

REGULAR MEETING OF THE CITY COUNCIL  
OF THE CITY OF SAN ANTONIO HELD IN  
THE COUNCIL CHAMBER, CITY HALL, ON  
THURSDAY, MAY 19, 1977.

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The meeting was called to order at 8:00 A. M., by the presiding officer, Mayor Lila Cockrell, with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, ORTIZ, ALDERETE, PYNDUS, HARTMAN, STEEN, COCKRELL; Absent: NONE.

77-25 The invocation was given by the Reverend C. Don Baugh, Executive Director, San Antonio Council of Churches.

77-25 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

77-25 The minutes of the meeting of May 12, 1977, were approved.

77-25 RESOLUTION OF RESPECT

Mayor Cockrell read the following Resolution:

A RESOLUTION  
NO. 77-25-40

WHEREAS, Life came to a close for Mr. Blake Sweatt on March 25, 1977, and

WHEREAS, Mr. Sweatt was an illustrious and respected citizen of San Antonio who was cognizant of the many problems facing the community and devoted his efforts to the welfare of the City, and

WHEREAS, He served on the San Antonio Convention and Visitors Bureau and chaired the Advertising Committee from November, 1974, to February, 1977, and additionally served as member of the Paseo Del Rio Association, the Texas Hotel/Motel Association, and as President of the San Antonio Hotel Association, and

WHEREAS, He gave generously of his time and talent to many other civic affairs and had a keen desire to be of service to his fellowman, and

WHEREAS, In his passing, the community has lost a staunch friend and loyal public servant; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. That this Council, on behalf of the City officials and employees as well as the citizens of this great City, does hereby express profound regret on the passing of Blake Sweatt,

SECTION 2, That this Resolution be spread upon the minutes of the City Council and a copy thereof be delivered to the bereaved family.

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On motion of Mr. Hartman, seconded by Mr. Pyndus, the Resolution was passed and approved by the following vote: AYES: Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Wing.

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In response to Mayor Cockrell, City Attorney James Parker briefed the Council on the number of votes needed to approve zoning cases. He explained that a three-fourths majority of the Council (9) votes will be necessary to approve zoning changes when there is opposition of twenty percent of the adjoining property owners within a 200 foot radius. On all other cases, six votes will constitute a majority.

Mr. George Vann, Director of Building and Zoning, then explained that his staff will present and explain the zoning cases to the Council. He then described the procedure used in zoning hearings.

Councilman Pyndus asked that, in those cases that the staff's recommendation differs from the Zoning Commission's recommendation, the staff would publicly give the Council the reasons for their recommendations.

77-25

ZONING HEARINGS

1. CASE 6874 - to rezone Lots 10 through 29, Block 1, NCB 14509, in the 5400 block of Rubidox Drive, located on the north and south side of Rubidox Drive, being 513.32' west of the intersection of Laven Drive and Rubidox Drive, having a total of 1046.4' on Rubidox Drive and a depth of 110' and

Lots 1 through 15, Block 3, NCB 14511, in the 5300 and 5400 blocks of Marconi Drive, located west and north of the intersection of Marconi Drive and Dulce Street, having a total of 558.21' on Marconi Drive and a total of 265.14' on Dulce Street, and

Lots 1 through 7, Block 5, NCB 14513, in the 5400 block of Marconi Drive, located southeast of the intersection of Marconi Drive and Dulce Street, having a total of 420.24' on Marconi Drive and 112' on Dulce Street,

from "A" Single Family Residential District; "B-3" Business District and "I-1" Light Industry District to "R-1" Single Family Residential District.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing.

## AN ORDINANCE 48,018

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 10 THROUGH 29, BLOCK 1, NCB 14509, IN THE 5400 BLOCK OF RUBIDOX DRIVE, AND LOTS 1 THROUGH 15, BLOCK 3, NCB 14511, IN THE 5300 AND 5400 BLOCKS OF MARCONI DRIVE, AND LOTS 1 THROUGH 7, BLOCK 5, NCB 14513, IN THE 5400 BLOCK OF MARCONI DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT; "B-3" BUSINESS DISTRICT AND "I-1" LIGHT INDUSTRY DISTRICT TO "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER REPLATting IS ACCOMPLISHED, IF NECESSARY.

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2. CASE 6898 - to rezone Lot 13, Block 12, NCB 15503, in the 2500 Block of S. W. Loop 410 Expressway, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the east side of S. W. Loop 410 Expressway, being 120' south of the intersection of Airlift Avenue and S. W. Loop 410 Expressway, having 120' on S. W. Loop 410 Expressway and a depth of 162.5'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mrs. Linda Juettemeyer; representing her father, Mr. Joel Salazar, the applicant; stated that he is requesting a change in zone in order to operate an auto repair shop.

Mr. Van H. Johnson, representing Mr. James Bass, owner of the adjacent property, stated that his client has a two-story structure on the property which consists of retail stores on the first floor and apartments on the second floor. He stated that the "B-3" zoning will permit on-premises consumption of alcoholic beverages which will be a detriment to the apartment residents. He further stated that they are not opposed to "B-2" zoning.

Several members of the Council then stated that there presently exists "B-3" zoning in the area.

In rebuttal, Mrs. Juettemeyer described the surrounding businesses in the area and said that they do not intend to put in a lounge but are only asking for this change to enable them to operate an auto repair shop.

After consideration, Dr. Cisneros made a motion that the recommendation of the Zoning Commission be approved, provided that a six foot solid screen fence is erected and maintained along the east property line. Mr. Webb seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSTAIN: Dutmer; ABSENT: Wing.

AN ORDINANCE 48,019

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 13, BLOCK 12, NCB 15503, IN THE 2500 BLOCK OF S. W. LOOP 410 EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

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3. CASE 6855 - to rezone the southeast 54' of Lot 17, Block 1, NCB 11965, 411 Portland Road, from "A" Single Family Residential District to "B-3" Business District, located between Portland Road and the proposed U. S. 281 Expressway, being 158' northwest of the intersection of McCullough Avenue and Portland Road, having 54' on Portland Road and a depth of 240'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing.

AN ORDINANCE 48,020

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHEAST 54' OF LOT 17, BLOCK 1, NCB 11965, 411 PORTLAND ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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77-25

PRESENTATION OF CITATION TO DR. PAT BURR

Mayor Cockrell read the following Citation:

THE CITY OF SAN ANTONIO  
(State of Texas)

Hereby Presents This

CITATION

to

PAT BURR

IN RECOGNITION OF HER SERVICE ON THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FROM JANUARY, 1974, TO APRIL, 1977, AND HER MANY OTHER CONTRIBUTIONS TO OUR COMMUNITY.

THE CITY COUNCIL EXPRESSES ITS APPRECIATION FOR HER EFFORTS AND EXTENDS BEST WISHES FOR HER SUCCESS AS ASSISTANT ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION IN WASHINGTON, D. C.

\* \* \* \*

Mayor Cockrell then presented the Citation to Dr. Burr.

The Mayor and members of the Council commended Dr. Pat Burr on her many accomplishments.

77-25

ZONING HEARINGS (Continued)

4. CASE 6860 - to rezone Lot 30, Block 5-B, NCB 11958, 8503 Eastern Avenue, from "A" Single Family Residential District to "I-1" Light Industry District, located northwest of the intersection of Hallmark Drive and Eastern Avenue, having 150.2' on Hallmark Drive and 95' on Eastern Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

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After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing.

## AN ORDINANCE 48,021

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 30, BLOCK 5-B, NCB 11958, 8503 EASTERN AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

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5. CASE 6887 - to rezone Lot 6, Block 3B, NCB 11955, in the 8400 block of Eastern Avenue, in the 1300 block of Hallmark Drive, from "A" Single Family Residential District to "I-1" Light Industry District, located southeast of the intersection of Hallmark Drive and Eastern Avenue, having 145' on Eastern Avenue and 240.4' on Hallmark Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing.

## AN ORDINANCE 48,022

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 6, BLOCK 3B, NCB 11955, IN THE 8400 BLOCK OF EASTERN AVENUE, IN THE 1300 BLOCK OF HALLMARK DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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6. CASE 6856 - to rezone Lot 13, Parcels 95, 96, 96-A and 97, NCB 15550, in the 7500 block of U. S. Highway 90 West Expressway, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located on the northwest side of U. S. Highway 90 West Expressway between Colt Drive and Frontier Drive, having 1427.36' on U. S. Highway 90 West Expressway; 316.28' on Colt Drive; and 136.13' on Frontier Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Wing.

AN ORDINANCE 48,023

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 13, PARCELS 95, 96, 96-A, AND 97, NCB 15550, IN THE 7500 BLOCK OF U. S. HIGHWAY 90 WEST EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT.

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7. CASE 6893 - to rezone Lots 5 through 8, Block 14, NCB 12920, in the 2700 block of S. E. Loop 410 Expressway, from "A" Single Family Residential to "B-3" Business District located on the east side of S. E. Loop 410 Expressway, being 240' south of the intersection of Finis Avenue and S. E. Loop 410 Expressway, having 240' on S. E. Loop 410 Expressway and a depth of 140'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. He stated that the staff had recommended denial because, generally, it is the staff's opinion that properties along major thoroughfares such as freeways should not be encouraged in strip zoning situations. He also stated that traffic from the north in trying to obtain immediate access to the business development on the subject property, would use the residential street system to the east and south.

Mr. Hartman stated that this is another case of vacant lots adjacent to an expressway and, in his opinion, it is very remote that the subject lots will be developed into residential lots.

The applicant was not present to present his case.

After consideration, Mr. Pyndus moved that the Zoning Commission recommendation be approved and that the rezoning be granted provided that proper replatting is accomplished, if necessary. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSTAIN: Dutmer; ABSENT: Cisneros, Wing.

AN ORDINANCE 48,024

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 5 THROUGH 8, BLOCK 14, NCB 12920, IN THE 2700 BLOCK OF S. E. LOOP 410 EXPRESSWAY, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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8. CASE 6858 - to rezone the north 50' of the south 350' of Lots 7 and 8, NCB 12116, 2223-2227 N. E. Loop 410 Expressway, from "A" Single Family Residential District to "B-2" Business District, located on the north side of N. E. Loop 410 Expressway, being 196' west of the intersection of Starcrest Drive and N. E. Loop 410 Expressway and 300' north of N. E. Loop 410 Expressway, having a width of 199.82' on N. E. Loop 410 Expressway and a depth of 50'; and to rezone the south 300' of Lots 7 and 8, NCB 12116, 2223-2227 N. E. Loop 410 Expressway, from "A" Single Family Residential District to "B-3" Business District, located on the north side of N. W. Loop 410 Expressway being 196' west of the intersection of Starcrest Drive and N. E. Loop 410 Expressway, having 199.82' on N. E. Loop 410 Expressway and a depth of 300'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper platting is accomplished and that a six foot solid screen fence is erected and maintained along the north property line. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Wing.

#### AN ORDINANCE 48,025

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 50' OF THE SOUTH 350' OF LOTS 7 AND 8, NCB 12116, 2223-2227 N. E. LOOP 410 EXPRESSWAY FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; AND THE SOUTH 300' OF LOTS 7 AND 8, NCB 12116, 2223-2227 N. E. LOOP 410 EXPRESSWAY, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTH PROPERTY LINE.

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9. CASE 6889 - to rezone a 0.459 acre tract of land out of NCB 16498, being further described by field notes filed in the office of the City Clerk, in the 11400 block of Perrin-Beitel Road, from "B-2" Business District to "B-3" Business District, located on the east side of Perrin-Beitel Road, being 480' south of the intersection of Naco-Perring Blvd. and Perrin-Beitel Road, having 100' on Perrin-Beitel Road and a depth of 200'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mrs. Dutmer seconded the motion. On roll call, the motion carrying with it the passage of the following

Ordinance, prevailed by the following vote: AYES: Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Wing.

AN ORDINANCE 48,026

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.459 ACRE TRACT OF LAND OUT OF NCB 16498, LOCATED ON THE EAST SIDE OF PERRIN-BEITEL ROAD, BEING 480' SOUTH OF THE INTERSECTION OF NACO-PERRIN BLVD. AND PERRIN-BEITEL ROAD, HAVING 100' ON PERRIN-BEITEL ROAD AND A DEPTH OF 200', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 11400 BLOCK OF PERRIN-BEITEL ROAD, FROM "B-2" BUSINESS DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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10. CASE 6811 - to rezone Parcel 100, NCB 11688, in the 4800 block of West Avenue, from "D" Apartment District to "I-1" Light Industry District, located on the east side of West Avenue, being 614' north of the intersection of West Avenue and Arroya Vista Drive, having a total of 55' on West Avenue and a maximum depth of 214.77'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Wing.

AN ORDINANCE 48,027

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 100, NCB 11688, IN THE 4800 BLOCK OF WEST AVENUE, FROM "D" APARTMENT DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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11. CASE 6882 - to rezone Lot 57, save and except the north 20' of the west 128.88', Block 6, NCB 8779, in the 3300 Block of S. W. Military Drive, from "B-3" Business District to "I-1" Light Industry District, located on the north side of S. W. Military Drive, being 128.88' east of the intersection of Kelsey Avenue and S. W. Military Drive, having 128.88' on S. W. Military Drive and a maximum depth of 453'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that the property in question was part of the Laredo Highway-Somerset Road rezoning. The zoning on this property was changed from "LL" First Manufacturers District to "B-3" Business District. The staff's recommendation was to leave the north portion of the subject property in its present "B-3" classification to provide some protection to the single family residences which are on very deep lots on Price Avenue.

The applicant was not in the audience to present his case.

In response to Mr. Hartman, Mr. Camargo stated that no outside storage is permitted in the "B-3" classification.

No one spoke in opposition.

After consideration, Mr. Pyndus moved to approve the staff's recommendation and approve only the "I-1" change on the south 353' of the subject property. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Wing.

AN ORDINANCE 48,028

AMENDING CHAPTER 42 OF THE CITY CODE THAT  
CONSTITUTES THE COMPREHENSIVE ZONING  
ORDINANCE OF THE CITY OF SAN ANTONIO BY  
CHANGING THE CLASSIFICATION AND REZONING  
OF CERTAIN PROPERTY DESCRIBED HEREIN AS  
THE SOUTH 353' OF LOT 57, BLOCK 6,  
NCB 8779, IN THE 3300 BLOCK OF S. W.  
MILITARY DRIVE, FROM "B-3" BUSINESS  
DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT.

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12. CASE 6862 - to rezone Lot 41, NCB 6461, 914 East Mistletoe Avenue, from "B" Two Family Residential District to "B-1" Business District, located on the south side of East Mistletoe Avenue, being 96.8' east of the intersection of East Mistletoe Avenue and St. Mary's Street, having 70' on East Mistletoe Avenue and a maximum depth of 147.2'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

After consideration, Mr. Pyndus moved to approve the recommendation of the Zoning Commission and grant the rezoning, provided that a six foot solid screen fence is erected and maintained along the south property line. Mr. Hartman seconded the motion.

Mr. John F. Mills, the applicant, asked the City Council to waive the fence stipulation imposed by the Zoning Commission. He described the adjacent property which is a two-story apartment complex and stated that the lower level is boarded up. He felt that he didn't think the expense of erecting a fence would be necessary.

No one spoke in opposition.

Mr. Pyndus stated he would make the motion without the stipulation for a fence. Mr. Hartman, being the seconder, concurred.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Wing.

AN ORDINANCE 48,029

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 41, NCB 6461, 914 EAST MISTLETOE AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-1" BUSINESS DISTRICT.

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13. CASE 6873 - to rezone the west 38' of Tract C, NCB 10850, 4523 Ida Drive, from "A" Single Family Residential District to "B-3" Business District, located on the north side of Ida Drive, being 230' east of the intersection of South W. W. White Road and Ida Drive, having 38' on Ida Drive and a depth of 240.8'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He then stated that the staff had recommended against this change because, although the property in question abutts business zoning to the west, the business development west of the subject property is oriented to front W. W. White Road. To the east along Ida Drive, there are single family dwellings in existence and the staff feels that the extension of commercial zoning into a single family area is not appropriate.

No one spoke in opposition.

Mr. Pyndus stated that based on the Zoning Commission's recommendation, he would move to approve the rezoning provided that a six foot solid screen fence is erected and maintained on the east property line. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Eureste, Ortiz, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Wing, Alderete.

AN ORDINANCE 48,030

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 38' OF TRACT C, NCB 10850, 4523 IDA DRIVE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST PROPERTY LINE.

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14. CASE 6890 - to rezone Lot 1, Block H, NCB 8357, 1330 Bandera Road, from "A" Single Family Residential District and "B" Two Family Residential District to "B-3" Business District, located northeast of the intersection of Bandera Road and Sutton Drive, having 115' on Bandera Road and 215.9' on Sutton Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that a six foot solid screen fence is erected and maintained along the northeast property line; and that the property is replatted, if necessary. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Eureste, Ortiz, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Wing, Alderete.

AN ORDINANCE 48,031

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK H, NCB 8357, 1330 BANDERA ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT AND "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE NORTHEAST PROPERTY LINE; AND THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

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15. CASE 6877 - to rezone Lot 29, save and except the east 50', Block 13, NCB 3479, in the 3400 block of Nogalitos Street, from "F" Local Retail District to "B-3" Business District, located southeast of the intersection of Nogalitos Street and Surrey Avenue, having 170' on Nogalitos Street and 45' on Surrey Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Webb, Wing, Alderete, Hartman.

AN ORDINANCE 48,032

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 29, SAVE AND EXCEPT THE EAST 50', BLOCK 13, NCB 3479, IN THE 3400 BLOCK OF NOGALITOS STREET, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT.

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77-25 CLASS OF STUDENTS FROM COLLINS GARDENS ELEMENTARY SCHOOL

Mayor Cockrell recognized a class of second graders from Collins Gardens Elementary School who were accompanied by their instructor, Mrs. Dorothy Cheek, and welcomed them to the meeting.

A student of the group then presented Mayor Cockrell with a "Thank You" card in appreciation of the Council's time and efforts in serving the community.

16. CASE 6661 - to rezone Lot 58, NCB 11883, 330 West Sunset Road, from "O-1" Office District to "B-2" Business District, located on the south side of West Sunset Road, being 542.2' west of the intersection of Everest Street and West Sunset Road, having 167' on West Sunset Road and a maximum depth of 268.5'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Eureste seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Webb, Wing, Alderete, Hartman.

AN ORDINANCE 48,033

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 58, NCB 11883, 330 WEST SUNSET ROAD, FROM "O-1" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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17. CASE 6864 - to rezone Lot 12, NCB 7916, in the 900 block of Division Avenue, from "B" Two Family Residential District to "B-3" Business District, located on the north side of Division Avenue, being 50' east of the intersection of Division Avenue and Orey Avenue, having 50' on Division Avenue and a maximum depth of 135.51'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that the staff had recommended denial of the requested change because, in their opinion, the "B-3" zoning adjacent to single family dwellings is not appropriate. Also, the granting of this request would encourage strip development of this arterial on residential-size lots.

Mr. Patrick E. Clark, Attorney representing the applicant, Mr. Arturo Carreon, stated that they are requesting the change in zone so that they may operate an auto repair shop on the subject property. They are willing to install a fence between the residential sections and their building. Mr. Clark stated that this is their only source of income and have lived in the area 15 years.

Mr. Forrest Bennett, Attorney representing the purchasers of the adjacent property, 931 Division, stated that the property was sold to his clients in October of 1976 for \$13,000 and they have already spent \$6,000 in remodeling costs. At the time that the house was sold, no mention was made that the proponent of the case intended to use the adjoining property for an auto repair shop. Mr. Bennett also stated that the proponent had built on the property without a building permit. He urged the Council to deny the request because of the noise factors and odors from the paint shop that will be generated. He also stated that utilities have been put in without a Certificate of Occupancy.

Mr. Pyndus suggested that the possible violation of the code be reviewed before the zoning is considered.

Mr. George Vann, Director of Building and Zoning, explained that an inspector was sent to investigate when complaints were received that the applicant was building without a building permit. It was determined that the applicant had indeed failed to obtain a building permit and that the property was not zoned for business. Mr. Vann further stated that pending this hearing the case will be filed in Municipal Court.

In rebuttal, Mr. Clark stated that there are no utilities connected at this time contrary to what the opponent stated.

After consideration, Mr. Eureded moved to approve the recommendation of the Zoning Commission and grant the rezoning. Dr. Cisneros seconded the motion.

Mr. Hartman expressed concern over the violations that have occurred and also felt that this would constitute spot zoning. Based on the staff's comments, he then made a substitute motion to deny the request. Mr. Pyndus seconded the motion.

Mr. Wing stated that he is familiar with the area and there are businesses in the area already. He also mentioned the investment the applicant has already made.

Mr. Eureste spoke against the substitute motion.

Mr. Clark then stated that the responses that were received indicate that the neighbors are in favor of the requested change. He said that this is a piece of property on a major thoroughfare which is heavily traversed. He said that, when the opponents purchased their house, his client was operating his business in full view. He urged the Council to approve the change.

Mrs. Aurora De La Luz, daughter of the opponent, stated that they had not appeared at the zoning hearing because she had received her notice too late. She said that her parents who are elderly want peace and quiet in their new home and were never told that the seller of their property, the applicant in this zoning case, intended to use the adjacent area for an auto repair shop.

On roll call, the substitute motion to deny the rezoning failed by the following vote: AYES: Hartman, Steen, Cockrell, Wing, Pyndus; NAYS: Cisneros, Eureded; ABSTAIN: Dutmer, Ortiz, Alderete; ABSENT: Wing.

On roll call, the original motion to approve the rezoning also failed to carry by the following vote: AYES: Cisneros, Wing, Eureded, Ortiz; NAYS: Pyndus, Hartman, Steen, Cockrell; ABSTAIN: Dutmer, Alderete; ABSENT: Webb.

Case 6864 was denied.

18. CASE 6847 - to rezone Lot 6, Block 7, NCB 2837, 602 West Malone Avenue, from "C" Apartment District to "B-3" Business District, located on the south side of Malone Avenue, being 15.12' west of the intersection of Malone Avenue and I. H. 35 Expressway, having 50' on Malone Avenue and a depth of 150'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that the staff had recommended to the Zoning Commission a "B-2" classification rather than a "B-3" zoning. The reason for this, he explained, is that both Theo and Malone are major one-way thoroughfares for this section of town. In the past, the staff has recommended the cluster of "B-3" zoning in the center portion and tried to transition away from that heavier zoning toward the residential with lighter zoning classifications.

No one spoke in opposition.

After consideration, Mr. Pyndus moved to approve the recommendation of the Zoning Commission and grant the rezoning provided that proper replatting is accomplished, if necessary. Mr. Steen seconded the motion.

Mr. Eureste stated that Malone, in his opinion is of a residential nature. Mr. Camargo stated this is one of the major thoroughfares in the area.

Mr. Hartman also mentioned its proximity to the I. H. 35 Expressway.

On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Ortiz.

AN ORDINANCE 48,034

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 6, BLOCK 7, NCB 2837, 602 WEST MALONE AVENUE, FROM "C" APARTMENT DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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19. CASE 6876 - to rezone Lots 2 and 3, Block 4, NCB 8063, in the 3600 Block of Capitol Avenue, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the east side of Capitol Avenue, being 94' north of the intersection of San Angelo Blvd. and Capitol Avenue, having 122' on Capitol Avenue and a maximum depth of 147.82'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that a six foot solid screen fence is erected and maintained along the south property line; and that the property is replatted, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Ortiz.

AN ORDINANCE 48,035

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 2 AND 3, BLOCK 4, NCB 8063, IN THE 3600 BLOCK OF CAPITOL AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH PROPERTY LINE; AND THAT THE PROPERTY IS REPLATTED, IF NECESSARY.

\* \* \* \*

20. CASE 6865 - to rezone Lots 7 and 8, Block 4, NCB 7304, in the 100 block of Melrose Place, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located on the north side of Melrose Place, being 265' west of the intersection of McCullough Avenue and Melrose Place, having 100' on Melrose Place and a depth of 140.2'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mr. Gerald J. Fry, the applicant, asked the Council to waive the fence stipulation imposed by the Zoning Commission. He submitted a petition signed by the adjacent property owners in favor of the deletion.

No one spoke in opposition.

After consideration, Mr. Steen moved to approve the recommendation of the Zoning Commission and grant the rezoning but to delete the fence stipulation. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Ortiz.

AN ORDINANCE 48,036

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 7 AND 8, BLOCK 4, NCB 7304, IN THE 100 BLOCK OF MELROSE PLACE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL.

\* \* \* \*

21. CASE 6869 - to rezone an 11.011 acre tract of land out of NCB 13782, being further described by field notes filed in the office of the City Clerk, in the 5900 and 6000 blocks of Randolph Blvd. from "O-1" Office District to "B-2" Business District, located on the southeast side of Randolph Blvd., being 830.16' southwest of the intersection of Jackson Blvd. and Randolph Blvd. and a maximum depth of 555.91'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Ortiz.

AN ORDINANCE 48,037

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS AN 11.011 ACRE TRACT OF LAND OUT OF NCB 13782, LOCATED ON THE SOUTHEAST SIDE OF RANDOLPH BLVD., BEING 830.16' SOUTH-WEST OF THE INTERSECTION OF JACKSON BLVD.

AND RANDOLPH BLVD., HAVING 1100.51' ON RANDOLPH BLVD. AND A MAXIMUM DEPTH OF 555.91', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 5900 AND 6000 BLOCKS OF RANDOLPH BLVD., FROM "O-1" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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22. CASE 6866 - to rezone Lot 37 and the remaining portion of Lot 33, NCB 13266, in the 2800 Block of Mossrock Drive, from "O-1" Office District to "B-2" Business District, located west of the intersection of Mossrock Drive and Woodcliffe Drive, having 230.1' on Mossrock Drive and 350' on Woodcliffe Drive.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo then stated that the staff had recommended denial of the requested change because the present zoning pattern of "B-3", "B-2" and "O-1" Office District were established as a transitional pattern towards the single family subdivision from the commercial node at Vance Jackson Road and Loop 410. In the staff's opinion, the present "O-1" Office District zoning should be maintained at this location.

Dr. Alex Wilde, the applicant, stated that his is part-owner of the subject property on which there have been three buildings for the past three years. They would like the requested change in zoning for the future rental of any one of the three buildings as a pharmacy or a drug store. He described the surrounding area and stated his property is across the street from Fed Mart, O. G. Wilson and that there is a large drainage easement abutting the residential area.

In response to Mr. Pyndus' question, Mr. Camargo stated that the 50' building setback required by the Zoning Commission is better than the normal setback that would be allowed. Their recommendation still would be to leave the "O-1" Office District that has been established as a transition.

After consideration, Mr. Steen moved to approve the recommendation of the Zoning Commission and grant the rezoning. Mrs. Dutmer seconded the motion.

In response to Mayor Cockrell, Mr. Camargo stated that there were not notices received against the change at either the Zoning Commission meeting or this meeting.

Mr. Wilde stated that, under the present zoning, they are not allowed to have a dental lab within their own office.

No citizen appeared to speak in opposition.

On roll call, the motion to approve failed to carry by the following vote: AYES: Dutmer, Steen, Cockrell; NAYS: Wing, Eureste, Alderete, Pyndus, Hartman; ABSENT: Ortiz, Cisneros, Webb.

Case 6866 was denied.

Later in the meeting, Mr. Pyndus asked that Case 6866 be reviewed and that the Council address the question of the operation allowed in the present building.

Mr. Pyndus then moved to reconsider the case. Mr. Steen seconded the motion.

In response to Mr. Pyndus, Mr. Camargo stated that a dental lab is permissible in a "B-1" classification.

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On roll call, the motion to reconsider carried by the following vote: AYES: Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: Wing; ABSENT: Cisneros, Webb, Dutmer.

Later in the meeting when the applicant returned to the meeting, Mayor Cockrell stated that one of the reasons for reconsidering this case was the fact that, in denying the rezoning, it was taking the zoning as a whole for the entire property; whereas, the question of the possibility of rezoning one building only had not been considered separately.

In response to Mr. Pyndus' question, Dr. Wilde stated that, under the "O-1" Office District, he is not allowed to have a dental lab in his office. He stated he would be in favor of a "B-1" classification to allow a dental lab in each of the three buildings since each building is used by dentists.

In response to Mr. Pyndus' question, Mr. Camargo stated that the staff has no objection to "B-1" zoning on the entire tract.

After consideration, Mr. Pyndus then moved to approve "B-1" zoning on the entire tract in lieu of "B-2" provided that a 25' building setback is imposed on the northwest property line, parallel with the drainage easement. Dr. Cisneros seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

#### AN ORDINANCE 48,038

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 37, AND THE REMAINING PORTION OF LOT 33, NCB 13266, IN THE 2800 BLOCK OF MOSSROCK DRIVE, FROM "O-1" OFFICE DISTRICT TO "B-1" BUSINESS DISTRICT, PROVIDED THAT A 25' BUILDING SETBACK IS IMPOSED ON THE NORTHWEST PROPERTY LINE, PARALLEL WITH THE DRAINAGE EASEMENT.

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23. CASE 6861 - to rezone Parcel 16, NCB 10846, 3678 South W. W. White Road, 2300 and 2400 blocks of Utopia Avenue, from "A" Single Family Residential District to "I-1" Light Industry District, located on the north side of Utopia Avenue between South W. W. White Road and S. E. Loop 410 Expressway, having 1592.68' on Utopia Avenue; 1043' on South W. W. White Road; and 1086.99' on S. E. Loop 410 Expressway.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Dutmer, Wing, Eureste, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Ortiz.

AN ORDINANCE 48,039

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 16, NCB 10846, 3678 SOUTH W. W. WHITE ROAD, 2300 AND 2400 BLOCKS OF UTOPIA AVENUE, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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24. CASE 6863 - to rezone a 90.454 acre tract of land out of County Block 4433, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located 500' northwest of I. H. 410 Expressway, being 855.82' southwest of the intersection of I. H. 410 Expressway and Ingram Road, having approximately 2047' in width and a maximum length of 2398.6'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Alderete seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Dutmer.

AN ORDINANCE 48,040

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 90.454 ACRE TRACT OF LAND OUT OF COUNTY BLOCK 4433, LOCATED 500' NORTHWEST OF I. H. 410 EXPRESSWAY, BEING 855.82' SOUTHWEST OF THE INTERSECTION OF I. H. 410 EXPRESSWAY AND INGRAM ROAD, HAVING APPROXIMATELY 2047' IN WIDTH AND A MAXIMUM LENGTH OF 2398.6', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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25. CASE 6818 - to rezone an 11.9391 acre tract of land out of NCB 13375, being further described by field notes filed in the office of the City Clerk, in the 2400 block of Jackson Keller Road, from "B-3" Business District to "B-2" Business District, located on the northeast side of Jackson Keller Road, being 780' east of the intersection of Vance Jackson and Jackson Keller Roads, having a total of 241.63' on Jackson Keller Road and a maximum depth of 1070'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb, Dutmer.

AN ORDINANCE 48,041

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 11.9391 ACRE TRACT OF LAND OUT OF NCB 13375, LOCATED ON THE NORTHEAST SIDE OF JACKSON KELLER ROAD, BEING 780' EAST OF THE INTERSECTION OF VANCE JACKSON ROAD AND JACKSON KELLER ROAD, HAVING A TOTAL OF 241.63' ON JACKSON KELLER ROAD AND A MAXIMUM DEPTH OF 1070', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 2400 BLOCK OF JACKSON KELLER ROAD, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

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26. CASE 6719 - to rezone a 9.0842 acre tract of land out of NCB 14862, being further described by field notes filed in the office of the City Clerk, in the 12700 block of I. H. 10 Expressway, from "I-1" Light Industry District to "B-2" Business District, located on the southwest side of I. H. 10 Expressway, being 1857.96' southeast of the intersection of De Zavala Road and I. H. 10 Expressway, having 368.10' on I. H. 10 Expressway and a maximum depth of 1033.87'; and

a 1.9033 acre tract of land out of NCB 14862, being further described by field notes filed in the office of the City Clerk, in the 12700 block of I. H. 10 Expressway, from "I-1" Light Industry District to "B-3" Business District, located on the southwest side of I. H. 10 Expressway, being 166.96' southeast of the intersection of De Zavala Road and I. H. 10 Expressway, having 191' on I. H. 10 Expressway and a maximum depth of 305'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. The Zoning Commission also recommended that the drainage requirements of the Edwards Aquifer Protection Office be incorporated into the Ordinance. Mr. Camargo further stated that the subject property does lie on the drainage area of the Edwards Aquifer Recharge Zone.

Mr. Harry B. Jewett III, the applicant, representing the owner of the subject property, stated that when this case was originally zoned "I-1" the question of drainage run-off was brought up at that time and platting was made a part of the zoning. He explained the procedure by which the drainage run-off will be intercepted and taken off the recharge zone by the building up of a channel section. He then presented a chart depicting his plans. Mr. Jewett further stated that the owner of the subject property is also the owner of the adjacent property to the west and they will have all the right of way needed to accomplish this drainage easement. He also stated that this is an upgrading of zoning from "I-1" to "B-3".

Mr. Pyndus asked Mr. Jewett what would happen to the drainage easement if the land adjacent to the subject property is sold. Mr. Jewett stated that, if the adjacent property is sold, it will be sold on the condition that the drainage easement will go through. He also stated that the plat could never be approved for the subject property without the subsequent dedication and construction of the easement across the property to the west.

In response to Mr. Pyndus' question as to whether this provision should be included at this time, City Attorney Parker stated that the platting will have to comply with platting requirements and will assure that the drainage is taken care of.

A discussion then took place and Mr. Jewett explained how the drainage will be directed and stated that they could not obtain a building permit until the proper platting is accomplished in accordance with subdivision regulations.

In response to Mr. Pyndus' question, Mr. Camargo stated that the staff had recommended "B-2" district because this zoning would be more in keeping with the commercial pattern established along I. H. 10.

No citizen appeared to speak in opposition.

After consideration, Mr. Pyndus moved that the recommendation of the Zoning Commission be approved and that the property be rezoned provided that replatting is accomplished and with the incorporation of the concepts of the Edwards Aquifer Protection Office. Mr. Hartman seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Dutmer, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell, NAYS: Cisneros, Wing; ABSENT: Webb.

#### AN ORDINANCE 48,042

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS A 9.0842 ACRE TRACT OF LAND OUT OF NCB 14862, LOCATED ON THE SOUTHWEST SIDE OF I. H. 10 EXPRESSWAY, BEING 1857.96' SOUTH-EAST OF THE INTERSECTION OF DE ZAVALA ROAD AND I. H. 10 EXPRESSWAY, HAVING 368.10' ON I. H. 10 EXPRESSWAY AND A MAXIMUM DEPTH OF 1033.87', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12700 BLOCK OF I. H. 10 EXPRESSWAY, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "B-2" BUSINESS DISTRICT; AND A 1.9033 ACRE TRACT OF LAND OUT OF NCB 14862, LOCATED ON THE SOUTHWEST SIDE OF I. H. 10 EXPRESSWAY, BEING 166.96' SOUTH-EAST OF THE INTERSECTION OF DE ZAVALA ROAD AND I. H. 10 EXPRESSWAY, HAVING 191' ON I. H. 10 EXPRESSWAY AND A MAXIMUM DEPTH OF 305', BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12700 BLOCK OF I. H. 10 EXPRESSWAY; FROM "I-1" LIGHT INDUSTRY DISTRICT TO "B-3" BUSINESS DISTRICT; PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, AND THAT A DRAINAGE EASEMENT IS ACQUIRED FOR THIS CHANNEL TO A POINT 400 FEET WEST OF THE WEST PROPERTY LINE TO ASSURE DIVERSION OF RUN-OFF AWAY FROM THE EDWARDS RECHARGE ZONE AREA.

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27. CASE 6875 - to rezone Parcel 74-B, NCB 15248, in the 8300 block of S. W. Loop 410 Expressway, from Temporary "R-1" Single Family Residential District to "I-1" Light Industry District, located on the southwest side of S. W. Loop 410 Expressway, being 2,654.77' northwest of the intersection of Pearsall Road and S. W. Loop 410 Expressway, having 210.23' on S. W. Loop 410 Expressway and a depth of 207.40'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo then stated that the staff had recommended denial of this case. He further stated that there are non-conforming "I-1" uses to the north of the subject property. Off to the southwest in the county, there is a cattle auction operation. The staff was of the opinion that the granting of industrial zoning was premature due to the residential subdivision to the east of the subject property.

In response to Mr. Pyndus' question, Mr. Camargo stated that it would be very difficult to come up with a zoning recommendation at this time for this particular area. There are non-conforming uses, a one-way access road and the majority of the properties are out of the county

After consideration, Mr. Ortiz moved to overrule the recommendation of the Zoning Commission and deny the rezoning based on the staff's recommendation. Mr. Hartman seconded that motion.

Mr. Richard Keoughan, representing the applicant, stated that his client is requesting a change in zone in order to operate a retail hardware, farm and ranch store and needs to have outdoor storage of new materials. He explained that a store of this type is very needed in the area and this change will not change the character of the neighborhood since the property to the northwest enjoys non-conforming rights to outdoor storage. He further states that the applicant would be willing to screen the portion which includes the storage area. He urged the Council to approve the rezoning.

In response to Mr. Hartman, Mr. Camargo stated that the staff had only addressed the "I-1" zoning and not a "B-3" classification. Mr. Camargo also stated that the front portion of the property could be rezoned "B-3" and, perhaps, the "I-1" zoning classification on the western portion for the outside storage.

No one spoke in opposition.

After discussion, Mr. Pyndus made a substitute motion to postpone the case for 30 days in order to allow the staff to come up with a land use plan for the strip of frontage along Loop 410 and work with the applicant on this case. Mr. Hartman seconded the motion.

On roll call, the motion to postpone, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb, Alderete.

Case 6875 was postponed for 30 days.

77-25 The meeting was recessed at 10:50 A. M. and reconvened at 11:00 A. M.

77-25 CLASS FROM ROOSEVELT ELEMENTARY SCHOOL

Mayor Cockrell recognized a class of students from Roosevelt Elementary School and welcomed them to the meeting.

77-25 At this point in the meeting, the reconsideration of Case 6866, No. 22, took place. See page 16 of these minutes.

28. CASE 6845 - to rezone Lot 11, save and except the west 50', out of Block 48, NCB 8465, from "F" Local Retail District to "B-3" Business District, located on the west side of West Avenue between Vereda Street and Edison Street, having 138.92' on West Avenue and 145' on both Vereda and Edison Streets.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mrs. Dutmer made a motion that the recommendation of the Zoning Commission be approved. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 48,043

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 11, SAVE AND EXCEPT THE WEST 50' OUT OF BLOCK 48, NCB 8465, 1507 WEST AVENUE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT.

\* \* \* \*

29. CASE 6885 - to rezone Lot 22, Block 72, NCB 8808, 1414 West Avenue, from "F" Local Retail District to "B-3" Business District, located on the east side of West Avenue, being 60' south of the intersection of Edison Drive and West Avenue, having 60' on West Avenue and a depth of 100'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Steen made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 48,044

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 22, BLOCK 72, NCB 8808, 1414 WEST AVENUE, FROM "F" LOCAL RETAIL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

\* \* \* \*

30. CASE 6884 - to rezone the north 150' of Lot 1, Block 19, NCB 8759, in the 200 block of Peabody Avenue, from "R-1" Single Family Residential District to "B-3" Business District, located southeast of the intersection of Fleming Street and Peabody Street, having 75' on Peabody Avenue and 150' on Fleming Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that the property in question abutts single family dwellings to the south and east, with single family dwellings to the north. In the staff's opinion, both Peabody Avenue and Fleming Street provide a physical separation from the "B-3" zoning to the west and north. In the staff's opinion, the requested change should be denied.

Mr. Pyndus stated that the area is fronted by commercial activity and asked the staff to comment.

Mr. Camargo stated that generally all of Laredo Highway is "B-3" and "I-1" uses. When the rezoning of all this area from "LL" zoning took place, the business uses in existence were recognized and gave them a zoning classification which was needed to continue their operation. In most cases, the zoning was reduced from "LL" to "B-3".

Mr. Pyndus, based on the staff's recommendation, moved to overrule the recommendations of the Zoning Commission and deny the rezoning. Mr. Hartman seconded the motion.

Mrs. Gladys Jackson, representing the applicant, Mrs. Thelma Kuentz, stated that Mrs. Kuentz has a prospective buyer of the subject property depending on the rezoning of the property. The prospective buyer wishes to put in an auto garage. She then stated that there are a number of businesses in the area and asked for favorable consideration from the Council.

No citizen appeared to speak in opposition.

On roll call, the motion to deny carried by the following vote: AYES: Cisneros, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSTAIN: Dutmer; ABSENT: Webb.

Case 6884 was denied.

31. CASE 6841 - to rezone Lot 8 and the west 25' of Lot 9, Block 158, NCB 8816, 1810 Thorain Blvd., from "B" Two Family Residential District to "R-3" Multiple Family Residential District for a day care center caring for over twenty (20) children, located on the south side of Thorain Blvd., being 100' east of the intersection of Thorain Blvd. and I. H. 10 Expressway, having 75' on Thorain Blvd. and a depth of 120'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mrs. Vera Kappus, representing the applicant, Mr. Joe P. Medina, stated that they are requesting a change in zoning in order to operate a day care center for more than 20 children. She then described the surrounding area and stated that this facility will improve the neighborhood. She asked for favorable consideration from the Council.

Mrs. Claudia Dalton spoke representing the Northwest Trinity Baptist Church and stated that they are not opposed to the change but wanted a clarification on where the employees plan to park their automobiles. They wanted to know if enough parking would be available.

In response to Mayor Cockrell, Mr. Camargo stated that one parking space is required for ten children. As far as recreation and room requirements, the operator must obtain a permit from the State of Texas.

Mrs. Kappus stated that they have applied to the State for permission but cannot obtain certification until the proper zoning is approved. She also stated that they will have adequate parking space.

After consideration, Mr. Steen moved to approve the recommendation of the Zoning Commission and grant the rezoning. Mr. Pyndus seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

AN ORDINANCE 48,045

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8 AND THE WEST 25' OF LOT 9, BLOCK 158, NCB 8816, 1810 THORAIN BLVD. FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT FOR A DAY CARE CENTER CARING FOR OVER TWENTY (20) CHILDREN.

\* \* \* \*

32. CASE 6508 - to rezone the north 56.9' of Lots 1 and 2, Block 10, NCB 1022, 1542 West Laurel Street, from "C" Apartment District to "B-2" Business District, located southeast of the intersection of West Laurel Street and North Sabinas Street, having 112' on West Laurel Street and 56.9' on North Sabinas Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that this case was postponed from last month in order for more Council members to be present. The case goes back to 1976 when the applicant first requested "I-1" zoning which was denied by the Zoning Commission. In July of 1976, the Commission granted the applicant a rehearing on the case and recommended denial of "B-3" but approval of "B-2". The staff is recommending denial of "B-2" because the subject property is located in the midst of a residential area.

The applicant was not in the Chamber to present his case.

No one spoke in opposition.

Mr. Pyndus then moved for denial of the zoning change. Mrs. Dutmer seconded the motion.

Mr. Pyndus then withdrew his motion and Mrs. Dutmer withdrew her second pending the arrival of the applicant.

Later in the meeting, Mr. Camargo advised the Council that the applicant could not be reached.

Mr. Steen then moved to postpone the case for 30 days. Mr. Pyndus seconded the motion. On roll call, the motion to postpone prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Cockrell, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Alderete.

Case 6508 was postponed for 30 days.

33. CASE 6750 - to rezone the remaining portion of Lots 6 and 7, Block 13, NCB 7876, 738 West Harlan Avenue, from "B" Two Family Residential District to "B-3" Business District, located southeast of

the intersection of West Harlan Avenue and U. S. Highway 81 South, having 128.54' on U. S. Highway 81 South and 43.7' on Harlan Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that the property in question has access to the one-way access road of I. H. 35 Expressway and onto Harlan Avenue, a residential street. With the exception of the "F" Local Retail zoning to the northeast and southwest, this portion of I. H. 35 Expressway has been relatively free of business zoning. In the past, the staff has recommended against the strip zoning of one-way access roads in this area and recommended that the business nodes be established at the major intersections of I. H. 35. He stated that the staff had recommended denial of this case.

Mr. Edwin Carp, representing the applicant, Mr. Raymundo Morales, stated that there are several businesses already established on both sides of the freeway and would like the requested change in zone in order to operate an auto repair shop. Mr. Carp further stated that the proposed use will enhance the value of the property. He is also willing to erect a fence on the east and south property lines.

After consideration, Mr. Steen moved to approve the recommendation of the Zoning Commission and grant the rezoning, provided that proper replatting is accomplished, if necessary, and that a six foot solid screen fence is erected and maintained along the east and south property lines. Mr. Alderete seconded the motion.

In response to Dr. Cisneros' comments on the change of the Commissions recommendation to the City Council, Mr. Camargo stated Mr. Carp had presented the commission with a permit which he obtained from the State Highway Department to construct a 40' access driveway from the subject property onto the highway right of way and the fact that the subject property is adjacent to the expressway.

Mr. Pyndus then moved to deny the request for rezoning based on the staff's recommendation. The motion died for lack of a second.

On roll call, the motion to approve, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Wing, Eureste, Ortiz, Alderete, Hartman, Steen; NAYS: Pyndus, Cockrell; ABSTAIN: Dutmer; ABSENT: Webb.

#### AN ORDINANCE 48,046

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE REMAINING PORTION OF LOTS 6 AND 7, BLOCK 13, NCB 7876, 738 WEST HARLAN AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY, AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST AND SOUTH PROPERTY LINES.

\* \* \* \*

77-25 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Cisneros presided.

34. CASE 6723 - to rezone Tract 2, NCB 11683, in the 3400 block of West Avenue, from "B" Two Family Residential District to "B-3" Business District, located on the west side of West Avenue, being 644.83' south of the intersection of West Avenue and Nassau Drive, having 131.5' on West Avenue and a depth of 220'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

In response to Mr. Pyndus, Mr. Camargo stated that the original request was for "I-1" zoning and the staff had recommended denial of the change. The case was postponed and the case was amended to "B-3" which the staff has no opposition to.

Mr. Ed De Wees, representing the applicant, Mr. Ernest P. Hausman, asked that the fence stipulation be waived by the Council in view of the fact that an eight foot ligustrum hedge is already in existence across the back of the subject property and this would have to be cut down in order to erect the fence.

After consideration, Mr. Steen stated that, in his opinion, an eight foot hedge would serve the purpose of screening and moved to approve the change in zoning provided that replatting, if necessary, is accomplished, and with deletion of the fence requirement. Mr. Eureste seconded the motion.

Mr. Pyndus made a substitute motion to approve the zoning provided that the stipulations of the Zoning Commission are not waived. The motion died for lack of a second. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Hartman, Steen; NAYS: Pyndus; ABSENT: Webb, Cockrell.

AN ORDINANCE 48,047

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT 2, NCB 11683, IN THE 3400 BLOCK OF WEST AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

\* \* \* \*

35. CASE 6891 - to rezone Tract A, NCB 11684, 3723 West Avenue, from "F" Local Retail District to "B-3" Business District, located on the west side of West Avenue, being 658.52' north of the intersection of Nassau Drive and West Avenue, having 165' on West Avenue and a depth of 148'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved, provided that proper replatting is accomplished, if necessary. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSTAIN: Dutmer; ABSENT: Webb, Cockrell.

## AN ORDINANCE 48,048

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS TRACT A, NCB 11684, 3723 WEST AVENUE, PROVIDED THAT PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

\* \* \* \*

36. CASE 6817 - to rezone Lot 1, NCB 3086, 2716-2720 North McCullough Avenue, from "D" Apartment District to "B-2" Business District, located southeast of the intersection of Huisache Avenue and North McCullough Avenue, having 52.5' on Huisache Avenue and 182' on North McCullough Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council. Mr. Camargo stated that the staff had recommended "B-1" zoning rather than "B-2" as requested because of the zoning land use plan prepared by the staff for this area.

Mr. William B. Collins, representing the owner of the subject property, stated that they presently enjoy non-conforming rights for a laundromat on the subject property and would like the change in zone in order to conform with the existing use. He said that the building is brick and was originally built for retail use.

In response to Mr. Hartman, he stated that they do not intend to tear down this building but are trying to facilitate the procedure by which they must obtain a certificate of occupancy each time they have a new lessee.

Mr. Camargo explained the difficulties the applicant has each time he applies for a certificate of occupancy because of the non-conforming rights.

Mrs. Pat Osborne, Historic Preservation Officer, stated that she has personally viewed the building. She said she had no objection to the area being commercial and in her opinion it adds to the neighborhood. She would object if the building were to be torn down.

No citizen appeared to speak in opposition.

After discussion, Mr. Pyndus moved to approve the recommendation of the Zoning Commission and grant the rezoning. The motion died for lack of a second.

Mr. Hartman then moved for denial on the basis that to grant the business zoning would run the risk of the building being demolished and another type of activity being brought in. Mr. Alderete seconded the motion.

Mr. Collins stated that the applicant has no plan to demolish the building. He asked the Council for favorable consideration.

Mr. Pyndus then made a substitute motion to approve the staff's recommendation and grant a "B-1" zoning. Mr. Steen seconded the motion.

Mr. Hartman spoke against the substitute motion for the reason that any zoning which is granted would nullify the non-conforming rights of the subject property.

City Attorney Parker stated that any zoning accomplished at the request of the applicant would indeed nullify the non-conforming rights.

Mr. Collins stated he would not be in favor of a "B-1" zoning because he would lose the non-conforming use of the laundromat.

Mr. Pyndus then withdrew his substitute motion.

On roll call, the motion to deny the request for rezoning, carried by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Hartman, Steen; NAYS: None; ABSTAIN: Pyndus; ABSENT: Webb, Cockrell.

Case 6817 was denied.

37. CASE 6878 - to rezone the north 50' of Lots 32 through 35, Block 3, NCB 3602, 1216 N. W. 24th Street, from "B" Two Family Residential to "B-2" Business District, located on the east side of N. W. 24th Street, being 109.52' north of the intersection of N. W. 24th Street and Rivas Street, having 50' on N. W. 24th Street and a depth of 100'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

No one spoke in opposition.

After consideration, Mr. Pyndus made a motion that the recommendation of the Zoning Commission be approved. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen; NAYS: None; ABSENT: Webb, Cockrell.

AN ORDINANCE 48,049

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 50' OF LOTS 32 THROUGH 35, BLOCK 3, NCB 3602, 1216 N. W. 24TH STREET, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT.

\* \* \* \*

38. CASE 6853 - to rezone a 0.547 acre tract of land out of NCB 13827, being further described by field notes filed in the office of the City Clerk, in the 14800 block of San Pedro Avenue, from Temporary "A" Single Family Residential District to "O-1" Office District, located east of the intersection of San Pedro Avenue and Oak Shadows, having 100' on San Pedro Avenue and 216.19' on Oak Shadows.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be approved by the City Council.

Mr. Pyndus stated that he had received calls on this case and the calls were not opposed to "O-1" zoning but are concerned about a buffer between the residential areas and the proposed office district.

Mr. Allan Polunsky, representing the applicant, stated that they are requesting a change in zone in order to construct an 8000' office complex facility. He stated that 2000' will be occupied by a real estate company with the balance leased for professional offices.

May 19, 1977  
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Mr. Hartman advised Mr. Polunsky that the Edwards Aquifer Protection Officer had made a statement which the Zoning Commission recommended be incorporated in the Ordinance. The memo reads as follows:

... be advised that the subject property is on the ridge line of the Edwards Recharge Zone drainage area. This means that at least part of the surface water run-off from the property could end up as recharge water to the Edwards Aquifer.

This office recommends the granting of the requested "O-1" zoning with the provision that the on-site grading be such that all run-off is directed in a southerly direction to Oak Shadows.

The existing bar ditch on U. S. 281 North is graded to flow toward the recharge area so that surface water run-off from the subject property must be allowed to flow westwardly.

The Edwards Board Order does not apply to the development of this site. It is my considered opinion that the above procedure would prevent impairment of water quality in the Edwards Aquifer.

Mr. Hartman stated that, from the memorandum, he could ascertain what they are dealing with.

Mr. Polunsky stated that they are aware of the condition of grading in a southerly direction to Oak Shadows and are in agreement with this request.

Mr. Roy Balter, 14343 Turtle Rock Drive, stated that he is concerned about what type of development will take place on the remaining portion of the subject property which is not being considered for rezoning at this time. He is also concerned about the ingress and egress to the subject property.

Mr. Hartman stated that his concern is with the flow of water and the memorandum did not detail the pertinent information.

Mr. Mel Sueltenfuss, Director of Public Works, stated that the memorandum is saying that the water can be directed off the recharge zone and this would be accomplished at the time of platting.

Mr. Hartman stated that he is cognizant of the fact that the property is subject to platting, but is concerned about how you grade and direct water. He again stated that the explanation from the Edwards Aquifer Protection Officer should be more detailed.

Mr. Jim Marchbanks, 14342 Oak Shadows, also stated he had some concerns as expressed by Mr. Balter.

Mr. Larry Sinkin, representing the Aquifer Protection Association, stated that other cases where the City Council has approved the rezoning the applicants did not follow through with their promises of holding ponds, etc. He stated that the Council should deny this request as well as all others until the Metcalf and Eddy study is completed. He also asked the Council to place for consideration on next week's agenda the item of a moratorium for the area.

Mr. Polunsky stated that "O-1" Office zoning is a low density use and will enhance the area.

After consideration, Mr. Ortiz moved to overrule the recommendation of the Zoning Commission and deny the request for rezoning. Mr. Hartman seconded the motion.

Mr. Pyndus then made a substitute motion to approve the recommendation of the Zoning Commission and grant the rezoning based on the fact that the "O-1" use would not be detrimental; grading will be used to protect the drainage of the water and the Edwards Aquifer Protection Office has indicated approval. Mr. Steen seconded the motion.

Mr. Hartman spoke against the substitute motion.

On roll call, the substitute motion failed to carry by the following vote: AYES: Pyndus, Steen; NAYS: Cisneros, Dutmer, Wing, Euredted, Ortiz, Alderete, Hartman; ABSENT: Webb, Cockrell.

On roll call, the motion to deny the request for rezoning carried by the following vote: AYES: Cisneros, Dutmer, Wing, Euredted, Ortiz, Alderete, Hartman; NAYS: Steen; ABSTAIN: Pyndus; ABSENT: Webb, Cockrell.

Case 6853 was denied.

77-25

MORATORIUM ISSUE

Councilman Hartman asked if the Council would consider discussing the issue of a moratorium on zoning cases over the Edwards Aquifer.

The Council concurred in placing this item on a "B" Session as soon as possible.

Mr. Pyndus stated that the City Council follows a policy of considering each case on its own merits.

The Council concurred and the City Staff was directed to place the item of a moratorium as well as a report on the Metcalf and Eddy Study for "B" Session discussion as soon as possible.

77-25 The meeting was recessed for lunch at 12:40 P. M. and reconvened at 1:25 P. M.

77-25 ZONING HEARINGS (Continued)

39. CASE 6820 - to rezone Lot 1, Block G, NCB 15710, 14420 Higgins Road, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located east of the intersection of Viewcrest Drive and Higgins Road, having 235.81' on Viewcrest Drive and 210.18' on Higgins Road.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council.

Mr. Elbert B. Williams, Jr., stated he has non-conforming rights on the subject property and has lived on the subject property for over seven years. He distributed pictures of the surrounding area and explained the type of business that he operates.

In response to Mr. Hartman, Mr. Williams stated that, perhaps, at a later date he could sell this property, but at the present time, he would like to conform to the present use and perhaps expand.

No one spoke in opposition.

In response to Mr. Pyndus, Mr. Camargo explained that the staff would be opposed to any business rezoning on the subject property.

After consideration, Mr. Pyndus based on the recommendation of the Zoning Commission and recommendation of the staff, moved to deny the request for rezoning. Mr. Hartman seconded the motion. On roll call, the motion to deny the request for rezoning carried by the following vote: AYES: Cisneros, Dutmer, Wing, Eureste, Ortiz, Alderete, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Webb.

Case 6820 was denied.

40. CASE 6848 - to rezone Lots 1 through 4, Block 6, NCB 1618, in the 700 block of Porter Street, from "B-1" Business District to "B-2" Business District, located southwest of the intersection of Porter Street and Mittman Street, having 100' on Porter Street and 150' on Mittman Street.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council.

Mr. Santos Martinez, representing Mr. Gregorio Robledo, the applicant, stated that they had obtained a petition with 100 names in favor of the proposed rezoning and it was misplaced. He asked the Council to postpone the case until the petition can be retrieved.

The Council concurred and Case 6848 was postponed for 30 days.

41. CASE 6859 - to rezone the south 84' of Lot 9, NCB 8623 and Lot 10 and the west 12.5' of Lot 9, NCB 8935, 1829 S. W. Military Drive, from "B" Two Family Residential District and "E" Office District to "B-3" Business District, located northeast of the intersection of S. W. Military Drive and Logwood Avenue, having 62.5' on S. W. Military Drive and 239.4' on Logwood Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be denied by the City Council and instead recommended the approval of "B-3" Business District on Lot 10 and the west 12.5' of Lot 9, NCB 8935.

Mr. Zeb Tannenbaum stated that he and Mr. Ed Dugosh are the owners of the subject property. They are appealing the decision of the Zoning Commission to the City Council and are asking for only 20' of the south end of Lot 9, NCB 8623 rather than the 84' as originally applied for. They are asking for this change in order to construct a building which will house a retail operation of auto parts supply. He then described the surrounding area.

Mr. Jim Duncan, 1107 Rayburn, spoke in opposition because of the extension of the lot facing Rayburn Drive. This change in his opinion would change the character of the neighborhood.

In response to Mr. Pyndus, Mr. Camargo stated that the staff had recommended approval of "B-3" on Lot 10 and the west 12.5' of Lot 9, NCB 8935 only.

Mrs. Jim Duncan also spoke in opposition. She stated that there is already a very heavy traffic pattern in the area and the rezoning will generate additional traffic.

In response to Mr. Hartman, Mr. Tannenbaum wanted the additional 20' rezoned in order to accommodate the seller of the property by giving him additional space in the back of the building. A discussion then took place on the traffic pattern in the area.

After consideration, Mr. Pyndus moved to approve the recommendation of the Zoning Commission and grant the rezoning of Lot 10 and the west 12.5' of Lot 9, NCB 8935, provided that proper replatting is accomplished, if necessary. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Dutmer, Wing, Eureste, Ortiz, Alderte, Pyndus, Hartman, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Webb.

AN ORDINANCE 48,050

AMENDING CHAPTER 42 OF THE CITY CODE THAT  
CONSTITUTES THE COMPREHENSIVE ZONING  
ORDINANCE OF THE CITY OF SAN ANTONIO BY  
CHANGING THE CLASSIFICATION AND REZONING  
OF CERTAIN PROPERTY DESCRIBED HEREIN AS

LOT 10 AND THE WEST 12.5' OF LOT 9, NCB 8935,  
1829 S. W. MILITARY DRIVE, FROM "B" TWO FAMILY  
RESIDENTIAL DISTRICT AND "E" OFFICE DISTRICT  
TO "B-3" BUSINESS DISTRICT, PROVIDED THAT  
PROPER REPLATTING IS ACCOMPLISHED, IF NECESSARY.

\* \* \* \*

42. CASE 6828 - to rezone Tract A-3, NCB 13950, 5539 Old U. S. Highway 90 West, from "R-A" Residential-Agricultural District to "I-1" Light Industry District for a baseball park, located between McDavitt Road and Old U. S. Highway 90 West, being 320' west of the intersection of McDavitt Road and Callaghan Road and 420' southwest of the intersection of Old U. S. Highway 90 West and Callaghan Road, having 231.77' on Old U. S. Highway 90 West and 208.7' on McDavitt Road and a maximum distance of 386.02' between McDavitt Road and Old U. S. Highway 90 West.

Mr. Gene Camargo, Planning Administrator, explained the proposed change, which the Zoning Commission recommended be denied by the City Council.

Mr. Joe Cardona, the applicant, stated he would like the requested change in zone in order to continue the use of the existing ball park which has been in operation for the past 11 years. He then submitted a petition with over 100 signatures in favor of the rezoning.

In response to Mayor Cockrell, Mr. Camargo stated that Mr. Cardona was issued a violation notice after a complaint was filed. He can either go to the Board of Adjustment and establish that he did operate a ballpark and grocery store before annexation and establish non-conforming rights or apply for a zoning classification necessary for that use. The Board of Adjustment can grant applications for non-profit, civic leagues to operate ball leagues in residential zones.

In response to Councilman Ortiz' question about a city employee being one of the opponents in this case, City Attorney Parker stated that there was no impropriety in a city employee observing a violation and reporting same.

Mr. Paul Samaniego then spoke to the Council in opposition to the rezoning because the ballfield creates a hazard to his family. He said that he cannot even park his car in front of his home because of fly balls. He said that a higher fence would show good faith on the part of the applicant.

After consideration, Dr. Cisneros moved that the zoning be approved with the stipulation that a higher fence or telephone poles with netting be erected. Mr. Ortiz seconded the motion.

Mr. Pyndus stated that he is not comfortable with the change in zoning to "I-1" and based on the staff's recommendation he suggested that the case be referred to the Board of Adjustment for their consideration. He then made a substitute motion for the postponement of this case for 60 days pending the action of the Board of Adjustment. Mrs. Dutmer seconded the motion.

The Council then discussed in detail the uses of "I-1" and the fact that zoning goes with the land.

On roll call, the substitute motion failed to carry by the following vote: AYES: Dutmer, Pyndus, Hartman; NAYS: Wing, Eureste, Ortiz, Alderete, Steen, Cockrell, Cisneros; ABSENT: Webb.

Mr. Pyndus and Mrs. Dutmer then spoke against the motion to approve because of the uses allowed in "I-1" zoning.

Mayor Cockrell stated that the adjacent property includes a number of commercial use activities.

The City Attorney then stated that because of the opposition in the case which represents 20% of the property owners, nine (9) affirmative votes will be necessary to approve the rezoning.

On roll call, the motion to approve the rezoning failed by the following vote: AYES: Cisneros, Wing, Eureste, Ortiz, Alderete, Steen, Cockrell; NAYS: Dutmer, Pyndus, Hartman; ABSTAIN: Webb.

Case 6828 was denied.

Mr. Cardona was advised that he could still go before the Board of Adjustment for a permit.

Mr. George Vann, Director of Building and Zoning, stated that in the Zoning Ordinance there is a provision which states that the administrative official cannot take any action pending an action before the Board of Adjustment which means Mr. Cardona can continue his operation pending the Board of Adjustment hearing.

77-25 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Dutmer, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

AN ORDINANCE 48,051

AUTHORIZING EXECUTION OF AN AGREEMENT WITH NEGLEY TRUCKING SERVICE, INC., LESSOR TO TEXAS TEX-PAC EXPRESS, INC., PERTAINING TO ISSUANCE OF A BUILDING PERMIT PRIOR TO PLATTING AND A REDUCTION IN THE REQUIRED PLATTING FEE IN CONNECTION WITH DEVELOPMENT OF THE SOUTHPARK INDUSTRIAL SUBDIVISION.

\* \* \* \*

77-25 The following Ordinance was read by the Clerk and after consideration, on motion of Dr. Cisneros, seconded by Mr. Webb, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Pyndus, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Hartman.

AN ORDINANCE 48,052

ACCEPTING A GRANT IN THE AMOUNT OF \$3,410,692.00 FROM THE U. S. DEPT. OF LABOR UNDER TITLE III OF THE COMPREHENSIVE EMPLOYMENT & TRAINING ACT OF 1973 FOR OPERATING THE 1977 SUMMER YOUTH EMPLOYMENT PROGRAM IN THE CITY, BEXAR COUNTY AND SURROUNDING COUNTIES IN THE ALAMO MANPOWER CONSORTIUM; ESTABLISHING A FUND AND ACCOUNTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE OPERATING AGREEMENTS WITH SUB-AGENCIES.

\* \* \* \*

The Clerk read the following ordinance:

AN ORDINANCE 48053

REPEALING ORDINANCE NO. 47973, PASSED AND APPROVED ON THE 28th DAY OF APRIL, 1977; MODIFYING SECTION 2 OF ORDINANCE NO. 44748, PASSED AND APPROVED DECEMBER 19, 1974, AS AMENDED BY ORDINANCE NO. 45575, PASSED AND APPROVED ON AUGUST 7, 1975; ESTABLISHING A RESERVE ACCOUNT IN THE GENERAL FUND FOR THE BENEFIT OF INSIDE CITY OF SAN ANTONIO CUSTOMERS FROM THE FUNDS TO BE DERIVED FROM SUCH MODIFICATION; AND DIRECTING THE CITY PUBLIC SERVICE BOARD TO APPLY THE FUNDS THAT ACCRUE IN THE RESERVE ACCOUNT IN ACCORDANCE WITH SUBSEQUENT COUNCIL ACTION.

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The following discussion then took place:

MAYOR LILA COCKRELL: I am going to call on Dr. Cisneros to explain this.

DR. HENRY CISNEROS: Madam Mayor, there is really no explanation required after the "B" Session we had the other day. What this does, simply, is set up the fund which will generate the rate relief program for the four winter months for gas customers in such a way that the City of San Antonio residents are contributing into the fund and suburban residents are not participating either as payors into the fund or as recipients of the benefits of the fund in the form of rate relief.

I do note, Mayor, that Mayor Webster is here, and it may well be that he has a point that he wants to make. He was the, really, the instigator of the action by the Bexar County Council of Mayors that resulted in this particular ordinance and, I think he ought to be recognized as such. He's in the audience.

MAYOR COCKRELL: Mayor Webster, do you wish to be heard, sir?

MR. PHIL PYNDUS: While he is approaching the lectern, Mayor, I think there may be some individuals from my district that also would like to address this .....

MAYOR COCKRELL: I see two registered, and I will call them.

MAYOR DANIEL WEBSTER: Honorable Mayor Cockrell and members of the City Council, I did not come to speak for or against any ordinance today. It seems to be self-evident as to what the City of San Antonio has drawn to do, but, as a liaison officer between the Bexar County Council of Mayors to the City of San Antonio, it behooves me to keep up with the Council action that is taken from time to time on matters that affect the municipalities, since we have 20 some odd municipalities who are members of the Council of Mayors, and we have a very able attorney who has represented us on a couple of occasions and, really, the action that this Council might take today will be subject to his viewing as to whether it is within the scope of the proper authority of the City Council because back in December of last year we passed an ordinance declaring the rates charged by Public Service Company at that time as being fair and equitable and non-discriminatory. So, it is entirely up to the attorney who is representing the Council of Mayors to review the action that the Council takes today and to advise us as to any actions that we might take. I want to say that

I appreciate the opportunity of being here today, and I know you people have been busy all day and certainly have problems. Thank you.

MAYOR COCKRELL: Thank you, sir. All right, now then, I see there are two people registered on the subject of utility rebate. I point out that the Council, today, does not have under its purview the final plan for the distribution of the fund that is being established, but, we certainly would, if it is related to the Ordinance which primarily amends our former Ordinance by eliminating the sections of the service districts which are outside the City limits of San Antonio from the particular matter of the first 300 kilowatt hours of electrical charge on the 14%. We will be happy to hear anything relative to that. I do point out, though, that the full plan, the final plan of the distribution of the, the plan for the relief is not fully under consideration today, though. Mr. Howard Rich, is he here today, and also Mrs. Don Busby.

MR. HOWARD RICH: Madam Mayor and Councilpersons, I am Howard Rich, I live at 5340 Hollyhock Road. We are in the, I say "we" because there are some other people here in the same community that I live in that are here. It was our understanding that this might have been coming up for consideration today. If not consideration, at least discussion, and we are well aware because of what has been said in the media as to the proposal. I think that Councilman Cisneros is probably one of the major proponents of this. Wherein a surcharge will be put on the electrical service and rebated to the gas customers. It is also our understanding that the outlying or suburban communities who are under contract with the Public Service Company have been more or less exempted at this time from that surcharge and will get no rebate. Now the area in which we live is .....

MAYOR COCKRELL: And will what, excuse me.

MR. RICH: Oakland Estates, we are within the City of San Antonio. We were in that major annexation that took place, but we are not served by the City Public Service Company as far as gas is concerned. We get our gas supply if not from propane, butane, or those other sources from the Grey Forest Utility Company. It appears to us that we are going to be subjected to a surcharge on our electrical service because we utilize the City Public Service in that respect, but that we will have no possibility of being rebated like the others are from that. It appears to us that we are going to be penalized, we are going to be subsidizing other people, the ones that are in other incorporated suburban communities, perhaps by threat of legal action have been exempted from this, but we are a member of the family and we have no recourse except but to appeal to you people. We are taxpayers, we are members of the family, but we are being subjected to this. We don't really feel that it is fair. I am wondering if anybody on the Council - Mr. Cisneros or anyone would respond.

MAYOR COCKRELL: Yes, sir. Dr. Cisneros.

DR. CISNEROS: Mayor, I would like to make three points if I could, Mr. Rich. The first one is that this is not a surcharge, but is the reposition of a charge that the City of San Antonio has every statutory right to expect and which is simply to reposition something that we have had a right to do since the establishment of the City Public Service as a corporation and that is the 14% and what this does, basically, is re-impose our right to the 14% on the first 300 kilowatt hours which was exempted some years ago. So it is not a surcharge, it is simply the City's decision to take its full statutorially obligated 14%.

Second, is the fact that we do feel there is something that amounts to effective relief for electrical customers in the move to coal-fired electrical generators as opposed to continued reliance on natural gas. As you know, we have the first coal plant coming on-line in - next month which will be 25% of the City's electrical generation. A second coal plant coming on-line in September or October which will amount

to 60% of the City's electrical generation, that comparable prices of generating electricity from coal is \$1.36 per million btu's as against a natural gas equivalent of about \$2.00 per million btu's. So when 60% of our electrical generation is from coal, and it is being generated more cheaply there will be a down turn in electrical prices.

Point number three, and my final point is that we are still considering a way to incorporate the concern of persons who either have all electric homes or who are in the positions, such as you, that you are an electrical customer of CPS but not a gas customer of CPS. We are investigating ways when we get to determining just what the program will look like, of being able to include you in the program. Perhaps of coming up with some sort of an application type rebate or something that would be included in the bill or something of that sort to include you in the program but what we are discussing today is the establishment of the fund and not all of the details yet of precisely how the program is going to be administered this winter. The reason why we have to take the action now, though, is that if we don't have the funds set up then it is a moot question as to how it will be administered because there will be no fund to administer.

So, believe me, we are still moving along a line of considering how to include those who are in your situation. It is not an easy problem because the computer isn't geared to deal with it as easily as if we were just dealing with the gas customers, but it is something that's being worked on.

MAYOR COCKRELL: Thank you. Mr. Pyndus.

MR. PHIL PYNDUS: Thank you, Mayor. I think I would just like to respond, in Mr. Rich's behalf. First of all, you are timely. This is the time to protest.

MR. RICH: Thank you, sir.

MR. PYNDUS: I think that the suburbs are being exempted today, and they have protested with a proposed legal action and, as such, they are being dropped from this plan. Rather than wait until later, I think that the same stroke of the pen could exempt other people within the family that need the same type of relief. The surcharge that we are describing, it is a charge, whether it is a surcharge or not, it is a charge.

MR. RICH: We are just getting into semantics on that.

MR. PYNDUS: The Mayor that spoke to us today said that he had no recommendation for the plan because it was fair, it was equitable, and it did not discriminate. I say that the plan is not fair, it is not equitable, particularly to residents in my area, and I rather feel that I must protect their rights because they are being discriminated against. I would like to say in my statement that no one has represented the business interest to date on this plan, and the business people will be required to pay in and get nothing out. I think that the precedent that we are setting by the utilizing of funds that we put in and distribute later to some people and not to others is a dangerous precedent.

MAYOR COCKRELL: Let me say for the record that, as of today there is no formally adopted plan for the distribution of the funds. The Council has discussed, up to this point one approach which is to single out the residential gas customer's bill within the City limits for the application of the rate relief package. But this week as we discussed it, Dr. Cisneros brought to our attention the problem of both those utility customers who are our electric customers but do not get gas service from us but get it from outside butane and also those who have all electric homes, and it was stated that in the final plan drawing up the distribution plan that we will take that into consideration and consider how we may address the problem.

So, in other words, what I am saying is the final plan for the

distribution has not been adopted. What is being proposed today is to re-impose the 14% on the first 300 kilowatt hours within the City limits. We are limited to the City limits in any plan that we might have to have a rate relief plan because, as a City, we may not use funds that come to us as a City beyond our City limits and, therefore, we are limiting our program to the City limits. So - yes, Dr. Cisneros.

DR. CISNEROS: There is a legal point that must be made because Mr. Pyndus just hasn't done his homework on this thing and he misleads people by the remarks that he made when he says that we could, by the stroke of a pen have exempted the - some electrical customers within the City limits and I would like the City Attorney to respond to that because in his effort to posture and demagogue, Mr. Pyndus sometimes doesn't cover the legal points properly.

CITY ATTORNEY PARKER: We could not have drafted it in a manner to exclude certain customers on electric side at all, Mr. Pyndus. We have to do it in the manner in which we have done it today.

MR. PYNDUS: I would like to ask you this legal question, Henry, I have done my homework. I think I am not putting through a hastily, ill-conceived political plan. The point that I would like to make to you, Mr. Parker, is that I have people living in my district who do not buy gas from the City Public Service Board. They have butane gas, or they buy gas from another agency not connected with the City Public Service Board and they are paying a higher price for their gas and this City is imposing upon these citizens in the City limits a charge on their electrical bills, and in the winter months, as stated by Mr. Cisneros refund will be given to gas users only, residential users and they not being residential users of gas of the City of San Antonio, they will not get a refund. Now, if you can tell me that that is equitable, I don't understand it.

CITY ATTORNEY PARKER: Mr. Pyndus, I think you are mixing apples and oranges again. The rate that anybody pays is the one that you are discussing as far as electrical is concerned. To that degree, the City of San Antonio sometimes back allowed the non-recovery of the maximum amount that the City is entitled to on its gas rates and on its electric rates. They chose only to not take it on the part of the electric rates and not grant any relief on the gas rate part. Now, the City is merely notifying the City Public Service that they expect the full 14% on all customer billings of electrical service within the City limits of the City of San Antonio. That fund, once it is collected by CPSB and transmitted to the City becomes City of San Antonio public funds, goes into General Revenue or would be classified in the General Revenue Fund. At that point in time, can only be expended for purposes within the City of San Antonio. It is immaterial that you are mixing gas and electric together, and you cannot do that in a rate structure.

MR. PYNDUS: I think you may be on a thin legal line as far as what is right and equitable. I think you are wrong, and we have people here who are going to add to the bill and do not get any refund and that is wrong.

MAYOR COCKRELL: Let me ask the audience, we would appreciate it if we don't have cheering sections in the audience. This has been going on this afternoon, and I really appeal to you. It is not a matter of, you know, this kind of participation, we certainly want to hear people who have registered to speak and who have a point of view but we need to have the decision simply made in a non-emotional kind of a setting.

Now, I do point out this one last time to all concerned that the Council has brought up the question that we recognize that there are some cases, such as those that have been brought up to us that potentially might not share in the plan as it was developed, and that we do intend in the development of a final plan which will be adopted at a later time to review ways in which we can, hopefully, accommodate all of our residential customers

in the same plan. Now that is the approach and so, again, we take note of your comments, and I do point out one other thing and that is, up to now those persons that have been electric customers but not gas customers of the City have, in fact, participated in the discount of the imposition of the 14% of the first 300 kilowatt hours on electric and have, also been exempted from the 14% on any gas charge which the other customers have been paying all this time. So, the City has been collecting all this time from the gas customers the 14% which those persons who are not our gas customers have not been paying. So that might also be taken into account.

MR. PYNDUS: Madam Mayor.

MAYOR COCKRELL: Yes, Mr. Pyndus. Then Mr. Hartman.

MR. PYNDUS: Without a statement, some of the people have asked to speak to the Council at this time, and I would like to hear from them also in addition to Mr. Rich.

MAYOR COCKRELL: There is one other registered, I think.

MR. PYNDUS: I would like to have them stand up, those that are affected by this and those who wish to speak.

MAYOR COCKRELL: Thank you. We have one other registered speaker and Mr. Hartman, I want to - yes sir.

MR. RICH: May I respond one time very briefly? Councilman Cisneros made three points, and, of course, I'm going to respond to what you said that you have not taken action. We know you have not taken action. The Council has not, we know it, but we think this is timely that we speak to you now before action is taken. An action is hard to rescind. The time to be heard is prior to an action and make ourselves known. I have not encouraged anyone out here to clap or make any noise. We did want you to know that we are here.

Now, the fact that whether it's a surcharge or some other name as far as our thinking it's really a matter of semantics almost in the fact that we have these other coal fired plants coming on stream before long that's, we appreciate this, we know this, we think the Council in the past has been looking forward and has done a great job, but this is in the future and we still say, just as my Councilman, Mr. Pyndus, has said in talking to the City Attorney here whether it is absolute, technically legal justification for this is hardly beside the point. It's the fact that there's going to be a rebate paid to some people that will not be paid to others and on the basis of collecting on one utility that we don't take advantage of the distribution system, the expense of operating anything else and then will be repaid to those that do, we think that this is inequitable and unfair.

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MAYOR COCKRELL: Mr. Rich, to reconsider two points. Number one - the City Attorney has said that we may not exclude any customers...

MR. RICH: From the surcharge.

MAYOR COCKRELL: within the city limits...

MR. RICH: This is agreeable...

MAYOR COCKRELL: from the 14 percent.

MR. RICH: This is agreeable.

MAYOR COCKRELL: Okay, fine, now the second point is that we have stated as a Council that at the time in the future when we consider the distribution plan we will take into account the special problems imposed by the non-gas customers, and attempt to deal with it at that time. So, today we are simply re-imposing of the 14% or rescinding the former exemption of the first 300 kilowatt hours from the 14%, and we take note on the fact that some of our citizens feel that it would be inequitable for them to be excluded from a benefit plan.

MR. RICH: Technically and legally I'm sure you're right, and thank you very much and I would say this, that is there was a comment made that it couldn't be handled through the computer. The people inside the City Public Service tell me that those people that are not utilizing the gas service that it's a very simple matter to eliminate those in that surcharge charge. The legality is beyond me, but it can be done through the computer system. I have been told by people that operate the computer out there.

MAYOR COCKRELL: You're talking about eliminating them from the 14%, but it's not legal according to the City Attorney.

MR. RICH: I understand, but thank you very much.

DR. CISNEROS: That wasn't where the computer reference - the computer reference came in, Mr. Rich, is something we're trying to work out right now and that is this, trying to figure a way to take money from the fund in the same amount that would be established for the gas customers and make it available to people who are not gas customers. Now, the question is on the computer, how you find those people because they are not identified as not being gas customers. They're simply on there with 200 thousand other people and there are a certain number of them mixed in there and all it shows is that they're electrical customers. Now, the question is how to find them so we try to devise a system where they would come down and apply to get this nine or ten or whatever it's going to be each month break in the four winter months because they're not gas customers, and I just wish that, well, enough said. We're working on it and...

MR. RICH: Thank you for your consideration.

MAYOR COCKRELL: Thank you. Mr. Hartman.

MR. HARTMAN: Madam Mayor, again I think it will be well, perhaps, to remind ourselves as to what gave emphasis to this whole exercise in the first place. We're talking here about a rate relief plan, and the plan itself, I think, in terms of its intent as well as its outcome no one can criticize from the standpoint of the plan itself. What we're hung up on here are the unique political jurisdictions with regard to who lives where that is really causing our difficulty. On one hand we have the incorporated suburbs who have chosen to remove themselves from this plan on totally legal grounds apparently, in other words the fact that they can exempt themselves from paying the 78 cents a month per bill. Yet the same suburbs, also, again, on totally legal grounds are able to charge the people at City Public Service Board a 2% on the total payoff, again, totally legally, and that amounts to about \$400,000.00 a year which actually is very comparable to the amount we will not be getting by virtue of the suburbs not being in. Those are two actions or two factors that are there totally legal.

Then we have the inequity with regard to the people who are in the City who are being, perhaps, taxed on the one hand and not receiving benefit of it on the other. I think the fact is, the simple fact is that there is probably no way that this plan can be made totally equitable, and I think that we should recognize that due to the fact that we have these uniqueness of jurisdiction, and I think that it is going to require not so much looking at the legalities as it is the rightness of this kind of a plan. I think it has to be decided on that basis. I think we're trying very desperately to figure out a way to provide relief for some people who are extremely hard hit in the winter months, and from that standpoint, I think, the plan does serve more in that direction, and I think despite the fact that there are these totally legal problems that, nevertheless, we have the merits of the plan, and I think that it sustains itself on that basis.

MAYOR COCKRELL: All right, we have one other speaker, Mrs. Don Busby.

MAYOR WEBSTER: I want to clarify one situation is that at the time we declared the rates to be fair and equitable and non-discriminatory the 78 cents or the first 300 kilowatt hours was exempt from all customers, and I noticed when Mr. Pyndus was talking I didn't gather that that was the way he was putting it. But that was the reason that we declared the rates to be fair and equitable and non-discriminatory. So, I want you to take that into consideration.

MR. PYNDUS: In my clarification, I think that they are not fair and they were discriminatory.

MAYOR WEBSTER: So, there has been a change of rates and the Public Service Company is listed as a Utility Commission with the Utility Commission in Austin they catalogued it so there are problems that might arise there.

MRS. DON BUSBY: Madam Mayor, Council, I am Mrs. E. D. Busby. We were annexed into the City of San Antonio in December of 1972. We have been paying our City taxes ever since and have not yet received but about half of the City services we are entitled to as citizens of the City. The Bedroom Communities that pay no City taxes will be exempt from your gas rate relief plan. Many of your own citizens who are not provided with gas from CPSB will not be exempt. This is very unfair to your own taxpayers. It seems the electric bills could exempt these residents of the City who are not serviced with gas by the City and who do not have a chance to hook up to a line the same way they will exempt the non-residents of the City. It is our understanding that when property is annexed into the City, the City is supposed to furnish all City services within three years or the people can be de-annexed. We have been in the City going on five years now and have not yet received all these services we are entitled to. We've been very patient, we have police and fire protections, but no water so how can the Fire Department do much without it. We have no sewer or gas from you. We have garbage pick up, but we pay for that and I want to add that we pay 66% more for our gas from Grey Forrest because the City has not done something. There is much talk in the annexed areas of our citizens seeking de-annexation. If you pass this unfair charge on to these people who cannot get gas from CPSB, it just might be the straw that will break the camel's back. The de-annexation demand cry will be heard loud and clear much faster than you think. This annexed area is a sleeping giant. We only hope that you make this gas available to us before you attach this charge to our bill. Please do not charge us for something we are unable to buy. Give your citizens who are your voters and taxpayers the same consideration you give a non-citizen who are not voters and taxpayers. I thank you.

MAYOR COCKRELL: Do I understand that you are getting service from Grey Forrest?

MRS. BUSBY: Yes, but we're in the City. Grey Forrest came out there before we were even in the City and we signed up.

MAYOR COCKRELL: Let me just say that the Public Utility Commission sets the service areas for the utilities. May I call on the City Attorney to clarify that.

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it seems to me, is simply to abandon this program. I think that what we are looking at is how to get the program.....

MRS. DUTMER: I really don't intend to abandon it. What I'm after, though, is we're going to with every intent include these people. But if we can't? Then we simply ignore them, and face all the lawsuits because there will be some.

MAYOR COCKRELL: May I - Mr. Parker.

CITY ATTORNEY PARKER: I'll try to clarify it once more. The fund that we received from CPSB, when it comes into the City, it is City funds at that point. It loses identity, complete identity as to being for any purpose. It is that point in time, it's then up to the City Council of the City of San Antonio as to how they want to disperse or utilize those funds. So the City is electing in this particular Ordinance to again take what is legally, lawfully entitled to take under the Trust Indenture terms. Then those funds become part of the City's funds. From that point in time it is then the City can dispense those funds plus other funds that it may want to add to it which it contemplates taking revenue sharing funds and so forth to combine within a ledger account, that they then intend to aid a class or benefit of people. How you define that class or people that would benefit from whatever that funding is is a proper subject matter. It doesn't necessarily, it wouldn't necessarily have to be just to, you could do it on many grounds. You would not even have to include it - you can farm it among everybody if you define whatever class that you're going to help.

MRS. DUTMER: Well, would it not be public money up until that time?

CITY ATTORNEY PARKER: They're public funds, any funds that come in the City fund is public fund.

MRS. DUTMER: How can it be determined .....

CITY ATTORNEY PARKER: In any kind of - in any kind of charitable humane endeavor you always have guidelines as to who gets what and who doesn't get what. As long as you have a properly defined body into which the fund is going to be distributed.

MAYOR COCKRELL: At this point we do have another speaker who is registered.

MR. PYNDUS: I'd like to ask a legal question.

MAYOR COCKRELL: All right, Mr. - and then we'll be calling Mr. O'Connell who is registered. All right. Mr. Pyndus.

MR. PYNDUS: Mr. Parker, if the suburbs had threatened suit because they felt that it was not right, before the funds are intermingled with the City funds, if at this point citizens in the City felt the same as the suburbs and say, you know we're, we feel that we're not being treated right in the City. Why do not they have the same legal ground?

CITY ATTORNEY PARKER: Well, basically, what you're talking about in their position was that you'd have to take, have a rate hearing before each one of their governmental bodies. In effect, if you're making a rate increase, we do not think in law that you're making a rate increase to that degree in any event. The City Council has that authority to do to accept those and so by virtue of what the Council action takes, whichever sides of the coin you want to call it, it's still proper for the City Council of the City of San Antonio to act in that manner.

MAYOR COCKRELL: All right, at this point I'll call on Mr. Bill O'Connell.

CITY ATTORNEY PARKER: Yes Madam, that's correct. They file for, and in that particular instance, they filed for it and they've been designated, I believe, convenience and necessity and to that degree then nobody else can go into their area. Furthermore, as to your de-annexation question, from a legal standpoint, again, I do not think you will prevail on that end that the services that you are referring to under Article 9.7A are being provided in your area in a comparable amount from a pure legal standpoint. You have all the other services available that anybody else in the City has.

MRS. BUSBY: I don't think we have. We don't...

MAYOR COCKRELL: Well, at any rate the City limits are not conterminous with the service areas of either the City Public Service Board or any of the utilities. In other words, there are different service areas for the sewer, for the water and the City Public Service. Each has its own service area that has been set out, and is a working plan and in some cases there are persons in the City limits who are not served by all of our utilities, for example, the Bexar Metropolitan Water District, other districts serve areas in the water service but that does not mean that they are not provided service. It is provided service but not through the one utility that is owned for the most part of the City.

MRS. BUSBY: But since you cannot furnish gas to us wouldn't it be just as simple to put this area on the computer at CPSB and then just like the bedroom communities the bedroom communities are not going to be on there.

MAYOR COCKRELL: The areas outside the City limits are not going to be included in this plan but within the City limits in order to be non-discriminatory we have to have a uniform policy and...

DR. CISNEROS: Let me just say to all the folks that are here today. I really appreciate your remarks and concern and we will try, this team that has been working on pulling this plan together which includes CPS and several members of the Council, etc., we will work as hard as we know how to come up with a way to address your problem.

MAYOR COCKRELL: In which you will participate in hopefully and benefit.

DR. CISNEROS: And we will make that a recommendation to the Council just as quickly as possible.

MRS. BUSBY: Well, like I say, if the line was there, if we could take gas from you and didn't, then it would be our own fault, but this is not our fault we are really....

MRS. HELEN DUTMER: Mayor, first I'd like to say, thank you, Henry, for allowing your ordinance to be amended here to take out some of the wording here that would prohibit these people from being considered, and secondly, I would like to relate you that I, too, have a number of people who have called me to voice their concern about this. Because I have people within my area who have not been annexed, have always been citizens of the City of San Antonio and yet are separated by one street from gas service and must go to the butane route or propane or whichever. These people also feel that they are being put upon by having this charge put upon them without any provisions for them to be rebated the same as the other customers. I also have several apartment owners who have voiced their concerns out there and said that during the time of the gas crisis and looking toward oil at that time for electricity they thought that they would cut down on the use of gas by putting in all electric apartments. And now they feel they are being put upon, and I know what the intent of the Council is and that is to endeavor to, hopefully, and I believe the other word for the good intent and the word if and possible, but I'd like to ask what happens if we go ahead and pass this ordinance and then all of a sudden we find out there is no way that we can include these people. Are we going to simply rescind the entire ordinance and then what are we going to do about money?

MAYOR COCKRELL: No, the rate relief plan will be initiated, and we'll make every effort to insure that those residential customers who are not our gas customers but who participate, will be in the program. We're going to make every effort to do that. But the only other alternative,

MR. BILL O'CONNELL: Madam Mayor, Members of the Council, I'm Bill O'Connell, I'm speaking to you today on behalf of the Greater San Antonio Chamber of Commerce. I'd like to say the Chamber is concerned about the citizens who face really the choice of food, sometimes, or heat. And that's what it really amounts to. I'd like to read to you, if I may, the Board of Directors' statement that the Chamber of Commerce has issued on this subject. "The Greater San Antonio Chamber of Commerce supports utility rates based on the cost of service with reasonable depreciation and return on investment. Where economic hardship produces inability of customers to manage payments for utility services, the City's welfare resources should be served to reimburse utility agencies. Such problems should not be addressed by restructuring rates", and I understand that you're really not trying to restructure rates, this is our policy and I'd just like to present it.

As the program was discussed many many months ago in the early stages, there was an attempt to help those needed, and I think the figure was about 30 thousand low or fixed income families who were having trouble paying for heat in the winter time. Councilman Cisneros told us they couldn't help just these people because it was too difficult of a job to identify these people and we agree, but actually, in the overall picture that we're talking about today, we're coming up with something that's going to consider a program that's going to give the rebate both to the so-called rich and the so-called poor. And that's the problem. Despite what may have been reported, the Chamber has not agreed to any part of this particular proposed program. We did meet with Councilman Cisneros and we offer no - nothing was offered at that time. And as he perhaps told you. We don't like to speak everything in the negative tone, if I may. We have a little bit of idea that might lead to further thoughts in the matter.

Since there's a problem in qualifying recipients for the program, we suggest an alternate by requiring customers wanting relief to make application for it. As has been suggested, just a minute ago for those people with all electrical. Those people were going to be asked to make application and because they feel it's theirs. This way, those who don't need it, or don't want it, don't have to make an application for it. If there's a balance left, upon after these all are completed, I'm sure that the City can use the money, and I hope there would be a fund left.

The Chamber does not mind asking people and making suggestions that those who really don't need the money, don't make applications for it. It might be a sale, it might be something they need to sell. I know that I don't have to apply for it. And there's probably others in this room that would not apply for rate relief. If we didn't, it would be just that much better for our City. Consequently, I'm saying a possible alternative for using a system where those people who need it would make application for it. Just an idea. Thank you very much.

MAYOR COCKRELL: Thank you, sir. All right, now then...

MS. LITTLE: Mayor Cockrell, I'm registered on that.

MAYOR COCKRELL: All right, fine. I'll look for your name right now. Tell me your name.

MS. LITTLE: Janet Little.

MAYOR COCKRELL: All right, I'm sorry. Janet Little. I'm sorry, I couldn't read this clearly. And I see now that you wrote exemption for

residents. And I didn't relate it, I'm sorry, to the proper item. I'm happy to call on you.

MS. LITTLE: The reason I felt like I wanted to say something is because I have a different problem. I wanted to know - like I come from a working class background. And I want to know if the money that might pay - that's taken out of my pocket and my parent's pocket and my neighbor's pocket is going to do the poor people some good after we - after we do away with the problem of trying or not trying to deny Leon Valley residents their civil rights or something.

MAYOR COCKRELL: All right, at this point, the City is proposing to rescind its former ordinance exempting the first 300 kilowatt hours resident of exemption. That is money that the City under the indenture is entitled to receive, and we're simply going to receive that money and it's going into the General fund. Now, the disposition money will be discussed at a later time.

MS. LITTLE: Okay, and there's another question. You all, I assume, you've changed your mind about including or CPSB changed their mind of including these suburbs for illegal reasons. Okay, I imagine it had to be done eventually, but is this going to start a trend where everytime somebody threatens to sue the City, you're going to back away from negotiating or...

MAYOR COCKRELL: All right, in this particular case the fact that a Public Utilities Commission has been established raised at least some legal questions. We do - only a court can make a final determination in legal cases. I think the City recognized that if it wished to proceed expeditiously with the program it was wise to make an amendment. Dr. Cisneros.

DR. CISNEROS: I'd like to try to describe this as practical as I can. In order to have the fund work by November, you have to build up the fund. In order to build up the fund you have to start collecting 78¢ per month right away. It wasn't the fact of the lawsuit or the merits of the lawsuit that bothered us because we thought in the end we could probably have won the lawsuit either before the Public Utilities Commission or in any court. But likely along with the suit there would have been an injunction which would have prevented us from collecting the 78¢. So, the practical effect then of even allowing them to sue would be to junk the program. There would be no program in November. It wasn't a question of backing off, it's a question of making a practical decision as to whether we wanted a program. We want to stand on an issue on a legal principle. Fine, then let's just say we're not going to have a program in November, but then people need to understand that next winter we're going to have 70 and 75 year old people with \$100 social security checks coming in here with \$50 and \$60 utility bills which is what the problem was last year, and we would have taken no action because we decided to stand on an issue of legal principle. I think it's far more important to get the plan implemented.

MS. LITTLE: It's more important right now this case, but you could just as well start a charity drive for the indigent victims of Oscar Wyatt and save everybody tax money that could be deducted on an income tax basis.

MAYOR COCKRELL: Anything else? All right, we now have the pending Ordinance. Any further discussion by the Council? Is there a motion for approval.

MR. WING: I move.

MR. ORTIZ: I second.

AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Ortiz, Alderete, Hartman, Cockre.

NAYS: Pyndus, Steen

ABSENT: None

The motion carried.

CITIZENS TO BE HEARDMR. KARL WURZ

Mr. Karl Wurz read a prepared statement, a copy of which is included with the papers of this meeting, stating that a charge should be imposed on a Candidate's Kit supplied to persons wishing to file for City Council. He further stated that this charge would lighten the taxpayers' burden. He suggested a \$5.00 minimum charge.

Mayor Cockrell stated that the City Council would consider this suggestion for the next City election.

MR. JUSTIN ARECCHI

Mr. Justin Arecchi, representing the King William Association, stated that neighborhood needs should be given top priority and urged more effective methods of citizen participation. He asked that the Citizens to be Heard portion of the meeting be restructured to allow citizens to publicly ask Council and staff questions and receive public answers; implement a formal citizen participation process with adequate staff support and funding responsible to the City Manager; and that the citizens be allowed participation in the City's Master Plan.

Mr. Hartman stated that he has set up District Advisory Meetings in his district.

Mayor Cockrell stated that the Council will give this matter serious consideration.

MR. DON GREEN

Mr. Don Green, representing VOICE, also spoke of the neighborhood proposals suggested by the previous speaker. He then asked that the City Council review and update all City codes; inclusion of codes where citizens are not adequately protected; and enforcement of code violations. He said that laws are not being enforced and mentioned the dog leash laws for example. He asked that Council assure increased responsiveness by all City government.

DR. CHARLES COTTRELL

Dr. Charles Cottrell, member of the Alta Vista Association, stated that these neighborhood organizations are requesting the Council to formally incorporate some form of citizen participation. He asked the Council to give their consideration to initiating first, a review of zoning classifications; second, a mechanism to bring the entire City under the new zoning classification; third, a program to educate citizens of the zoning process; and finally a comprehensive evaluation of the relationship between zoning and planning. He stated that this process should be initiated by the Council as soon as possible and volunteered their help.

DR. THOMAS BRERETON

Dr. Thomas Brereton, Area Policy Council of the Alta Vista Association, also spoke of the need to implement the suggestions as presented by the previous speakers. He urged the Council to make a public commitment to work with these organizations.

MR. ARTHUR VELTMAN

Mr. Arthur Veltman, representing Board of Directors of the River Road Neighborhood Association, spoke of the history and function of their organization. He urged the Council to: 1) commit this Council to the completion of the Master Plan involving citizen participation; 2) to demand the evaluation and publication of the economic impact of every facet of the Master Plan; 3) to insure the coordination of the Capital Improvement Program of all City departments, Boards, Commissions and Committees in the formation of the Master Plan.

PLANNING COMMISSION

Mr. Eureste expressed concern over the jurisdiction that the Planning Commission with appointed members would have with regards to the overall development of the City of San Antonio. He asked the neighborhood associations to give close examination to the Master Plan.

Mayor Cockrell stated that the Planning Commission works with the planning staff in development of the Master Plan. The City Council will ultimately have to approve the Master Plan.

MS. BARBARA MILLER

Ms. Barbara Miller spoke to the Council objecting to certain sections of the Massage Parlor Ordinance. She stated that she objected to Section 10 dealing with the keeping of records; Section 12 regarding the clothing to be worn; Section 19 educational requirements.

After discussion by Council members, Mayor Cockrell suggested Ms. Miller submit her recommendations in writing to the Council.

Mr. Ortiz stated that he had read the Ordinance and would be in favor of repealing same.

Mayor Cockrell stated she strongly supported the Ordinance, but would not be closed minded about possible suggestions.

MR. RAUL RODRIGUEZ

Mr. Raul Rodriguez, spoke of the inefficient manner in which the Fire and Police Civil Service Commission has performed throughout the years. He cited incidents that occurred and stated that this Commission has not properly handled these cases.

MR. LAURO BUSTAMANTE

Mr. Lauro Bustamante, representing the Villa Fontana Club at HemisFair Plaza, read a prepared statement stating that they are forced to use the expensive air conditioning system of the City Water Board. He stated that they wish to put in their own system which would be more economical. (A copy of Mr. Bustamante's letter is on file with the papers of this meeting.)

Mayor Cockrell asked that the City Manager's staff review the situation of the air conditioning system at HemisFair and report back to Council.

- - -  
 77-25 Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem Cisneros presided.  
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CONCERNED PARENTS IN THE EDGEWOOD AREA

A group of citizens appeared to speak to the Council expressing their concerns over the fact that there have been many cases of child molesting in the Edgewood School District Area. They felt that if more police patrols were available some of these cases would not have happened. They also suggested formulation of a committee of parents and Council members to alleviate this serious matter. The following persons spoke for the group:

Mrs. Margarita Orta, Mrs. Minnie Aleman, Mrs. Lila Landez

Council Members asked the City Manager to investigate this matter.

Acting City Manager Raffety stated that he would discuss this matter with Police Chief Peters in the morning and will report back to Council on possible recommendations.

- - -  
 77-25 Mayor Cockrell returned to the meeting and presided.  
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MR. EUGENIO FLORES

Mr. Eugenio Flores again appeared before the Council appealing for help in finding some young men jobs. He distributed resumes of job corps young men to the Council. He stated he has been before Council many times and has spoken to the CETA staff and Manpower staff as suggested but is still unable to place these boys in jobs. He asked the Council for relief.

Mayor Cockrell stated that over 4000 jobs will be available through different federal programs and mentioned that certain guidelines have to be met, but suggested that Mr. Flores contact the City Manager's staff and review the guidelines that will have to be followed. She then asked the City Manager to see that every effort is made to make these jobs available to persons such as those Mr. Flores is working with.

MRS. NANCY NEGLEY

Mrs. Nancy Negley welcomed the new members of the City Council and also expressed her appreciation to the past Council for their interest in the redevelopment of the inner City. She then introduced Mrs. Mary Ann Castleberry, newly elected President of the San Antonio Conservation Society.

MR. WALTER PARK

Mr. Walter Park again spoke to the Council regarding the City's Wrecker contract. He asked Council to consider negotiating with the high bidder and mentioned Councilman Hartman's public statements about his support of having the wrecker contract on a rotating basis.

Mayor Cockrell stated that Council had rejected all bids and further stated that the Council has asked staff to set up a "B" Session discussion on this matter in a couple of weeks.

MR. BILL WISEMAN

Mr. Bill Wiseman, representing Bexar Road Service, also spoke to the Council regarding the wrecker contract service. He said he has a lot of pertinent information on this subject.

Mr. Wiseman was advised by Council that he appear at the "B" Session to comment on this matter and in the meantime to contact the City staff and make his suggestions known to them.

77-25 The Clerk read the following letter:

May 13, 1977

Honorable Mayor and Members of the City Council  
City of San Antonio, Texas

Madam and Gentlemen:

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

May 12, 1977

Petition submitted by Ms. Vicki Bliss, et al, requesting the City of San Antonio resurface and widen Ramsey Street.

May 13, 1977

Petition submitted by Mr. Robert L. Collier, et al, requesting the City of San Antonio to grant a variance for the lower third of their property in Leon Springs Village in order to hold an election.

G. V. JACKSON, JR.  
City Clerk

May 19, 1977  
yl

00794

There being no further business to come before the Council,  
the meeting adjourned at 5:30 P.M.

A P P R O V E D

*Lila Cockrell*

M A Y O R

ATTEST:

*G. V. Jackson Jr.*  
C i t y C l e r k

May 19, 1977  
yl