

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, SEPTEMBER 9, 1993.

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93-38 The City Council convened in an informal session at 9:00 A.M., City Hall, "B" Room, to consider the following item(s), with the following members present: PEREZ, BILLA BURKE, AVILA, SOLIS, AYALA, ROSS, THORNTON, PEAK, LARSON; ABSENT: MC-CLENDON, WOLFF.

Work Session on the Proposed FY 1993-94 Budget.

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93-38 The regular City Council meeting was called to order by the Presiding Officer, Mayor Pro-Tem Bob Ross in the temporary absence of Mayor Wolff, with the following members present: PEREZ, MC-CLENDON, BILLA BURKE, AVILA, SOLIS, AYALA, ROSS, THORNTON, PEAK, LARSON; Absent: WOLFF.

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93-38 Invocation - Mr. Charles Johanson, Church of Christ, Student Center, San Antonio College, and Pledge of Allegiance to the flag of the United States.

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93-38 Minutes of the August 12, 1993, Regular City Council Meeting were approved.

93-38 ALCALDE PRESENTATION TO SHOUYI HAO

Mayor Pro-Tem Ross recognized the presence of Mr. Shouyi Hao, Secretary, Embassy for the Peoples Republic of China. This is his first visit to San Antonio and he is here at the invitation of People to People International. Mayor Pro-Tem Ross then presented Mr. Shouyi Hao with an Alcalde certificate.

CHILD DEVELOPMENT DAY

Mayor Pro-Tem Ross stated that the Blessed Sacrament Academy's Child Development Center was recently recognized by the U.S. Department of Education as one of 13 exemplary schools in the nation for achieving America 2000's goal of preparing children who are entering school to be ready to learn. In their ongoing commitment to children, the Academy commissioned G. E. Mullan, a local artist, to create a painting ("Hope is the child, love is the gardener") which was underwritten by Rosemary Kowalski and the RK group. Sister Odilia Korenek, Academy Director, and Kathy Lozano, Child Development Director, and some of the students were present in the audience to accept the proclamation which Mayor Pro-Tem Ross presented to the group. The children then presented the City Council with gift bags.

"I HAVE A DREAM" FOUNDATION

Ms. Marie Goforth, Founder, and Julie Blanda, Executive Director, of the "I Have a Dream" Foundation, were present in the audience to receive a proclamation in relation to a possible upcoming collaboration between San Antonio's "I Have a Dream" Foundation and one of the public housing developments. Mayor Pro-Tem Ross presented the proclamation to the group.

Ms. Marie Goforth distributed information on the foundation to each Councilmember. (A copy of which is made a part of the papers of this meeting.) Ms. Goforth introduced several of the members which spoke of their appreciation to the "I Have a Dream" Foundation.

(At this time Mayor Wolff entered the meeting and presided.)

AVENIDA GUADALUPE'S DIEZ Y SEIS PARADE

Mr. Roberto Gonzalez, Chairman of the Board of Avenida Guadalupe, and Dan Hernandez, Executive Director invited the Council to participate in the upcoming Diez Y Seis parade, celebrating Mexico's Independence Day.

The City Council was presented with commemorative T-shirts to wear at this parade.

"PROJECT REDIRECTORY MONTH"

Representatives from Southwestern Bell Telephone, Sea World, and John German, Director of Public Works, were present in the audience to receive a proclamation for Project Redirectory Month. Mr. Joe Ramos made a presentation to the Council and spoke of the importance of recycling old telephone books and how it is used to produce black tar paper. He also spoke of the importance of saving landfill space. The City Council thanked the group for their effort.

AT YOUR SERVICE AWARD

Ms. Eva Boren, Community Center Coordinator, Lions Field Adult Center, Parks & Recreation Department, was selected for the "At Your Service" award. City Manager, Alex Briseno and Mayor Wolff presented Ms. Boren with the award and a check for two hundred dollars. A video was then shown of Eva's work. Several Councilmembers commended her for her hard work and dedication to the City of San Antonio.

CONSENT AGENDA

Mr. Solis made a motion to approve Agenda Items 8 through 39B, constituting the Consent Agenda, with Item 25 having been pulled earlier by the City Manager. Mr. Larson seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; ABSENT: None.

AN ORDINANCE 78,621

ACCEPTING THE LOW QUALIFIED BID OF GT DISTRIBUTORS, INC. TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH VEHICLE PUSH BUMPERS FOR A TOTAL OF \$10,759.00.

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AN ORDINANCE 78,622

ACCEPTING THE LOW QUALIFIED BID OF SOUTHWEST PUBLIC SAFETY TO FURNISH THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH EMERGENCY HEADLIGHT FLASHERS AND WARNING LIGHTS WITH SIRENS FOR A TOTAL OF \$95,551.00.

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AN ORDINANCE 78,623

ACCEPTING THE LOW BID OF GILLIT'S DUCT CLEANING TO PROVIDE EQUIPMENT, MATERIALS, AND LABOR TO CLEAN THE HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS AT THE SAN ANTONIO POLICE DEPARTMENT FOR A TOTAL OF \$7,885.00.

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AN ORDINANCE 78,624

ACCEPTING THE LOW BID OF BARNO & ASSOCIATES TO PROVIDE THE SERVICES OF PAINTING OF BENCHES, NEWSPAPER RACK, HOLDERS, AND WATER FOUNTAINS WITHIN THE TRI-PARTY AREA FOR THE PARKS AND RECREATION DEPARTMENT FOR A TOTAL OF \$6,825.00.

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AN ORDINANCE 78,625

ACCEPTING THE LOW BID OF CHAPARRAL PORTABLE & MODULAR BUILDING, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH A MODULAR BUILDING FOR USE BY THE PARKS DEPARTMENT NURSERY EMPLOYEES FOR A TOTAL OF \$15,969.00.

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AN ORDINANCE 78,626

ACCEPTING THE LOW BID OF ALBERT R. REYES/ARCO CONSTRUCTION TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH EXTERIOR REPAIRS AND PAINTING OF THE ADMINISTRATION BUILDING AT THE BOTANICAL GARDENS FOR A TOTAL OF \$4,565.00.

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AN ORDINANCE 78,627

ACCEPTING THE LOW QUALIFIED BIDS OF RCK SALES, INC., D'ANN'S CORNER, BSN SPORTS, ALWAI'S TOY BOX INC., AND S&S ARTS & CRAFTS, TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH GAMES FOR THE YOUTH PROGRAMS FOR A TOTAL OF \$10,679.22.

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AN ORDINANCE 78,628 .

ACCEPTING THE LOW QUALIFIED BIDS OF BARNO & ASSOCIATES AND J. RANDY JOHNSON TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH CARPENTRY REPAIRS AT LA VILLITA FOR A TOTAL OF \$8,930.00.

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AN ORDINANCE 78,629 .

ACCEPTING THE LOW BIDS OF ESTES INC., WILBUR ELLIS COMPANY SOUTHERN DIVISION AND B & G CHEMICALS & EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION AND HEALTH DEPARTMENTS WITH HERBICIDES AND INSECTICIDES FOR A TOTAL OF \$17,014.40.

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AN ORDINANCE 78,630 .

ACCEPTING THE LOW BID OF COMPUTERLAND TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH AN OVERHEAD PROJECTOR AND DISPLAY PANEL FOR A TOTAL OF \$4,423.00 PLUS FREIGHT CHARGE.

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AN ORDINANCE 78,631 .

ACCEPTING THE LOW BID OF TAMIS CORPORATION TO FURNISH THE CITY OF SAN ANTONIO CONVENTION FACILITIES WITH PEDESTRIAN ACCESS BARRIERS FOR THE ALAMODOME FOR A TOTAL OF \$9,500.00.

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AN ORDINANCE 78,632 .

ACCEPTING THE LOW BID OF RANDY PERKINS/A & E CAD PLUS TO FURNISH THE CITY OF SAN ANTONIO INFORMATION SERVICES DEPARTMENT WITH MICROCOMPUTER DRAFTING AND MAPPING SOFTWARE FOR A TOTAL OF \$4,225.00.

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AN ORDINANCE 78,633

ACCEPTING THE PROPOSAL OF AG OF NORTH AMERICA, INC. TO RENEW A DATABASE MANAGEMENT SOFTWARE MAINTENANCE AGREEMENT FOR THE CITY OF SAN ANTONIO INFORMATION DEPARTMENT FOR A TOTAL OF \$125,297.00 ANNUALLY.

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AN ORDINANCE 78,634

ACCEPTING THE PROPOSAL OF SOFTWARE ENGINEERING OF AMERICA TO RENEW A DATABASE MANAGEMENT SOFTWARE MAINTENANCE AGREEMENT FOR THE CITY OF SAN ANTONIO INFORMATION DEPARTMENT FOR A TOTAL OF \$6,375.00.

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AN ORDINANCE 78,635

ACCEPTING THE LOW BID OF USPCI TREATMENT & RECOVERY SERVICES TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH DISPOSAL OF CONTAMINATED RUNWAY LIGHTING REGULATORS FOR A TOTAL OF \$5,850.00.

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AN ORDINANCE 78,636

ESTABLISHING CITY AD VALOREM TAX COLLECTION SUBSTATIONS AT HANDY ANDY SUPERMARKETS FOR A TOTAL OF \$25.00 PER MONTH FOR EACH SUBSTATION THAT COLLECTS AN AVERAGE OF AT LEAST \$10,000.00 OVER A FOUR MONTH PERIOD.

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AN ORDINANCE 78,637

ACCEPTING THE LOW QUALIFIED BID OF DAVIS TRUCK & EQUIPMENT OF SAN ANTONIO, INC. TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH THREE COMPACTOR REFUSE COLLECTION UNITS FOR A TOTAL OF \$36,717.00.

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AN ORDINANCE 78,638

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 5 IN THE DECREASED AMOUNT OF \$38,865.41 TO THE

CONTRACT WITH RAM II GENERAL CONTRACTOR, INC. IN CONNECTION WITH THE RECONSTRUCTION OF LA CHAPELLE FROM NOGALITOS TO S. FLORES.

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AN ORDINANCE 78,639

AUTHORIZING THE LEASE OF 1,780 SQUARE FEET OF RETAIL SPACE AT THE HEMISFAIR PARKING GARAGE TO THE SAN ANTONIO SPURS, LTD. FOR OPERATION OF A GIFT SHOP AND TICKET WINDOW; AND APPROVING THE SECOND AMENDMENT TO THE AMENDED AND RESTATED ARENA LEASE AGREEMENT.

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AN ORDINANCE 78,640

AUTHORIZING THE TRANSFER OF FUNDS FROM THE FIFTEENTH (15TH) YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT IN THE AMOUNT OF \$30,000.00 FOR LAND ACQUISITION, \$10,000.00 FOR EASEMENTS, \$2,000.00 FOR TITLE FEES, AND \$10,000.00 FOR APPRAISAL FEES IN CONNECTION WITH THE BUSTILLOS DRIVE FROM KELLY TO ROOSEVELT RECONSTRUCTION PROJECT; AND REVISING THE APPROPRIATE PROJECT BUDGETS.

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AN ORDINANCE 78,641

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT \$13,000.00 WITH GILBERT AND ASSOCIATES, FOR THE PROVISION OF REAL ESTATE APPRAISAL SERVICES IN CONNECTION WITH THE CHERRY STREET OUTFALL DRAINAGE PROJECT NO. 15B, PHASE II, AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 78,642

AUTHORIZING THE EXECUTION OF A THREE-YEAR LEASE AGREEMENT WITH SAN ANTONIO CITY EMPLOYEES FEDERAL CREDIT UNION FOR THE PLACEMENT OF AN AUTOMATIC TELLER MACHINE AT THE CONVENTION CENTER FOR 50% OF SERVICE FEE REVENUES COLLECTED AT THE LOCATION.

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AN ORDINANCE 78,643

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS FOR ARTISTIC, PROFESSIONAL, TECHNICAL AND SUPPORT SERVICES RELATED TO THE SPONSORSHIP OF THE CARVER COMMUNITY CULTURAL CENTER DURING FISCAL YEAR 1993-94 FOR A TOTAL AMOUNT NOT TO EXCEED \$312,980.00; AND AUTHORIZING THE PERSONNEL COMPLEMENT FOR GRANT ACCOUNTS.

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AN ORDINANCE 78,644

AUTHORIZING THE ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$175,000.00 FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE HEAD START FAMILY CHILD CARE HOMES PROGRAM DEMONSTRATION PROJECT FOR THE PERIOD FROM SEPTEMBER 30, 1993 THROUGH SEPTEMBER 29, 1994; APPROVING A BUDGET; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARENT-CHILD, INCORPORATED TO PROVIDE SERVICES IN CONNECTION WITH SAID PROJECT.

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AN ORDINANCE 78,645

AUTHORIZING THE NEGOTIATION OF A GRANT FROM THE AREA AGENCY ON AGING, ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) IN THE AMOUNT OF \$1,170,850.00 FOR THE CONTINUATION OF THE COMPREHENSIVE NUTRITION PROJECT FROM OCTOBER 1, 1993 THROUGH SEPTEMBER 30, 1994; APPROVING A BUDGET AND PERSONNEL COMPLEMENT FOR FY 1993-94; APPROPRIATING FUNDS; AUTHORIZING THE EXECUTION OF CONTRACTS WITH PRIVATE AGENCIES FOR OPERATION OF SERVICE SITES; AND AUTHORIZING THE ALLOCATION OF CARRY-OVER SURPLUS FUNDS.

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AN ORDINANCE 78,646

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS DEPARTMENT OF HEALTH IN THE AMOUNT OF \$165,000.00 FOR THE CONTINUATION OF TRANSPORTATION SERVICES FOR THE ELDERLY FOR THE PERIOD NOVEMBER 1, 1993 TO OCTOBER 31, 1994; ESTABLISHING A FUND; AND APPROVING A BUDGET AND PERSONNEL POSITIONS.

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AN ORDINANCE 8,647

AUTHORIZING THE CITY MANAGER OR THE ASSISTANT CITY MANAGER TO NEGOTIATE FOR AND ACCEPT A GRANT OF \$141,379.00 FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR CONTINUATION OF A HOMEMAKER-HOME HEALTH AIDE PROGRAM; AUTHORIZING AN IN-KIND MATCH OF \$15,709.00; AUTHORIZING THE ACCEPTANCE OF AN ESTIMATED \$150.00 IN CLIENT DONATIONS; APPROVING A BUDGET AND A PERSONNEL SCHEDULE; AND AUTHORIZING THE TRANSFER OF REMAINING FUNDS.

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AN ORDINANCE 78,648

AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF A GRANT FOR CONTINUATION OF THE SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT IN THE AMOUNT OF \$248,556.00 FOR FY 93/94 (OCTOBER 1, 1993 TO SEPTEMBER 30, 1994); APPROPRIATING FUNDS, AND AUTHORIZING THE ALLOCATION OF CARRY-OVER SURPLUS FUNDS.

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AN ORDINANCE 78,649

AUTHORIZING THE PAYMENT OF \$3,400.00 FOR REGISTRATION FEES FOR TEN FIRE RESCUE TEAM MEMBERS TO ATTEND A LEVEL I AND LEVEL II WATER RESCUE COURSE IN OCTOBER 1993 IN NEW BRAUNFELS, TEXAS.

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AN ORDINANCE 78,650

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$89,800.00 FROM THE W.K. KELLOGG FOUNDATION TO FUND A COMMUNITY PUBLIC HEALTH PROJECT IN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; ESTABLISHING A FUND; ADOPTING A BUDGET; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, SCHOOL OF PUBLIC HEALTH, FOR AN AMOUNT NOT TO EXCEED \$66,624.00.

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AN ORDINANCE 78,651

CLOSING CERTAIN STREETS IN CONNECTION WITH THE JAZZ'SALIVE '93 FESTIVAL TO BE HELD BY THE PARKS AND RECREATION DEPARTMENT IN TRAVIS PARK SEPTEMBER 17-19, 1993.

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AN ORDINANCE 78,652

CLOSING THE 100 BLOCK OF SAN AUGUSTINE FROM 9:00 A.M. ON SATURDAY, OCTOBER 23, 1993, UNTIL MIDNIGHT ON SUNDAY, OCTOBER 24, 1993, FOR THE PURPOSE OF HOLDING THE "ANNUAL FALL FESTIVAL" AS REQUESTED BY ST. JUDE'S CATHOLIC CHURCH.

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93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,653

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO FURNISH THE CITY OF SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR THE 1993-94 FISCAL YEAR FOR A TOTAL OF APPROXIMATELY \$900,000.00.

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

Mr. Archie Titzman, Director of Purchasing, explained the details of the ordinance and stated that the recommendation is to approve the low bid submitted. He noted that the bid of Wehman, Inc., the company opposing the award, is not the low bidder in this instance.

Mr. Sam Carroll, Wehman, Inc., distributed a letter to the City Council (a copy of which is on file with the papers of this meeting), urging the Council to approve his company's bid because of his company's recycling efforts.

Mr. Peak expressed the need for the City to look at a policy which gives an incentive to those companies utilizing recycled products. He recommended a study of this issue.

Mr. Titzman stated that bidders of recycled products are encouraged to bid and spoke of the many products being used by the City that are recycled products.

In response to a question, Mr. Thornton, Mr. Sutzman responded as to the difference in Wehman's price, versus the low bid.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Avila.

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,654

SETTING A PUBLIC HEARING FOR 4:00 P.M. ON OCTOBER 14, 1993, TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE (1) LAND USE ASSUMPTIONS PLAN, (2) CAPITAL IMPROVEMENTS PLAN AND MAXIMUM IMPACT FEE FOR WATER FACILITIES 1990-2000, AND (4) UNIFIED DEVELOPMENT CODE, CHAPTER 35 OF THE CITY CODE RELATING TO THE IMPOSITION OF IMPACT FEES, AND DIRECTING STAFF TO COMPLY WITH ALL NECESSARY NOTICE REQUIREMENTS AND PROCEDURES FOR SAID PUBLIC HEARING, IN COMPLIANCE WITH CHAPTER 395 OF THE LOCAL GOVERNMENT CODE, VERNON'S TEXAS CODES ANNOTATED.

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Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

Mr. Joe Aceves, President and CEO of the San Antonio Water Systems, explained the details of this ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: None; ABSTAIN: Ayala.

93-38 Mayor Wolff expressed the City Council's condolences on the recent passing of Mr. Howard Peak's mother.

93-38 ZONING HEARINGS

4A. CASE Z93121 - TO REZONE LOTS 6 AND 7, BLOCK 35, NCB 1857, 414 WOODLAWN, FROM "D" APARTMENT DISTRICT TO "O-1" OFFICE DISTRICT, LOCATED ON THE SOUTHSIDE OF WOODLAWN AVENUE, 150 FEET WEST OF THE

INTERSECTION OF WOODLAWN AVENUE AND SAN PEDRO AVENUE, HAVING 100 FEET ON WOODLAWN AVENUE AND A DEPTH OF 130 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance. He stated that he has gone through all the steps in an orderly process to rezone the property in order to properly address the need to look at this as one piece of property. He spoke of the need of having proper and adequate landscaping.

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

Mr. Eric Friedland, Chez Ardid Restaurant, stated that the restaurant and parking lot are currently zoned for commercial use and the change in zoning will not change the character of the neighborhood.

Ms. Kathy Bailey, 722 W. French, expressed concern about preserving the integrity and viability of their residential area. She stated that the residents do not want any more commercial zoning in the area.

Mr. Friedland stated that they are willing to place deed restrictions on the property which will restrict use.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Peak, Larson, Wolff; NAYS: None; ABSENT: Thornton.

AN ORDINANCE 78,655

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 6 AND 7, BLOCK 35, NCB 1857, 414 WOODLAWN, FROM "D" APARTMENT DISTRICT TO "O-1" OFFICE DISTRICT, LOCATED ON THE SOUTHSIDE OF WOODLAWN AVENUE, 150 FEET WEST OF THE INTERSECTION OF WOODLAWN AVENUE AND SAN PEDRO AVENUE, HAVING 100 FEET ON WOODLAWN AVENUE AND A DEPTH OF 130 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4B. CASE 293145 - TO REZONE THE EAST 5 FEET OF PARCEL 100 & THE NORTH 350.4 FEET OF TRACT H, BLOCK 100, NCB 11070, 1134 GILLETTE BOULEVARD, FROM "B-2NA" NON ALCOHOLIC SALES DISTRICT TO "B-3NA" NON ALCOHOLIC SALES DISTRICT, LOCATED ON THE SOUTHSIDE OF GILLETTE BOULEVARD, 226.41 FEET WEST OF THE INTERSECTION OF ZARZAMORA STREET AND GILLETTE BLVD., HAVING 257.92 FEET ON GILLETTE BLVD. AND A DEPTH OF 361.37 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Peak, Larson, Wolff; NAYS: None; ABSENT: Perez, Thornton.

AN ORDINANCE 78,656

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 5 FEET OF PARCEL 100 & THE NORTH 350.4 FEET OF TRACT H, BLOCK 100, NCB 11070, 1134 GILLETTE BOULEVARD, FROM "B-2NA" NON ALCOHOLIC SALES DISTRICT TO "B-3NA" NON ALCOHOLIC SALES DISTRICT, LOCATED ON THE SOUTHSIDE OF GILLETTE BOULEVARD, 226.41 FEET WEST OF THE INTERSECTION OF ZARZAMORA STREET AND GILLETTE BLVD., HAVING 257.92 FEET ON GILLETTE BLVD. AND A DEPTH OF 361.37 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4C. CASE 293149 - to rezone LOT 12, NCB 7902, 606-608 DIVISION AVENUE, FROM "B" RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES DISTRICT, PROPERTY BEING LOCATED ON THE SOUTHSIDE OF DIVISION AVENUE, 241.70 FEET EAST OF THE INTERSECTION OF IH 35 NORTH EXPRESSWAY AND DIVISION AVENUE, HAVING 126 FEET ON DIVISION AVENUE AND A DEPTH OF 334 FEET.

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

Mr. Andy Guerrero, Planner III, explained the details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Peak, Larson, Wolff; NAYS: None; ABSENT: Thornton.

AN ORDINANCE 78,657

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 12, NCB 7902, 606-608 DIVISION AVENUE, FROM "B" RESIDENCE DISTRICT TO "B-2NA" NON-ALCOHOLIC SALES DISTRICT, PROPERTY BEING LOCATED ON THE SOUTHSIDE OF DIVISION AVENUE, 241.70 FEET EAST OF THE INTERSECTION OF IH 35 NORTH EXPRESSWAY AND DIVISION AVENUE, HAVING 126 FEET ON DIVISION AVENUE AND A DEPTH OF 334 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4D. CASE Z93146 (CC) - TO REZONE LOTS 7, 8 AND 9, BLOCK 1, NCB 17364, 8518 HIGHWAY 81 SOUTH, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-2" CC HEAVY INDUSTRY DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR AN AUTOMOBILE SALVAGE YARD, PROPERTY BEING LOCATED ON THE SOUTHEAST SIDE OF HIGHWAY 81 SOUTH, 1249.23 FEET NORTHEAST OF THE INTERSECTION OF HIGHWAY 81 SOUTH AND PLUMNEAR ROAD, HAVING 376.10 FEET ON HIGHWAY 81 SOUTH AND A DEPTH OF 160 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: None.

AN ORDINANCE 78,658

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 7, 8 AND 9, BLOCK 1, NCB 17364, 8518 HIGHWAY 81 SOUTH, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "I-2" CC HEAVY INDUSTRY DISTRICT WITH SPECIAL CITY COUNCIL APPROVAL FOR AN AUTOMOBILE SALVAGE YARD, PROPERTY BEING LOCATED ON THE SOUTHEAST SIDE OF HIGHWAY 81 SOUTH, 1249.23 FEET NORTHEAST OF THE INTERSECTION OF HIGHWAY 81 SOUTH AND PLUMNEAR ROAD, HAVING 376.10 FEET ON HIGHWAY 81 SOUTH AND A DEPTH OF 160 FEET. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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4E. CASE Z93114 - A PROPOSED ORDINANCE TO REZONE 10.627 ACRES OUT OF BLOCK 1, NCB 15356, FROM "B-2" BUSINESS DISTRICT, "B-3" BUSINESS DISTRICT, AND "B-3NA" NON-ALCOHOLIC SALES TO "B-3R" RESTRICTIVE BUSINESS DISTRICT; AND TO REZONE 2.350 ACRES OUT OF BLOCK 1, NCB 15356, FROM "B-2" BUSINESS DISTRICT, "B-3" BUSINESS DISTRICT, AND "B-3NA" NON-ALCOHOLIC SALES TO "I-1" LIGHT INDUSTRY DISTRICT, 1414 S.W. LOOP 410, PROPERTY BEING LOCATED BETWEEN N.W. LOOP 410 EXPRESSWAY AND MEADOW WAY DRIVE, 180 FEET SOUTH OF THE INTERSECTION OF MEADOW BEND DRIVE AND N.W. LOOP 410 EXPRESSWAY, HAVING 155 FEET ON N.W. LOOP 410 EXPRESSWAY, 233.44 FEET ON MEADOW WAY DRIVE AND 1,372.22 FEET BETWEEN THESE TWO STREETS.

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

Mr. John Crome, representing the applicant, Ellone, Inc., spoke about plans for the property.

(At this time Mayor Wolff was obliged to leave the meeting. Councilwoman Billa Burke presided.)

Mr. Crome stated that he worked with the neighbors and the neighborhood association and has agreed to put in two trees for each single family lot along the back area and one tree every forty feet along Meadow Way. The live oak trees will be above six feet. He acknowledged a major concern of the neighborhood was the drainage problem. He stated if they can get the zoning they will put in an underground drainage as well as sidewalks. He also stated that they will replace the fence along the easement.

Mr. Ernest Celaya spoke in favor of the proposed zoning case. He spoke to the drainage problems in the area and urged City Council to

approve zoning, plant trees, improve sidewalks, and bring in more positive business.

A group of citizens appeared to speak in opposition of the rezoning:

Mr. Robert Evans, 7351 Meadow Breeze, stated that there are alternatives to the development and urged that a landscape buffer zone, minimum of twenty five feet, be required from residences and businesses.

Mr. James Breedlove, 230 Meadow Bend, spoke against the recommended zoning and stated that a couple of trees planted will not be enough.

Mr. Basil Aivaliotis, 226 Meadow Bend, spoke in opposition. He circulated a petition to the City Council (a copy of which is made a part of the papers of this meeting). He spoke of the proposed new building being only sixty feet away from the single family residences. He also spoke of the environmental issues, the lack of landscaping and the drainage problem. He stated that homes down the street would flood, and he would like to propose a 200 foot buffer zone.

Mr. Basil Aivaliotis then read a prepared statement on behalf of Thomas Parkinson in opposition to the rezoning. (A copy of which is on file with the papers of this meeting.)

Ms. Mary Jo Avialiotis, 226 Meadow Bend, opposed this zoning case because of the heavy traffic a large business will bring into the area. She stated that it is unacceptable to residents.

Mr. Basil Aivaliotis read a proposed statement on behalf of Otis Skudal in opposition to the rezoning.

Mr. Larry Di Martino, President of the San Antonio Coalition and Neighborhoods spoke against this particular case which they feel is spot zoning. He urged the City Council to follow the Zoning Commission's recommendation and deny the zoning change.

The following persons spoke in rebuttal:

Mr. John Crome, stated that this property was originally in the County when the residential area was developed.

Mr. Phil Garay spoke to their request for amendment to "B-3R" and "I-1" in the area to protect the neighborhood.

In response to Mr. Avila, Mr. Crome spoke to the buffer they are proposing to protect the neighborhood.

In response to Mr. Solis, Mr. Garay stated that they are already in the area and they merely intend to enlarge the building.

After discussion, Mr. Ross made a motion to approve the zoning change based on proper drainage, a masonry fence, and installation of the sidewalks. Ms. Billa Burke seconded the motion.

Mr. Peak spoke about the neighborhood's concerns and their feelings that they have not had a presentation to them as an organization.

(At this time Mayor Wolff returned to the meeting and presided.)

Mr. Peak spoke of the possibility of postponement in order to work with the neighborhood association.

Mr. Crome stated that they would be willing to increase the buffer area along lots 1-11 to 60 feet.

Mayor Wolff suggested that the homeowners and the developers sit down and try to come to some kind of agreement at this time.

Mr. Peak made a motion to postpone this case to give the parties time to deliberate. Mr. Larson seconded the motion.

See page 26 of these minutes for the continuation of the case.

- - -
4F. CASE Z93118 - TO REZONE LOTS 30, 31 AND THE EAST IRREGULAR 26.2 FEET OF LOT 29, NCB 3175, 246 FAIR AVENUE, FROM "B-2" BUSINESS DISTRICT TO "B-3NA" NON ALCOHOLIC SALES DISTRICT, LOCATED SOUTHEAST OF THE INTERSECTION OF FAIR AVENUE AND HACKBERRY STREET, HAVING 126.2 FEET ON FAIR AVENUE AND A DEPTH OF 170 FEET.

Ms. Billa Burke made a motion to deny the proposed Ordinance. Mr. Solis seconded the motion.

Donald Lothringer, the proponent, explained the need of a "B-3NA" zoning for used auto sales lot.

After consideration, the motion, to approve the requested zoning change failed to carry by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Peak, Larson, Wolff; NAYS: None; ABSENT: Thornton.

- - -
4G. CASE Z93138 - THE REQUEST OF MARSHA RICHIE FOR A CHANGE IN ZONING FROM "R-7" SMALL LOT HOME DISTRICT TO "B-3NA" NON-ALCOHOLIC SALES DISTRICT ON LOTS 58 AND 59, BLOCK 16, NCB 3459, 607 AND 611 WEST THEO AVENUE, LOCATED NORTHWEST OF THE INTERSECTION OF IH 35 EXPRESSWAY AND WEST THEO AVENUE, HAVING 100 FEET ON WEST THEO AVENUE AND A DEPTH OF 94.50 FEET.

Mr. Solis made a motion to postpone the proposed Zoning Case for three weeks. Mr. Avila seconded the motion

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ayala, Ross, Peak, Larson, Wolff; NAYS: None; ABSENT: Thornton.

4I. CASE Z93151 - TO REZONE 2.336 ACRES OUT OF NCB 13837, FROM "B-2" BUSINESS DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT, LOCATED NORTH OF THE INTERSECTION OF BURNING TRAIL DRIVE AND JONES MALTSBERGER ROAD, HAVING 224.62 FEET ON BURNING TRAIL DRIVE AND 461.62 FEET ON JONES MALTSBERGER.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Avila.

AN ORDINANCE 78,659

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 2.336 ACRES OUT OF NCB 13837, FROM "B-2" BUSINESS DISTRICT TO "R-5" SINGLE FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4J. CASE Z93152 - TO REZONE A 0.712 ACRE TRACT OF LAND OUT OF LOT 20, BLOCK A, NCB 11531, 100 BLOCK OF QUILL DRIVE WEST, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT, LOCATED ON THE NORTHSIDE OF QUILL DRIVE WEST, 220 FEET WEST OF THE INTERSECTION OF QUILL DRIVE WEST AND BANDERA ROAD, HAVING 175 FEET ON QUILL DRIVE WEST AND A DEPTH OF 219.94 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Avila.

AN ORDINANCE 78,660

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.712 ACRE TRACT OF LAND OUT OF LOT 20, BLOCK A, NCB 11531, 100 BLOCK OF QUILL DRIVE WEST, FROM "B-1" BUSINESS DISTRICT TO "B-2" BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4K. CASE Z93144(CC) - TO REZONE P-42, 42B, P-42C, P-42D, P-42G, P-42H, P-51, P-54 AND P-100, NCB 12867, 5600 BLOCK OF EAST HOUSTON STREET, FROM "B-3" BUSINESS DISTRICT, "B-3NA" NON ALCOHOLIC SALES DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT TO "B-3NA" CC NON ALCOHOLIC SALES DISTRICT WITH CITY COUNCIL APPROVAL FOR A CEMETERY, LOCATED ON THE NORTHSIDE OF EAST HOUSTON STREET, 220.74 EAST OF THE INTERSECTION OF OLD ST. HEDWIG ROAD AND EAST HOUSTON STREET, HAVING 606.90 FEET ON EAST HOUSTON STREET AND A DEPTH OF 1921.72 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Billa Burke, Avila.

AN ORDINANCE 78,661

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS P-42, 42B, P-42C, P-42D, P-42G, P-42H, P-51, P-54 AND P-100, NCB 12867, 5600 BLOCK OF EAST HOUSTON STREET, FROM "B-3" BUSINESS DISTRICT, "B-3NA" NON ALCOHOLIC SALES DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT TO "B-3NA" CC NON ALCOHOLIC SALES DISTRICT WITH CITY COUNCIL APPROVAL FOR A CEMETERY, "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

4L. CASE Z93022(CC) - TO REZONE PARCEL 122, NCB 15008 (3.173 ACRES) IN THE REAR OF THE 8600 BLOCK OF TIMBER PLACE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" SUP OFFICE DISTRICT WITH A SPECIAL USE PERMIT FOR AN ANTIQUE SHOP AND BED AND BREAKFAST ON TWO SEPARATE STRUCTURES, LOCATED 120 FEET NORTH OF TIMBER PLACE, AND 710 FEET EAST OF TEZEL ROAD, HAVING A WIDTH OF 330 FEET AND A DEPTH OF 400 FEET.

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

Mr. Andy Guerrero, Planner III, explained details of the Ordinance.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: Billa Burke.

AN ORDINANCE 78,662

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 PARCEL 122, NCB 15008 (3.173 ACRES) IN THE REAR OF THE 8600 BLOCK OF TIMBER PLACE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENCE DISTRICT TO "O-1" SUP OFFICE DISTRICT WITH A SPECIAL USE PERMIT FOR AN ANTIQUE SHOP AND BED AND BREAKFAST

ON TWO SEPARATE STRUCTURES. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

93-38 PUBLIC HEARING AND ON THE TAX RATE FOR FY 1993-94:

Mayor Wolff opened the Public Hearing.

No citizens were registered to speak on the matter.

Mayor Wolff declared the Public Hearing closed.

93-38 PUBLIC HEARING AND CONSIDERATION OF ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE BOOK:

Mayor Wolff opened the Public Hearing.

Mr. David Pasley, Planning Director, stated that both the Zoning Commission and the Planning Commission support this ordinance.

Mr. Peak made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

The following citizens appeared to speak in support of the ordinance:

Ms. Ruth Lofgren, 434 W. Hermine Blvd., expressed her concern that the ordinance does not go far enough. She is especially concerned about the lack of reference to the maintenance of living trees and shrubs. (A copy of her written statement is made a part of the papers of this meeting.)

Mr. Roy Rivera, Woodlawn Hills Neighborhood Association, spoke in support of the ordinance.

Mr. Walter Barfield, President of the Bexar Audubon Society, spoke in support of the ordinance, however, he stated that it needs to be expanded. He encouraged the Council to include provisions, delete section ten in its entirety, form an ad hoc committee, and prepare a tree protection ordinance. (A copy of his written statement is made a part of the papers of this meeting).

Mr. Ernani C. Falcone, President of Braun Station West Community Improvement Association, supported the ordinance.

Mr. Stephen Avery, Woodlawn Lake Community Association, spoke of the importance of trees in the communities. He urged the Council to adopt a landscape ordinance with an aggressive tree preservation

amendment, coupled with an urban reforestation program that will provide a minimum canopy cover of 35% by the year 2010. (A copy of his written statement is made a part of the papers of this meeting).

Mr. Jimmy Tucker, Tanglewood Residents Association, spoke in support of the landscape ordinance, however, he felt that there was little input from the neighborhoods and too much input from developers.

Mr. Timothy B. Shull, Save Our Trees, waived his time to Ms. Katie Shull.

Ms. Katie Shull, Save Our Trees, spoke in support of the proposed landscape ordinance but would like to recommend that site plans be reviewed by a certified landscape architect, arborist, or other design review board. She asked the site plan include and identify vegetation already existing on the property, the inclusion of buffers and the elimination of the six-month waiting period. (A copy of her written statement is made a part of the papers of this meeting).

Mr. Ray Hamilton, President, Castle Hills Forest Home Owners Association, spoke in support of the proposed ordinance.

Mr. Andrew Balinsky, Alamo Group of the Sierra Club, spoke in support of the passage of the ordinance. He felt that tree preservation and water conservation had not been adequately addressed.

(At this time Mayor Wolff returned to the meeting to preside.)

Mr. Ruben Espronceda, 243 Lorraine, spoke in favor of the landscape ordinance.

Ms. Marianna Jones, San Antonio Conservation Society, read a prepared statement in support of this ordinance. (A copy of which is made a part of the papers of this meeting.)

Mr. Mark Peterson, 16400 Henderson Pass, spoke in support of the proposed ordinance.

Ms. Mary Wallace, President of Highland Hills Neighborhood Association, spoke in support of the proposed ordinance.

Ms. June Kachtik, San Antonio Trees, read a prepared statement urging an increase of the number of trees in parking lots. (A copy of her written statement is made a part of the papers of this meeting.)

Mr. Scott Kelley, Texas Association of Landscape Contractors, spoke in support of the proposed ordinance.

Mr. Orson Kinney, Camelot Neighborhood Association, spoke in favor of the landscape ordinance, although he stated that it is extremely weak in its present form. He also stated that the proposed ordinance is weak because it addresses only that part of commercial property "viewed from the street", it does not address conservation of

existing trees and land being developed, deals with only future development", and it contains a moratorium on implementation of the ordinance which he feels is excessive. (A copy of his statement is on file with the papers of this meeting.)

Ms. Helen Burnstein, Alamo Farmsteads and the Babcock Neighborhood Association, spoke in support of the proposed ordinance.

Mr. Leo Perron, San Antonio Board of Realtors, spoke in favor of the proposed ordinance.

Mr. Robert D. Gonzalez, San Antonio Auto Dealers Association, spoke in favor of the proposed ordinance.

Dr. Ed Benson, President, Countryside Property Owners, San Pedro, spoke in support of the proposed ordinance.

Mr. Ken Baker, Southside Chamber of Commerce, spoke in support of the proposed ordinance.

Mr. Norman Dugas, Real Estate Council of San Antonio, spoke in support of the proposed ordinance.

Mr. Andrew Perez, Historic Design Review Commission, spoke in support of the landscape ordinance.

Mr. James Harden, Mortellaro's Nursery Inc. and Texas Association of Nurserymen, spoke in favor of the proposed ordinance.

Mr. Kenneth Wolf, President, Real Estate Council of San Antonio, spoke in support of the proposed landscape ordinance.

Mr. Scott Bleck, Executive Director of San Antonio Apartment Association, spoke in support of the proposed landscape ordinance.

Ms. Jeanne Esquivel, Timberwilde Elementary teacher, presented the following students on behalf of the landscape ordinance and the saving of trees:

- 1) Dustin Singleton
- 2) Jenna Rodriguez
- 3) Paul Karisch
- 4) Christine Noel

Mr. Frank Burney, 300 Convent, outgoing member of the Zoning Commission, spoke in favor of the proposed ordinance. He expressed concern that the buffer region needs to be addressed in a future ordinance.

Mr. Marc Ross, 821 Bandera, stated that he has been working on this ordinance for the past three years and feels that the ordinance represents a good compromise. He recommended that this ordinance be approved and then review its impact before adopting a tree ordinance within a few weeks.

Ms. Virginia Watson Jones, 2811 Woodbury, spoke in favor of the proposed ordinance and exhibited pictorial slides of what she wants the City of San Antonio to look like.

(At this point Mayor Wolff was obliged to leave the meeting. Councilman Larson presided.)

Mr. Andrew Johnston, 105 S. St. Mary's, spoke in favor of the proposed landscape ordinance.

Mr. Tom Bagley, 204 Argo, spoke in support of the proposed landscape ordinance.

Mr. Michael Weiss, 8207 Callaghan, spoke in support of the proposed landscape ordinance.

Mr. Doug Leonhardt, 13230 Hunters Lark, spoke in support of the proposed landscape ordinance.

Mr. Larry Di Martino, San Antonio Coalition of Neighborhood Association, spoke in support of the proposed ordinance as written. He spoke of the need for tree preservation, buffers relating to buildings and parking and questioned how many of these objectives were accomplished in this ordinance.

(Mayor Wolff returned to the meeting and presided.)

Ms. Loretta Van Coppano, spoke in support of the proposed landscape ordinance.

* * * *

Mr. Murl Dalton, 1302 Viewridge, disagreed with the demands this ordinance puts on large and small property owners.

* * * *

Mayor Wolff declared the Public Hearing closed.

Mayor Wolff spoke of the development of this ordinance and commended the citizens for coming down to present their views on the proposed ordinance.

Mr. Peak gave his reasons for a four month suggested time frame instead of six months. He stated that Council has already directed staff to draft a tree preservation ordinance. He also commended the citizens who worked on this proposed ordinance. He urged that the Planning Commission and staff review the impact to small businesses caused by this ordinance. He then encouraged the Council to adopt this ordinance.

Mr. Ross joined Mr. Peak in commending all individuals involved with this ordinance. He spoke of the issue of small businesses

that needs to be investigated. He also spoke of small subdivic lots and the burden it would place on them.

Mr. Thornton commended neighborhood groups as well as the business community for their input and cooperation to develop this ordinance. He spoke of the need to develop a tree preservation ordinance as well as a sign ordinance. He urged that the issue of buffering between commercial and residential areas be investigated.

Mr. David Pasley, Director of Planning, stated that the staff can review this issue and bring it back at the same time it brings back the tree preservation issue.

Mr. Avila thanked the staff members who worked on this issue. He spoke in favor of the ordinance but did express concern about the impact on the ordinance to the small business persons.

The City Clerk then read the following Ordinance:

AN ORDINANCE 78,663

AMENDING THE UNIFIED DEVELOPMENT CODE TO INCLUDE A LANDSCAPE ORDINANCE, BY ADDING A NEW "ARTICLE VI. LANDSCAPING"; ESTABLISHING TWO PERSONNEL POSITIONS WITHIN THE BUILDING INSPECTIONS DEPARTMENT; APPROPRIATING A BUDGET; ESTABLISHING A FEE FOR REVIEW AND ENFORCEMENT OF LANDSCAPE PLANS; AND PROVIDING FOR A PENALTY FOR VIOLATION THEREOF OF A MINIMUM FINE OF \$25.00 AND A MAXIMUM FINE OF \$1,000.00, WITH EACH DAY A VIOLATION IS PERMITTED TO EXIST CONSTITUTING A SEPARATE OFFENSE, AS PROVIDED IN SECTION 35-1024 OF THE UNIFIED DEVELOPMENT CODE; AND ALSO PROVIDING THAT ALL OTHER REMEDIES IN THE CITY CODE FOR VIOLATION OF THE UNIFIED DEVELOPMENT CODE ARE TO APPLY TO ANY VIOLATION OF SAID LANDSCAPE ORDINANCE.

* * * *

Mr. Thornton made a motion to bring back a tree preservation ordinance as an amendment to this ordinance to include buffering between residential and commercial areas. Mr. Peak seconded the motion.

After consideration, the motion, to bring back a tree preservation ordinance and to amend this ordinance to include buffering between residential and commercial areas, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: McClendon; ABSTAIN: Ayala.

After consideration, the main motion as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: McClendon; ABSTAIN: Ayala.

93-38 Continuation of Item #4E Zoning Case Z93114. The homeowners and developers came back before Council and stated that no agreement had been reached.

Mr. Ross then withdrew his motion.

Mr. Thornton made an amendment to the motion for larger trees no smaller than 3 1/2 inch diameter; increase the buffer zone from 30 feet to 60 feet along the first eleven blocks; masonry fence along entire line; lighting to protect the neighborhood; drainage be included as desired by proponents; sidewalks along Meadow Way, and that "I-1" zoning be rescinded if Builders Square moves or goes out of business. Mr. Ross seconded the motion.

After consideration, the amendment to the motion, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: McClendon; ABSTAIN: Ayala.

After consideration, the main motion as amended, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, McClendon, Billa Burke, Avila, Solis, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: None; ABSTAIN: Ayala.

The clerk then read the following Ordinance:

AN ORDINANCE 78,664

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 10.627 ACRES OUT OF BLOCK 1, NCB 15356, FROM "B-2", "B-3" & "B-3NA" TO "B-3R" RESTRICTIVE BUSINESS DISTRICT AND 2.350 ACRES OUT OF BLOCK 1, NCB 15356, 1414 S.W. LOOP 410 FROM "B-2", "B-3", & "B-3NA" TO "I-1" LIGHT INDUSTRY DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,665

AUTHORIZING THE EXPENDITURE OF \$2,300.00 FROM THE MAYOR'S DISCRETIONARY FUND ACCOUNT TO PARTIALLY SUPPORT THE DESIGN FOR A NEW CITY OF SAN ANTONIO OFFICIAL "SA" TIE AND SCARF, AS REQUESTED BY MAYOR NELSON W. WOLFF.

* * * *

Mr. Ross made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ross, Larson, Wolff; NAYS: None; ABSENT: McClendon, Ayala, Thornton, Peak.

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,666

AUTHORIZING REIMBURSEMENT TO COUNCILMEMBER LYNDIA BILLA BURKE IN THE AMOUNT OF \$1,600.00 FOR AN ADMINISTRATIVE SERVICES CONTRACT FROM THE DISTRICT 3 DISCRETIONARY ACCOUNT.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ross, Larson, Wolff; NAYS: None; ABSENT: McClendon, Ayala, Thornton, Peak.

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,667

AUTHORIZING THE ACCEPTANCE OF A GRANT OF \$1,328,077.00 FROM THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY TO AUGMENT THE SAN ANTONIO POLICE DEPARTMENT'S EFFORTS IN REDUCING AUTO THEFT.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Larson seconded the motion.

Captain Al Phillipus, Police Department, explained the details of this ordinance.

Mr. Larson stated that all other cities are also eligible for funding. A discussion then took place on the number of chop shops in the city and the number closed down.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ross, Thornton, Larson, Wolff; NAYS: None; ABSENT: McClendon, Ayala, Peak.

93-38 The Clerk read a proposed ordinance authorizing the City Manager to direct staff to close Nelson Gardens Landfill before October 9, 1993, directing staff to make necessary notifications and take all necessary administrative actions required by law.

Mr. Avila made a motion to approve the proposed Ordinance. Ms. Billa Burke seconded the motion.

Mr. John German, Director of the Public Works Department, explained the reason for recommending the closing of Nelson Gardens Landfill prior to October 9, 1993 in order to avoid additional costs for the city.

Mr. Larson spoke of the costs of keeping Nelson Gardens open versus closing it and spoke of the City Council's decision to close it as being a wise one.

Mr. Avila stated that he felt that the Nelson Gardens should be closed because of the ten to twelve million dollar price tag involved.

Mr. Ross stated that the City employees working at Nelson Gardens will be able to continue working for the city.

Mr. German stated that they will place the employees at other Public Works sites, if necessary.

Mr. Solis stated that the city guarantees these employees no loss of pay or benefits.

Mr. Thornton urged the media to forewarn the public about the closing date of Nelson Gardens. He urged coordination with other landfills to assure that the citizens can dispose of their trash properly.

Alec Pitman, Waste Management, Inc., stated that he wishes to open Covel Landfill as soon as possible in order to assist the City.

Mr. Thornton sought assurance that citizens will have a convenient location to take their trash if Nelson Gardens is closed.

After discussion, Mr. Avila made a motion to postpone this item until after Executive Session. Ms. Billa Burke seconded the motion.

See page 30 of these minutes for the continuation of this Ordinance.

(The Council decided to hear this Ordinance before adjourning into Executive Session.)

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,668

AUTHORIZING A 25-YEAR LICENSE AGREEMENT WITH JAIL HOUSE, INC. AND IMPERIAL BEDDING COMPANY FOR A LICENSE FEE OF \$16,734.45 FOR THE ENTIRE TERM, ALLOWING THEM TO PAVE UNDER THE COMMERCE STREET BRIDGE, AND USE THE AREA FOR PARKING FOR THEIR CUSTOMERS.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: McClendon.

93-38 City Council recessed its regular meeting at 6:35 P.M. in order to reconvene in executive session. Consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) may be discussed.

A) Staff Briefing on Settlement of Vinod Bhakta vs. City of San Antonio, Cause No. 92-CI-13060.

B) Staff Briefing on Settlement of Anguiano, et al vs. City of San Antonio, Cause No. 88-CI-10450.

C) Staff Briefing on the legal implication of the Solid Waste Disposal Contract between San Antonio and I.D.S.; legal implication of

selecting one or more contractors for Waste Disposal interim service; amendments to extend existing Nelson Gardens landfill permit; and options to the Regional Solid Waste Disposal Contract.

93-38 The City Council reconvened the "A" Session at 7:25 P.M. and announced that the Council had been briefed on the above stated cases.

93-38 Discussion resumed on Item 44 after which the motion to approve the Ordinance prevailed by the following vote:

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ayala, Ross, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: McClendon.

AN ORDINANCE 78,669

DIRECTING THE CLOSURE OF NELSON GARDENS LANDFILL BEFORE OCTOBER 9, 1993, DIRECTING STAFF TO MAKE NECESSARY NOTIFICATIONS AND TAKE ALL NECESSARY ADMINISTRATIVE ACTIONS REQUIRED BY LAW.

* * * *

93-38 Item #45. City Manager Alex Briseno stated that the staff will continue to negotiate the terms of this proposed contract and will bring it back to the Council when it is ready for consideration. He stated that the proposed item on Solid Waste Disposal services will be pulled from this meeting's agenda.

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,670

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH H.B. ZACHRY FOR THE CONSTRUCTION OF LEGALLY REQUIRED FINAL COVER FOR THE NELSON GARDENS LANDFILL; FURTHER AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO PROVIDE FOR CLOSURE OF THE LANDFILL AS MAY BE REQUIRED BY LAW; AND APPROVING A BUDGET.

* * * *

Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Avila seconded the motion.

Mr. John German, Director of Public Works, explained the proposed ordinance and explained the reason for recommending its approval. In response to Mr. Larson, Mr. German explained where the fill will be secured from and that H.B. Zachry Company is prepared to begin working on this.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Solis, Ayala, Thornton, Peak, Larson, Wolff; NAYS: None; ABSENT: McClendon, Ross.

(At this time, Mayor Wolff was obliged to leave the meeting. Councilman Larson presided.)

93-38 The Clerk read the following Ordinance:

AN ORDINANCE 78,671

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES WITH RABA KISTNER, INC. IN CONNECTION WITH THE DEVELOPMENT OF AN APPROVED LANDFILL CLOSURE PLAN AS MAY BE REQUIRED BY LAW; AND FURTHER PROVIDING THE CITY MANAGER WITH SUCH AUTHORIZATION TO EXECUTE ALL DOCUMENTS NECESSARY AND APPROVING A BUDGET NOT TO EXCEED \$128,000.00.

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Ms. Billa Burke made a motion to approve the proposed Ordinance. Mr. Larson seconded the motion.

In response to Ms. Ayala's question, Mr. German stated the reasons for recommending the firm of Raba/Kistner. Ms. Ayala and Mr. Solis expressed concern about the lack of competition on this contract and the need to negotiate with another company, perhaps Malcolm Pirnie.

A discussion then took place on the importance of the timeliness of this issue.

Mr. Larson expressed concern about any delay with this proposed ordinance.

Council discussed the need to assure that the City's interests, as well as the city's exposure and liability, are protected. Mr. German assured the Council that the Engineer hired for this job will monitor the progress of the contract.

After further discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Perez, Billa Burke, Avila, Ross, Thornton, Peak, Larson; NAYS: Solis, Ayala; ABSENT: McClendon, Wolff.

93-38

CITIZENS TO BE HEARD

MR. FRANK WEATHERLY

Mr. Frank Weatherly, Helping Hands Lifeline Foundation, spoke about the work of this organization through the years. He stated that because of budget cuts, their agency has had to deny assistance to more people. He asked for a five percent increase instead of the decrease. They are requesting a total of \$35,000.00.

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MR. JESSE R. GUERRA, JR.

Mr. Jesse R. Guerra, Jr., The Church that Gathers in Jesus' Name, stated that he and other members of his church were deprived of preaching along General McMullen. He stated that they told the police officer that permits were no longer needed. He then related the details of this case and the fact that no progress has been made on the report filed with Internal Affairs. He took issue with the matter in which this case was handled by the Police Department.

Mr. Travis Bishop, City Manager's Office, will follow up on this issue.

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MS. MARY JANE ALVARADO

Ms. Mary Jane Alvarado, 120 Camargo Street, spoke to the Council about City Zoning and Bexar Appraisal District. She had appeared before the Bexar Appraisal District to ask that her property be designated residential instead of commercial. She submitted a tape to the Council of the proceedings.

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93-38 There being no further business to come before the Council, the meeting was adjourned at 8:07 P.M.

A P P R O V E D

Nelson *W.W. Wolf*
M A Y O R

Attest:

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

September 9, 1993

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

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

August 23, 1993

Petition submitted by the Bexar County Elections Administration Office requesting the City of San Antonio's approval of a loading zone at the main entrance of the Bexar County Annex at 203 W. Main for the reasons stated in their letter.

August 26, 1993

Petition submitted by Lee Grady, Parkview Apartments, 114 Hickman, #1103, San Antonio, Texas 78212, on behalf of area residents requesting the City of San Antonio's assistance in procurement of air conditioning for the Parkview Apartment Complex.

/s/ Norma S. Rodriguez
City Clerk