICKSBURG TO I.H. 10; AND APPROPRIATING
FUNDS.

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AN ORDINANCE 73,193

AUTHORIZING THE SALE OF LOTS 325, 331 AND 332; NCB
6199; BEXAR COUNTY; WHICH WERE ACQUIRED THROUGH
FORECLOSURE OF TAX LIENS, TO THE SAN ANTONIO
DEVELOPMENT AGENCY FOR A TOTAL CONSIDERATION OF
\$8,365, AUTHORIZING THE EXECUTION OF QUITCLAIMS AND
DIRECTING THE DISBURSEMENT OF THE PROCEEDS.

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AN ORDINANCE 73,194

AUTHORIZING REMITTANCES TO THE CRIMINAL JUSTICE
DIVISION OF \$16,291.59 AND \$15,988.97 TO THE COMAL
COUNTY SHERIFF ASSOCIATED WITH THE CITY'S NARCOTICS
TRAFFICKING TASK FORCE GRANT PROJECT FINAL CLOSEOUT.

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AN ORDINANCE 73,195

AUTHORIZING THE EXECUTION OF A THREE-YEAR TERM
INTERLOCAL AGREEMENT IN THE REVENUE AMOUNT OF
\$7,844.00 FOR FY 90-91, FOR EMS SERVICE WITH THE
CITY OF GREY FOREST.

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AN ORDINANCE 73,196

PROVIDING FOR THE APPOINTMENT OF PRESIDING AND
ALTERNATE ELECTION JUDGES, PROVIDING MINIMUM
STANDARDS FOR APPOINTMENT AND PROVIDING FOR THEIR
PAYMENT.

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AN ORDINANCE 73,197

AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A
\$86,759.00 GRANT FROM THE TEXAS DEPARTMENT OF
COMMUNITY AFFAIRS UNDER THE PROVISIONS OF THE
STEWART B. MCKINNEY EMERGENCY COMMUNITY SERVICES
HOMELESS GRANT PROGRAM TO PROVIDE COMPREHENSIVE
SOCIAL SERVICES TO HOMELESS INDIVIDUALS; ADOPTING A
PROGRAM PLAN; APPROPRIATING FUNDS; AND APPROVING A

BUDGET AND PERSONNEL COMPLEMENT FOR THE PERIOD FROM
MARCH 1, 1991 THROUGH FEBRUARY 28, 1992.

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AN ORDINANCE 73,198

ESTABLISHING A CHILD CARE MANAGEMENT SERVICES CHILD
CARE ADVISORY COUNCIL FOR THE CHILD CARE MANAGEMENT
SERVICES CONTRACT FOR THE AACOG REGION AND
DESIGNATING MEMBERSHIP CATEGORIES.

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AN ORDINANCE 73,199

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
FOR FUNDS IN THE AMOUNT OF \$30,000.00 TO THE LOCALS
PROGRAM OF THE NATIONAL ENDOWMENT FOR THE ARTS FOR
THE PURPOSES OF COMPLETING A DEPARTMENTAL PLAN.

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AN ORDINANCE 73,200

AUTHORIZING THE SUBMISSION OF THREE GRANT
APPLICATIONS FOR FUNDS IN THE AMOUNT OF \$34,000.00
TO THE SAN ANTONIO AREA FOUNDATION FOR USE TO
SUPPORT A) AN EXPANSION OF "ARTSTEACH", AN ARTS IN
EDUCATION PROGRAM, B) ACQUISITION OF DESK-TOP
COMPUTER HARDWARE AND SOFTWARE FOR DEPARTMENTAL
PUBLICATIONS, AND C) "SAN ANTONIO BY DESIGN", AN
URBAN DESIGN INITIATIVE.

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AN ORDINANCE 73,201

AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR
RENEWAL OF A GRANT REQUEST IN THE AMOUNT OF
\$30,098.00 TO THE STATE DEPARTMENT OF HIGHWAYS AND
PUBLIC TRANSPORTATION, TRAFFIC SAFETY SECTION, TO
SUPPORT THE COMPUTER INPUT OF STATISTICAL DATA FOR
THE DWI AND 55 MPH PROGRAMS; AND AUTHORIZING
ACCEPTANCE OF SUCH GRANT IF AWARDED.

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AN ORDINANCE 73,202

AUTHORIZING THE NORTHSIDE SCHOOL DISTRICT, PARENTS
FOR DURG AND ALCOHOL FREE GRADUATION PARTY
ORGANIZATION TO HOST A FIREWORKS DISPLAY IN HONOR OF

THE GRADUATING SENIORS OF 1991 AT THE MALIBU GRAND
PRIX AND CASTLE SITE AT 10:00 P.M. ON MARCH 2, 1991.

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NOTE: (Consent Agenda later in this meeting was reconsidered and re-passed in order to get the necessary eight Council affirmative votes on Agenda Item 38 for emergency enactment of that ordinance.)

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,203

ACCEPTING THE LOW BIDS OF O. M. SCOTT AND SONS COMPANY, WILBUR-ELLIS/THE TIDE DIVISION, ESTES, INC. AND VAN WATERS & ROGERS TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH HERBICIDES, INSECTICIDES AND FUNGICIDES FOR A TOTAL OF \$68,495.54.

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City Clerk Norma S. Rodriguez noted that lots must be cast because of a tie bid on one item of this proposed ordinance.

Mayor Cockrell announced that the lowest of the two numbers drawn would be declared the winning bid, and that the first number drawn would be assigned to Estes, Inc., while the second number drawn would be assigned to Van Waters & Rogers.

Mayor Cockrell then drew number 50 for Estes, Inc. and number 23 for Van Waters & Rogers, and declared Van Waters & Rogers to be the successful bidder on that particular item.

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

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,204

RATIFYING ADDITIONAL LEGAL SERVICES AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,462.04 TO THE LAW FIRM OF KAUFMAN, BECKER, PULLEN & REIBACH, INC. FOR SERVICES RENDERED IN CONNECTION WITH THE MUD CREEK OUTFALL SANITARY SEWER PROJECT; PHASE III.

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

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

91-09 The Clerk read the following Resolution:

A RESOLUTION NO. 91-09-12

ENDORING THE TEXAS MUNICIPAL LEAGUE (TML) 1991 POLICY POSITION ON ENVIRONMENTAL QUALITY.

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Mr. Hasslocher made a motion to approve the proposed Resolution. 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, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Webb, Wing, Martinez, Thompson.

91-09 The Clerk read the following Resolution:

A RESOLUTION NO. 91-09-13

AUTHORIZING STAFF TO PREPARE AND SUBMIT LEGISLATION REGARDING A REGIONAL WATER MANAGEMENT PLAN TO INCLUDE PROVISIONS FOR PARTICIPATION OF SAN ANTONIO, EDWARDS UNDERGROUND AQUIFER DISTRICT COUNTIES, AND

THE SAN ANTONIO, NUECES AND GUADALUPE-BLANCO RIVER
BASINS.

* * * *

Mrs. Rebecca Q. Cedillo, Director of Planning, explained San Antonio's proposed water legislation, stating her opinion that this is a regional issue, not a judicial one nor one to be solved by the State legislature. She then outlined the workings of the plan to be forwarded to the legislature for filing of the bill.

Ms. Carol Patterson, 410 Larkwood, stated her opinion that this is wrong and a costly plan, and spoke to her objections and to possible alternatives. She then presented certain printed data to the Council, a copy of which is made a part of the papers of this meeting. She stated her belief that this plan will make San Antonio a no-growth City.

Mr. Phillip Ross, representing the Aquifer Protection Association, stated his opinion that all environmental groups are concerned with the plan coming from the City, and spoke to the unknown quantity of water in the Edwards Aquifer, though he feels it to be adequate for San Antonio's needs. He spoke to alternatives for recharge of the aquifer such as piping Canyon Lake water into the Edwards Aquifer to be stored there, pending its need. He also spoke to published data on the Edwards Aquifer's storage capacity, and spoke against any limitation to water pumpage. He then spoke to the need for a regional water resource plan.

In response to a question by Mr. Wolff, Ms. Cedillo spoke to the graduated scale of the Edwards Aquifer water level and what happens at certain levels, under the provisions proposed in the legislation under consideration. She noted that the entire region must participate in the program, and spoke to measures now in place to cope with an incident such as the current four-year drought in California.

Mr. Wolff spoke in support for the legislation, stated his belief that it is a good plan. He spoke to a reduction of water outtake from the Edwards Aquifer, at certain water levels, under terms of this plan.

Mrs. Dutmer spoke in favor of a Drought Management Plan, but feels there are alternatives to this proposed plan.

Mr. Thompson questioned the advisability of having a written plan at this time, and spoke to his fears that one might limit the City of San Antonio's options, but he, nevertheless, will support it.

Mr. Labatt stressed that this plan is a regional plan, not a unilateral action, and noted that the proposed legislative bill has no pumping limits established.

In response to a question by Ms. Berriozabal, Ms. Cedillo and

Mr. Joe Aceves, Director of Public Works, spoke to having no pumping limits in this legislation, and explained its water-use reduction measures.

Ms. Berriozabal spoke to the unknowns involved with the Edwards Aquifer, and stated her belief that the aquifer has much water, but she further stated that she is not sure at what level conservation measures should begin. She then addressed several other concerns and unanswered questions.

Mr. Aceves stated that City staff feels that the answer to San Antonio's water question lies in state legislation, and the many variables possible, explaining several options.

Mayor Cockrell spoke in support for the measure and noted that she also supports augmentation wells in order to maintain spring-flow for New Braunfels and San Marcos. She spoke to the already agreed-to conservation measures by the City.

Mrs. Dutmer stated her belief that the 644-foot level is too high, when spring-flow is not affected at that level of the Edwards Aquifer, and will not be affected until the level reaches 612 feet above sea level. She spoke to her concerns with the politicization of the issue.

In response to a question by Mr. Hasslocher, Ms. Patterson spoke to her concerns with abdicating pumping-restriction issues to the state, if this legislation passes.

Mr. Hasslocher spoke of the need to be fair to all, in this issue.

A discussion then took place concerning lawn-water restrictions and how it affects the watering of golf courses, under the terms of the City ordinance involved.

Mayor Cockrell asked that the Council confine its remarks to the points at hand today.

A discussion then took place concerning possible future amendments to the City's water conservation plan.

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

Mrs. Dutmer then made a motion for City staff to bring back to the City Council for discussion of possible amendments to the watering plan of the City, which is to take effect tomorrow, making such restrictions applicable to all large water users. Mr. Hasslocher seconded the motion.

Mr. Alex Briseno, City Manager, noted that the City's Code Compliance officers will issue only warnings for the first 30 days of the plan, to allow time for citizens to get used to the watering restrictions.

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

91-09

RECONSIDERATION OF CONSENT AGENDA

Mayor Cockrell noted that the Council will need to reconsider passage of the consent Agenda in order to secure the necessary eight votes in the affirmative to enact the emergency provision of Agenda Item number 38.

Mr. Hasslocher made a motion to reconsider the Consent Agenda. Mrs. Dutmer seconded the motion.

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

Mr. Webb made a motion to approve the Consent Agenda. Mr. Hasslocher seconded the motion.

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

91-09

ZONING HEARINGS

4A. CASE Z91013 - to rezone Lot 12 and the west 16.5 feet of Lot 11, Block 3, NCB 2964, 536 E. Courtland Place, from "D" Apartment District to "B-3" Business District, located on the southwest corner of E. Courtland Place and Kendall Street, having 64.5 feet on E. Courtland Place and 156 feet on Kendall Street.

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

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

Mr. Phil Garay, representing the proponent, explained the

rezoning request in order to park trucks on the property overnight. He amended his client's request to "B-3NA" and spoke to retention of the residential character of the property.

Mr. Bernard Homer, representing the Tobin Hill Neighborhood Association and a nearby resident himself, noted that the neighborhood master plan has a 'protected housing zone' which includes this property, and asked the Council to reject the request.

Ms. Nancy S. Marioses, 526 East Courtland, spoke to several objections to the proposed rezoning.

Mr. Garay rebutted statements made by the opponents.

Ms. Berriozabal stated that she objects to moving a business into a residential area, and asked that the request be denied.

Mr. Hasslocher spoke to the close proximity of this property to other businesses along St. Mary's Street and spoke of support for the rezoning by a majority of the property owners within 200 feet of the subject property. He spoke against the pending motion to deny.

Mr. Wing addressed the many businesses in the immediate neighborhood and stated his opinion that it would be unfair to now allow the proponent to establish a business in this area.

A pro and con discussion then took place concerning the zoning evolution of this neighborhood.

Mayor Cockrell spoke in support of the motion to deny, stating that she fears a 'domino effect'.

A discussion then ensued concerning the need for a "B-3" zoning on the property because of the nature of the business concerned, even though the property will be used only for office purposes.

Mr. Martinez spoke in favor of granting an "O-1" office zoning, and requiring the proponent to park his business vehicles elsewhere.

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

Mrs. Dutmer made a motion to grant the requested zoning. The motion died for lack of a second.

After discussion, Mrs. Dutmer moved to reconsider the failed motion. Mr. Hasslocher seconded the motion. The motion to reconsider the failed motion prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Webb, Thompson.

Mrs. Dutmer then offered a substitute motion to continue the discussion of this case in three weeks in order to give all parties concerned time to seek a mutual solution. Mr. Wolff seconded the motion.

Mr. Lloyd Garza, City Attorney, noted that under this substitute motion, it will not be necessary to re-publish this rezoning case in a newspaper.

After consideration, the substitute motion, to continue discussion in three weeks, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

After consideration, the Main Motion, as substituted, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Thompson.

4B. CASE Z91010 (CC) - to rezone Lot 16, Block 17, NCB 11233, 150 Tedder, from "B" Residence District to "R-2" CC Multiple Family Residence District with City council approval for a day-care center caring for 12 children.

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

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

AN ORDINANCE 73,205

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 16, BLOCK 17, NCB 11233, FROM "B" RESIDENCE DISTRICT TO "R-2" CC TWO-FAMILY RESIDENCE DISTRICT WITH CITY COUNCIL APPROVAL FOR A DAY-CARE CENTER CARING FOR 12 CHILDREN, 150 TEDDER. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE Z91007 - to rezone Lot 3, save and except the south 150 feet, Block 1, NCB 18830, 6015 Tezel Road, from "B-2" Business District to "B-3R" Restrictive Business District, located on the west side of Tezel Road, being 380.34 feet south of the intersection of Tezel Road and Timber Path, having 79 feet on Tezel Road and a maximum depth of 282.69 feet.

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

Mr. Brian Erickson, representing the Great Northwest Homeowners Association, spoke to earlier concerns over provisions of this rezoning request, but noted new deed restrictions agreed to by the proponent, although he had not seen them in writing. He stated that his group would support this rezoning, subject to the filing of the agreed-to deed restrictions, as promised.

Mr. Alan Polunsky, attorney for the proponent, agreed to execute the deed restrictions on behalf of his client, as promised.

Mr. Wolff made a motion to approve the proposed Ordinance, subject to the proper filing of the deed restrictions agreed to by both sides. Ms. Vera seconded the motion.

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

AN ORDINANCE 73,206

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, SAVE AND EXCEPT THE SOUTH 150 FEET, BLOCK 1, NCB 18830, FROM "B-2" BUSINESS DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, 6015 TEZEL ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z91014 - to rezone Lots 2, 3, 14, 15 and 16, Block 58, NCB 7968, 5800 S. Zarzamora Street, from "B" Residence District to "B-3NA" Non-alcoholic Sales Business District, located on the eastside of S. Zarzamora Street between Milvid Street and Berlin Street having 250 feet on S. Zarzamora Street, 50 feet on Milvid Street, and 75 feet on Berlin Street.

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

Mr. Rudy Hettler, representing the proponent, explained the request, stating that his client is willing to erect a fence adjacent to the residential area and to direct lights away from residences. He also agreed to deed restrict the property against its use for automobile body work.

Mr. Mateo Estala, 812 Milvid, spoke of the use of the property prior to rezoning.

Mr. Camargo, the proponent, spoke to plans for the use of the property.

Mr. Wing made a motion to approve the proposed Ordinance, subject to certain stipulations and deed restrictions agreed to by the proponent. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 73,207

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, 3, 24, 25, AND 16, BLOCK 58, NCB 7968, IN THE 5800 BLOCK OF SOUTH ZARZAMORA STREET, FROM "B" RESIDENCE DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4E. Agenda Item 4E was temporarily bypassed.

4F. CASE Z91015 - to rezone Lots 1 and 2, Block 32, NCB 11748, 11202 Lisbon Drive, from "A" Single Family Residence District to "B-2NA" Non-Alcoholic Sales Business District, located east of the intersection of Lisbon Drive and Pinetum Drive having 220 feet on Lisbon Drive and 165.0 feet on Pinetum Drive.

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

AN ORDINANCE 73,208

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, BLOCK 32, NCB 11748, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES BUSINESS DISTRICT, 11202 LISBON DRIVE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4G. CASE Z91011 - to rezone the southwest 98.16 feet of Lot 53, NCB 10319, in the 2400 block of Ancel Road, from "B-2" Business District to "R-3" Multiple Family Residence District, located on the southeast side of Ancel Road, 143.06 feet southwest of the intersection of Rigsby Avenue and Ancel Road having 98.16 feet on Ancel Road and a maximum depth of 97.54 feet.

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

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

AN ORDINANCE 73,209

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 SOUTHWEST 98.16 FEET OF LOT 53, NCB 10319, IN THE 2400 BLOCK OF ANCEL ROAD, FROM "B-2" BUSINESS DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4H. CASE Z91017 - to rezone Lot 10, Block 21, NCB 855, 923 Camden Street, from "E" Office District to "B-1" Business District, located west of the intersection of Camden Street and Wilmington Avenue having 56.2 feet on Camden Street and 167.9 feet on Wilmington Avenue.

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

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

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

AN ORDINANCE 73,210

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 10, BLOCK 21, NCB 855, FROM "E" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT, 923 CAMDEN STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4I. CASE Z91002 (CC) - to rezone a 6.307 acre tract of land out of NCB 18320, save and except the south 75 feet, from "I-1" Light Industry District to "I-2CC" Heavy Industry District with City council approval for a salvage yard, and the south 75 feet of a 6.307 acre tract

of land out of NCB 18320, from "I-1" Light Industry District to "B-3NA" Non-Alcoholic Sales Business District, 5785 East Houston, located on the north side of St. Hedwig Road approximately 354 feet east of the intersection of St. Hedwig Road and Royal View Drive, having 30 feet on St. Hedwig Road, a depth of 1,469.33 feet and a maximum width of 392 feet.

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

Mr. Andy Guerrero, Land Development Services, explained that this request for rezoning was instituted at City Council direction.

Mr. Leo L. Pollaro, Jr., the proponent, stated that he has operated a recycling business on this site for a number of years, since 1979, and he spoke to the need for "I-2" zoning in order to continue his business.

Ms. Rose Burns, 5831 Way View, representing homeowners in the Royal View subdivision, stated that her group opposes this change in zoning for the property, and spoke to the many businesses in that area which pollute the area with fumes and noise. She stated her concerns for what "I-1" zoning would allow, and asked that an environmental study be made of her neighborhood.

Mr. Craig Oates, owner of a cemetery in the area, spoke to the growth of industry in this area, and stated that he does not oppose continuation of existing business on this property.

Mr. Pollaro stated that he has received no complaints about his recycling business.

Mrs. Dutmer spoke in favor of recycling and urged the building of a screen fence around this property in order to screen it from the residential area, said fence to be erected and maintained along the south east and west sides of the principal work-area involved, set back from the roadway.

Mr. Webb addressed the citations that have been issued against uses on this property because of a lack of proper zoning, and stated that the law requires that the property owner must be allowed sufficient zoning to continue his present business.

Mr. Webb made a motion to approve the recommendation of the Zoning Commission, provided that a six-foot solid screen fence is erected and maintained along the west, east and south property lines. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 73,211

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 6.307 ACRE TRACT OF LAND OUT OF NCB 18320, SAVE AND EXCEPT THE SOUTH 75 FEET, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-2 CC" HEAVY INDUSTRY DISTRICT WITH CITY COUNCIL APPROVAL FOR A SALVAGE YARD, AND THE SOUTH 75 FEET OF A 6.307 ACRE TRACT OF LAND OUT OF NCB 18320, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "B-3NA" NON ALCOHOLIC SALES BUSINESS DISTRICT, PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE WEST, EAST AND SOUTH PROPERTY LINES OF THAT PORTION OF THE 6.307 ACRE TRACT, BEING 634.57 FEET BY 392 FEET, SHOWN ON THE ATTACHED EXHIBIT, 5785 EAST HOUSTON STREET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4E. CASE Z91012 - to rezone Lots 53 and 54, NCB 10614, from "F" Local Retail District to "B-3" Business District, located on the east side of W. W. White Road 328.8 feet north of the intersection of E. Houston Street and W. W. White Road having 942.77 feet on W. W. White Road and a depth of 461.86 feet, in the 400 block of North W. W. White Road.

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

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

AN ORDINANCE 73,212

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 53 AND 54, NCB 10614, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, IN THE 400 BLOCK OF NORTH W. W. WHITE

ROAD. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

91-09 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE

Mayor Cockrell opened the Public Hearing.

No citizens were registered to speak on the matter.

Mayor Cockrell declared the Public Hearing closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 73,213

REGARDING THE UTILIZATION OF AVAILABLE EMERGENCY SHELTER GRANT FUNDS THROUGH THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A \$354,000.00 GRANT FROM THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR RENOVATION OF FEDERAL BUILDING 7-G-TX-985 FOR USE FOR HOMELESS ACTIVITIES; IDENTIFYING A MATCH OF \$354,000.00 AND APPROVING A BUDGET.

* * * *

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

In response to a question by Ms. Berriozabal, Mr. Sergio Soto, Acting Director, Department of Human Resources and Services, spoke to the sources for matching funds, including federal funding.

A discussion then took place concerning the use of Community Development Block Grant (CDBG) funds as matching funds for cities to use in funding of transitional housing.

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

91-09 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE
ABANDONING THE APPLEWHITE RESERVOIR PROJECT.

Mayor Cockrell opened the Public Hearing, and announced that each side of this issue would be allowed a total of 30 minutes to speak, beginning with those speaking in favor of the proposed ordinance to abandon the Applewhite Reservoir.

Mr. Van Archer, Milam Building, expressed concern about the postponement of either the Applewhite Reservoir matter or the limitation on terms for City Council.

In response to a question by Mrs. Dutmer, Mr. Lloyd Garza, City Attorney, explained the purpose of today's public hearing on the initiative matter and the process to be followed.

Mr. Archer then asked that the City Council not postpone the vote on this matter until August, as has been suggested by certain parties.

Mrs. Carol Patterson, Aquifer Resources Council, spoke against the Applewhite Reservoir project and expressed her reasons for the opposition, asking for the abandonment of the project.

Ms. Merry Baker Stough, Alamo Group-Sierra Club, spoke against the Applewhite project and gave her reasons for that opposition, urging alternatives such as water conservation. She also urged that the item be on the May 4, 1991 election ballot.

Mr. Hans R. F. Helland, 45 N. E. Loop 410, presented a copy of a report from the South Texas Geological Society on the benefits of the Edwards Aquifer, a copy of which is made a part of the papers of this meeting. He stated his opposition to the Applewhite Reservoir project and asked the Council to abandon it. He also stated that he is a recently-elected member of the Edwards Underground Water District.

Mr. Guenther Krellwitz, 5518 Chancellor, stated that the Water Now people have attended public hearings on the Applewhite project for some time, and he spoke against the project, taking exception to certain statements in the recent Water Now publication.

Mr. Ted Bender, 524 Queen Anne Court, spoke against the Applewhite project and presented a written statement expressing his position.

Mr. Phillip M. Ross, Aquifer Protection Association, asked the Council to enact the ordinance to kill the Applewhite Reservoir project, stating his belief that the project will waste millions of dollars. He spoke to the costs for some 50,000 acre-feet of water from a scalping reservoir, such as the Applewhite.

Mr. Tom Culbertson, Regional Clean Air and Water Association, thanked the persons who signed petitions to place this matter on the ballot.

The following spoke in opposition to the proposed Ordinance:

Ms. Mary L. Weaver, Womens' Chamber of Commerce, spoke in support for the Applewhite project and the right to vote on the issue. She also spoke to the needs and advantages for the Applewhite Reservoir.

Ms. Harriet Marmon, Certified Public Accountant, spoke to the fact that the Applewhite Reservoir project has been thrice approved, yet opponents still want to kill it and lose millions of dollars already spent on the project. She spoke to the professional water people who support the Applewhite project.

Mr. Phil Barshop spoke to the need for a reliable source of water for San Antonio to progress, and addressed three possible adverse impacts of the failure to complete the Applewhite project. He stated that a water supply is critical for business.

Mr. Mike Manupelli, representing the Greater San Antonio Chamber of Commerce, spoke to the history of the Applewhite Reservoir project and its need, and urged the Council to place the matter on the ballot.

Mr. Dominic Pisano, representing the North San Antonio Chamber of Commerce, spoke to the need for the Applewhite Reservoir in order to insure the future for our citizens. He spoke of the adverse effects being felt in California from its prolonged drought.

Mr. Howard Peak stated his belief that more water is needed to accomodate growth for San Antonio, and noted that the Edwards Aquifer soon will be regulated as to pumping limitations. He stated his opinion that San Antonio will need every available water source for the future.

Mr. Joe Earl Linson, representing Water Now, spoke to the need for a supplemental source of water, as proposed by Southwest Research Institute, and urged the Council to place the issue on the ballot.

Ms. Cindy Taylor, representing the Southside Chamber of Commerce, stated that her organization supports the Applewhite Reservoir and spoke to its advantages for the south side.

Mr. Sam Bledsoe, representing the Bexar Chapter, Texas Society of Professional Engineers, stated that water is critical, and spoke to technical projections of available water from the Edwards Aquifer. He noted that half the nation already drinks treated water, and he addressed conservation, re-use and recharge as very important to the City's water needs. He noted that the City must have an adequate water supply.

Mr. Jim Overby, representing the Bexar Chapter, Professional Engineers in Private Practice, stated that San Antonio must initially develop surface water in the City's own watershed before the Texas Water Commission will allow us to develop water resources from elsewhere.

Mr. Mario Hernandez, representing the Economic Development

Foundation, stated that water is needed to plan for future development of the City, and noted that his organization presently is working with some 70 firms, and all are asking about San Antonio's water future.

Dr. Damaso Oliva, Chairman-elect, Hispanic Chamber of Commerce, spoke in support for the Applewhite Reservoir and asked the Council to place the issue on the ballot.

Mayor Cockrell noted that she will be voting against the proposed ordinance to rescind approval for the Applewhite Reservoir, but will be voting to place the issue on the May 4, 1991 ballot.

Mayor Cockrell declared the Public Hearing closed.

Mr. Wing stated that he would not abandon Applewhite, and further stated his opinion that the initiative process on this matter was illegal, since the issue already had lost as a referendum. He also stated his intent to vote against holding an election on the Applewhite project since he feels it will be ruled illegal.

Mrs. Dutmer made a motion to approve the ordinance abandoning the Applewhite Reservoir Mr. Hassloch seconded the motion.

Mr. Thompson spoke in support of recharge efforts for the Edwards Aquifer and conservation, noting that he cannot be certain that the aquifer will not run out of water at some point. She then spoke to the possible legal ramifications of an election on the issue.

Mrs. Dutmer contrasted initiative and referendum and spoke in support for recharge dams. She stated that she opposes the Applewhite Reservoir, but not the issue of surface water itself, and urged that the issue be placed on the ballot.

Ms. Vera stated her intent to vote to call an election on the issue.

Mr. Lloyd Garza, City Attorney, provided a brief overview of the Applewhite Reservoir discussions by City staff and the Council last week, and stated that the proposed ordinance now on the table before Council would deny the City the right to spend any more money on the Applewhite Reservoir. He stated his belief that the issue is subject to legal question and spoke to the five possible options facing the City Council on this matter.

In response to a question by Mr. Webb, Mr. Garza spoke to the amount of debt that would have to be absorbed, should Applewhite be abandoned.

Mr. Wolff spoke to earlier mistakes by passing up chances to secure surface water in past years, and spoke in support for the Applewhite project.

Ms. Berriozabal questioned statements made as to recreational uses for the Applewhite Reservoir, and other statements quoted in a recent pro-Applewhite mailout. She addressed her concerns for the costs of the project and expressed her opinion that it will not solve our water problems. She spoke in favor of putting the issue on the May 4 ballot.

Mr. Labatt stated that he would not vote to abandon the project, but will vote to call the election on the issue, even though he has legal questions about it.

In response to a question by Mr. Labatt, Mr. Garza spoke to the binding nature of an Attorney General's legal opinion, noting that, should one be secured in this matter, it would be advisory in nature, and in any case he believes that a legal challenge will result. He then addressed the matter of who can seek an opinion from the Attorney General, which he estimated would take 45-60 days to secure. He noted that the City or City Water Board have no legal standing to seek an Attorney General's opinion and would have to seek a sponsor to do so.

A discussion then took place concerning the legal aspects in support for the petitions.

Mr. Hasslocher spoke to the August 23, 1990 actions of City council relative to Applewhite Reservoir and expressed his concern that the issue may be stopped after it already has begun. He spoke in support for placing the issue on the ballot.

Mr. Martinez stated his opposition to the Applewhite Reservoir project, but stated that he cannot vote to abandon it now. He noted that he has a fundamental problem with the legality of the petitions involved, and also expressed concern with operating a government by referendum. He spoke in support for calling an election on the issue, even though he perceives legal flaws in the matter, and expressed his opinion that the citizens need to know, up front, that any election on the Applewhite Reservoir issue may be legally voided.

Mayor Cockrell spoke to possible litigation in the issue, no matter what the Council does on the topic, and spoke in support for placing the issue on the ballot.

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

The motion to abandon the Applewhite Project failed.

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,214

ORDERING AN ELECTION TO BE HELD ON MAY 4, 1991, ON A PROPOSED INITIATIVE ORDINANCE TO ABANDON THE APPLEWHITE RESERVOIR PROJECT.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,215

ORDERING AN ELECTION TO BE HELD ON MAY 4, 1991, ON A PROPOSED AMENDMENT TO THE CITY CHARTER OF THE CITY OF SAN ANTONIO PROVIDING THAT NO PERSON SHALL BE ELIGIBLE FOR ANY ELECTED POSITION WHO HAS ALREADY SERVED TWO FULL TERMS IN THAT OFFICE.

* * * *

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

The following Citizens appeared to speak:

Mr. Daniel Rivas, Jr., 319 Gladstone, spoke to the council about his concerns that this issue has been made a racial issue, and stated that he does not believe that statements made, porporting to show that this proposition infringes on minority rights, is proper. He stated his opinion that the people have a right to make a choice, and the decision should be left up to the people to vote the issue up or down.

Mr. Guenther Krellwitz, 5518 Chancellor, stated his opinion that the vote on this issue should be held in May, and also took exception to remarks made that the limiting of terms will be detrimental to minorities. He also took exception to Council members leaving the

chambers when citizens appear to speak.

Ms. Nancy Palmer, representing the Greater San Antonio Chamber of Commerce, spoke regarding her organization's opposition to the two-term limitation proposed by the Homeowners-Taxpayers Association. She stated that the Chamber urges City Council to propose an alternative to the HTA plan by offering staggered terms and a limitation of eight years on Council service.

Mr. Phillip Ross spoke to the reasons why he personally circulated the petitions to limit Council terms, and asked that the Council place the matter on the ballot without any legal challenge.

Mrs. Maria Dominguez spoke in favor of limiting the terms on City Council.

Mr. Wing stated that he would not vote to call an election, and expressed his opinion that 95 per cent of the petitions were from outside his Council district. He questioned the right of someone, by petition, infringing upon his right to run for a public office.

Mr. Martinez offered an amendment to call an election on this matter for August 10, 1991. Ms. Vera seconded the motion, for discussion.

Mr. Martinez explained the reasons why he feels that an August election is more proper, and also spoke to the provisions to amend the City Charter, by state law. He then spoke to the City and State both being under the Voting Rights Act provisions, and addressed the need to secure pre-clearance from the Justice Department for any election called. He also stated that, in his opinion, it is prudent to wait until August in order to properly meet all the requirements under state and federal law involved. He stated that he personally would prefer to have a November election on this issue to save the City much of the cost of an election in August, by itself. He also spoke to the need to determine the impact of the new 1990 census data on the redistricting issue. He noted that, even if the issue passes, it will not affect City elections until 1993 and thus, an August election date is a logical and reasonable approach. He also stated that both newspapers have written editorials in favor of his position. He then spoke to the Voting Rights Act changes which must be considered.

Mr. Martinez assured the Council that the issue will draw a legal challenge, though he will vote to hold the election, and stated his belief that it discriminates against minorities, and therefore he will take part in the challenge. He then spoke to the process of pre-clearance of elections by the Justice Department and stated his belief that that body will not stop a May election on this issue, but may state that the City is proceeding at its own risk of having that election voided at a later date.

Mr. Webb spoke in opposition to the limitation on terms for City Council members and stated that he, too, will challenge the issue

before the Justice Department. He stated his belief that only the voters of District 2 should be able to vote him into or out of office.

Mrs. Dutmer stated that she will vote to call the election on May 4, 1991, though she is against a two-term, two-year limitation for Council members. She stated further that she is not convinced that the Justice Department will overturn the election on the issue, should it prevail.

Mayor Cockrell stated that she doesn't favor the proposed Charter amendment, even though it has some good points. She stated her belief that the City has a procedure or process laid out in the beginning and it needs to be followed. She expressed disappointment that HTA decided to go forward with this issue, without waiting for the Charter Review Committee to report first.

Mr. Labatt spoke in favor of Council members being limited to two four-year terms, but acknowledged that he has no Council support for this stance. He spoke in opposition to the 2-2 plan which he characterized as not being good government. He stated that he will vote to place this matter on the May 4 ballot, but is disappointed that the Charter Review Committee has not made a recommendation or taken a position on this matter.

Ms. Vera stated that she supports Mr. Martinez's amendment, which she characterized as a very sensible idea, and she also spoke against limitation on Council terms.

Ms. Berriozabal spoke against having the term-limitation issue on the same ballot as the Applewhite issue, and addressed several reasons for her opposition to the 2-2 term limitation plan, including her belief that it discriminates against minorities. She stated that she will support an election call on this issue for May 4, 1991, since it would not be fair to the citizens to do otherwise. She spoke in agreement with Mr. Martinez on the question of a legal challenge to the issue.

Mr. Wolff spoke in support for placing this issue on the May 4 ballot, and stated his opinion that those who oppose placing it on the May ballot should go to court tomorrow to challenge it. He stated his opinion that the August 10, 1991 election date would be a bad time for an election, and addressed several reasons for his stance. He further noted that the Charter Review Committee will report to the City Council in mid-June on possible amendments recommended, and expressed his feeling that the voters on May 4 will reject the 2-2 term-limitation issue.

Mr. Thompson spoke in support for Mr. Webb's arguments on the matter of tenure on City council, and stated his belief that minority participation in government cannot be diluted. He stated that he would vote to place the issue on the ballot May 4.

Mr. Martinez expressed his belief that the August 10 election

date causes no injury to the process, and meets the requirements of law, in his opinion.

Mr. Hasslocher stated his belief that the public should decide who is elected to City Council, and spoke in support for placing the issue on the May 4 ballot.

Mrs. Dutmer stated her opinion that the May 4 election call on term limitation for City Council members is not a violation of any law.

After consideration, the amendment to the motion to call the election on August 10 in lieu of May 4, failed by the following vote: AYES: Wing, Martinez, Vera; NAYS: Berriozabal, Webb, Dutmer, Thompson, Wolff, Labatt, Hasslocher, Cockrell; ABSENT: None.

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

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91-09

CITIZENS TO BE HEARD

CLAUDETTE VICTORIA

Ms. Claudette Victoria, 311 W. Gramercy Place, spoke to the Council requesting that her case be reopened. She stated that the City Council had denied her appeal from a decision of the Historic Review Board. Her appeal was to install an alcoa metal roof. She stated that a similar type-roof was recently installed in the Monte Vista Area. She spoke to the reasons why she feels that the roof is proper for her home. She expressed concern about the Historic Review Board's power and attitude. She then read from a newspaper article which she said substantiated her remarks.

In response to Mayor Cockrell, Gene Camargo, Director, Building Inspections, stated that there is a one-year limitation on reopening the case. He spoke to how the time limitation may be waived by the Historic Review Board.

(At this time, Mayor Cockrell was obliged to leave the Council meeting, and Mayor Pro Tem Wing presided.)

In response to Mr. Wing's question about merit in her claims, Mr. Camargo stated that the staff has tried to ascertain the validity of her claims. He stated that the staff has also been made aware of another residence having a similar type roof, however, another Board composition was in place.

Mayor Pro Tem Wing asked for a membership roster of the Board who approved this permit in 1985 and those presently serving.

Mrs. Dutmer spoke her concern about the ruling made by the Historic Review Board in this particular case.

Mayor Pro Tem Wing stated that he will be writing a letter to the Historic Review Board on an inquiry of this case.

* * * *

MRS. JANIE ADAME

Mrs. Janie Adame and a group of residents of the San Antonio Housing Authority appeared to speak to the City Council. She spoke to a particular case of a Mr. Rangel and her action to defend him. She distributed a copy of a letter she received from the attorneys for the San Antonio Housing Authority. She expressed concern that she had been sent this letter.

(Mayor Cockrell returned to the meeting and presided.)

Mrs. Adame then spoke to her concerns about the situation at Lincoln Courts and the amount of time it took to fix one apartment.

Mrs. Berriozabal stated that she will work with Mrs. Adame on these issues.

* * * *

(City Council recessed at 9:50 P.M., reconvening in regular session at 10:20 P.M.)

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,216

AMENDING ORDINANCE 73092 WHICH CALLED THE REGULAR MUNICIPAL ELECTION FOR MAY 4, 1991, TO ADD AN ADDITIONAL EXTENDED VOTING SUBSTATION (HARLANDALE I.S.D. OFFICE).

* * * *

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

After consideration, the motion, carrying with it the passage

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,217

APPROVING THE REQUEST OF THE AVENIDA GUADALUPE ASSOCIATION TO HOLD ITS 11TH ANNUAL DIEZ Y SEIS GUADALUPE STREET PARADE ON SATURDAY, SEPTEMBER 14, 1991; AND AUTHORIZING THE ISSUANCE OF A PARADE PERMIT AND TEMPORARY CLOSURE OF CERTAIN STREETS.

* * * *

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

91-09 Item 47, being an ordinance approving the request of Incarnate Word College to hold its Incarnate Word College Run For Brain Power on March 23, 1991, was pulled from consideration.

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,218

APPROVING SETTLEMENT OF CAUSE NO. 87-CI-12614, DAVID SAMONS (SAMANO) ET AL. VS. CITY OF SAN ANTONIO; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$36,963.39 PLUS INTEREST IN THE AMOUNT OF \$7,219.83 PLUS MATCHING PENSION CONTRIBUTIONS IN THE AMOUNT OF \$7,201.11.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance.

Mr. Webb seconded the motion.

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,219

AUTHORIZING PAYMENT IN THE AMOUNT OF \$13,000.00 IN THE SETTLEMENT OF ALL CLAIMS OF CHERYL OWEN V. CITY OF SAN ANTONIO, CAUSE NO. 89-CI-04680.

* * * *

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

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,220

DIRECTING THE CITY ATTORNEY TO FILE ANY AND ALL LEGAL ACTIONS IN TRAVIS COUNTY DISTRICT COURT REQUIRED TO APPEAL THE TEXAS DEPARTMENT OF HEALTH'S ISSUANCE OF SOLID WASTE LANDFILL PERMIT NO. 1986 TO TEXAS WASTE SYSTEMS, INC.

* * * *

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

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,221

AN ORDINANCE APPROPRIATING \$730.61 FROM THE DISTRICT 7 DISCRETIONARY AND IMPROVEMENTS FUND TO COVER CATERING EXPENSES INCURRED DURING THE BRIEFING/RECEPTION HELD FOR DISTRICT 7 BOARDS/COMMITTEES/COMMISSION MEMBERS HELD ON JANUARY 23, 1991.

* * * *

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

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

91-09 The Clerk read a proposed ordinance appropriating \$60.00 from the District 3 Discretionary Fund to cover the cost of one police officer to provide security for the San Antonio Womens' Hall of Fame Event at Beethoven Hall on March 25, 1991.

Mrs. Dutmer asked that the \$60.00 figure in the ordinance be corrected to \$68.00.

Mrs. Dutmer made a motion to approve the corrected Ordinance. Ms. Berriozabal seconded the motion.

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

AN ORDINANCE 73,222

APPROPRIATING \$68.00 FROM THE DISTRICT 3 DISCRETIONARY FUND TO COVER THE COST OF ONE POLICE OFFICER TO PROVIDE SECURITY FOR THE SAN ANTONIO WOMENS' HALL OF FAME EVENT AT BEETHOVEN HALL ON MARCH 25, 1991.

* * * *

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,223

APPROPRIATING \$2,200.00 FROM THE DISTRICT 3 DISCRETIONARY FUND PAYABLE TO THE SAN ANTONIO MISSIONS NATIONAL HISTORIC PARK TO HELP SUPPORT THE PRINTING OF "THE ORIGINAL RESEARCH" INFORMATION FOR THE FIRST CHRISTOPHER COLUMBUS QUINCENTENARY SYMPOSIUM AT MISSION SAN JOSE UNDER SANCTION OF THE 1991-1992 QUINCENTENNIAL EVENTS.

* * * *

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

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

91-09 The Clerk read the following Ordinance:

AN ORDINANCE 73,224

AUTHORIZING THE HARP & SHAMROCK SOCIETY TO CLOSE ALAMO PLAZA FROM COMMERCE TO HOUSTON, HOUSTON STREET FROM SANTA ROSA TO ALAMO PLAZA, AVENUE "E" STREET FROM ALAMO PLAZA TO 6TH, 6TH STREET FROM AVENUE "E" TO ALAMO, AND ALAMO STREET FROM 6TH TO JONES, FROM 9:30 A.M. TO 10:30 A.M. MARCH 16, 1991, TO CONDUCT THE "ST. PATRICK'S DAY RUN"; AND APPROPRIATING \$3600 FROM THE DISTRICT 3 DISCRETIONARY FUND TO PAY FOR TRAFFIC CONTROL AND CROWD CONTROL.

* * * *

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

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

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

91-09 TRAVEL AUTHORIZATIONS - Granted:

Mayor Lila Cockrell, to travel to Washington, D. C. from March 8, 1991 to March 12, 1991, to attend the National League of Cities Conference.

* * * *

Councilman Joe Webb to travel to Washington, D. C. from March 8, 1991, to March 11, 1991, to attend the National League of Cities Conference.

* * * *

Councilman Bob Thompson to travel to Washington, D. C. from March 8, 1991 to March 17, 1991, to attend the National League of Cities Conference.

* * * *

Councilman James H. Hasslocher to travel to Washington, D. C. from March 8, 1991 to March 12, 1991, to attend the National League of Cities Conference.

* * * *

Councilman Walter Martinez to travel to Washington, D. C. from March 9, 1991 to March 12, 1991, to attend the National League of Cities Conference.

* * * *

Councilman Weir Labatt to travel to Washington, D. C. from March 9, 1991 to March 13, 1991, to attend the National League of Cities Conference.

* * * *

91-09 PETITIONS:

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

The following petition was received in my office and forwarded to



the City Manager for investigation and report to the City Council.

February 28, 1991

Petition submitted by Mr. Art Livermore, 304 West 13th Street, Austin, Texas 78701, requesting the release of certain records as outlined in his letter.

* * * *

February 28, 1991

Petition submitted by Mr. David Donald, 7428D S.W. Military Drive, San Antonio, Texas 78227, requesting that the name of the street, Airmen's Circle, be changed to New Life Circle and that the City Council waive the application fees.

* * * *

91-09 There being no further business to come before the Council, the meeting was adjourned at 10:30 P.M.

A P P R O V E D

Lila Cockrell

M A Y O R

Attest:

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