

Mr. Steen moved to approve the Resolution. Mr. Archer seconded the motion. On roll call, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

80-41 The minutes of the regular meeting of July 17, 1980 and the minutes of the special meeting of July 17, 1980 were approved.

80-41 CONSENT AGENDA

Mr. Steen moved that items 4-21 constituting the consent agenda be approved with the exception of items 6 and 11 to be considered individually. Mr. Archer seconded the motion.

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

AN ORDINANCE 52,586

ACCEPTING THE LOW BID OF HAUFLER EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO WITH GEHL TRACTOR PARTS AND SERVICE.

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AN ORDINANCE 52,587

ACCEPTING THE LOW BID OF AG. EQUIPMENT INC. TO FURNISH THE CITY OF SAN ANTONIO WITH ALLIS CHALMERS TRACTORS PARTS AND SERVICES.

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AN ORDINANCE 52,588

ACCEPTING THE LOW BID OF SINGER CAREER SYSTEMS TO FURNISH THE GOODWILL REHABILITATION SERVICE WITH VOCATIONAL ASSESSMENT SYSTEMS FOR A NET TOTAL OF \$29,201.82.

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AN ORDINANCE 52,589

AUTHORIZING EXPENDITURE OF THE SUM OF \$510.00 OUT OF REVENUE SHARING FUNDS FOR THE PURPOSE OF ACQUIRING TITLE TO A PARCEL OF LAND IN CONNECTION WITH STORM DRAINAGE PROJECT #61K AND ACCEPTING THE DEDICATION OF TITLE TO A PARCEL OF LAND IN CONNECTION WITH THE O'CONNOR ROAD IMPROVEMENT PROJECT

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AN ORDINANCE 52,590

PROVIDING ADDITIONAL FUNDS FOR THE EMERGENCY REPAIR OF THE FLOOR OF THE CONVENTION CENTER EXHIBIT HALL.

AN ORDINANCE 52,591

AUTHORIZING EXECUTION OF FIELD ALTERATION NO. 1, IN THE AMOUNT OF \$4,990.00 TO THE CONTRACT FOR THE DULLNIG HOUSE REHABILITATION PROJECT (REPLACEMENT OF INTERIOR PLASTER).

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AN ORDINANCE 52,592

AUTHORIZING PAYMENT OF REFUNDS TO PERSONS MAKING OVERPAYMENTS OR DOUBLE PAYMENTS OF 27 TAX ACCOUNTS

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AN ORDINANCE 52,593

AUTHORIZING THE CANCELLATION OF TAXES ON CERTAIN PERSONAL PROPERTY ACCOUNTS.

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AN ORDINANCE 52,594

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND STINSON AVIATION CORPORATION AUTHORIZED BY ORDINANCE 51660 DATED JANUARY 3, 1980.

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AN ORDINANCE 52,595

APPROVING AN AMENDMENT TO A SUBLEASE OF SPACE IN THE AIR CARGO BUILDING AT INTERNATIONAL AIRPORT FROM BRANIFF AIRWAYS TO AIRBORNE AIR FREIGHT CORPORATION.

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AN ORDINANCE 52,596

MANIFESTING THE CITY'S CONSENT TO THE ASSIGNMENT OF THE STINSON MUNICIPAL AIRPORT LEASE FOR BUILDING 523 FROM D & D WELDING TO BILL JONES, D/B/A JONES AUTOWERKES.

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AN ORDINANCE 52,597

AUTHORIZING THE CITY MANAGER TO EXECUTE A SPECIAL WARRANTY DEED CONVEYING A TRACT OF SURPLUS CITY-OWNED PROPERTY TO 1122 CORPORATION FOR A CONSIDERATION OF \$1,295.00.

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AN ORDINANCE 52,598

APPROPRIATING AND ENCUMBERING THE SUM OF

August 7, 1980
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\$53,700.00 OUT OF GENERAL FUND FOR ACQUISITION OF TWO TRACTS OF LAND LOCATED IN THE KENWOOD NORTH PROJECT, TEX. R-136, FROM THE URBAN RENEWAL AGENCY OF THE CITY OF SAN ANTONIO.

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AN ORDINANCE 52,599

AUTHORIZING PAYMENT OF \$16,901 TO THE TEXAS MUNICIPAL LEAGUE FOR SERVICES TO BE RENDERED DURING THE 1980-81 FISCAL YEAR.

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AN ORDINANCE 52,600

AUTHORIZING THE PAYMENT OF \$4,250.00 OUT OF AVIATION DEPARTMENT FUNDS FOR 1980-81 DUES TO THE AIRPORT OPERATORS COUNCIL INTERNATIONAL.

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AN ORDINANCE 52,601

APPROVING AND RATIFYING CLOSING DOCUMENTS IN CONNECTION WITH THE PLAZA NACIONAL HOTEL.

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80-41 The Clerk read the following Ordinance:

AN ORDINANCE 52,602

ACCEPTING THE LOW QUALIFIED BID OF A.B. DICK COMPANY TO FURNISH THE CITY OF SAN ANTONIO DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEPARTMENT WITH A STAND ALONE WORD PROCESSING SYSTEM ON A RENTAL BASIS, FOR APPROXIMATELY \$950.03 A MONTH, FOR A TWELVE (12) MONTH PERIOD.

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Dr. Cisneros moved to approve the Ordinance. Mr. Canavan seconded the motion.

In response to a question by Mr. Thompson as to the cost of the word processing machinery as opposed to its size, Mr. George Noe, Administrative Assistant to the City Manager, explained that it was to be used by the CETA Office and by delegate agencies of the CETA Program. He stated that a City-government wide word processing system is being developed but won't be ready for about a year. He further stated that in the meantime, this system is being rented.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Canavan, Archer, Steen, Cockrell; NAYS: Thompson; ABSENT: Alderete.

80-41 The Clerk read a proposed ordinance authorizing execution of a standard professional services contract with Curtis Neal and Associates for engineering services and preparation of plans and specifications for the Eastside Streets II Project and providing its payment.

Dr. Cisneros moved to approve the Ordinance. Mr. Canavan seconded the motion.

In response to a question by Mr. Webb, Mr. George Noe, Administrative Assistant to the City Manager, stated that he did not at this moment have specifics as to the length of the project.

Mr. Webb stated that it appeared that the project was cutting short several blocks of a six-block street to be renovated, and he was unaware of such a restriction in discussions about the project.

After a brief discussion on the project, Mayor Cockrell recommended that this item be set aside until staff could determine the information Mr. Webb needed.

See page 16 for final discussion regarding this item.

80-41 ZONING HEARINGS

22. CASE 8171 - to rezone Lots 18 and 19, Block 11, NCB 14384, 11142 and 11146 El Sendero Drive, from Temporary "R-1" Single Family Residential District to "R-2" Two Family Residential District, located on the southeast side of El Sendero Drive, being 470' northeast of the intersection of Perrin-Beitel Road and El Sendero Drive, having 153.12' on El Sendero Drive and a depth of 121.07'.

Mr. Andy Guerrero, Planning Administrator, stated that a petition had been received with 32 signatures in opposition to the requested zoning change.

Mr. Sam Parnes, representing Morton Southwest, explained the request to construct duplexes on the property.

Mrs. Andy Tudyk, 11154 El Sendero, spoke in opposition, fearing that such a zoning change would lower her property values. In response to a question by Mr. Eureste, Mrs. Tudyk stated her opposition to transient-type residents in the area of single-family homes.

Mr. T.R. Sheffield, 4223 Greystone, stated that residents did not want a change of zoning on the property, and noted that in the past, residents had twice defeated requests for change of zoning on this property.

A discussion then ensued of zoning trends in the area.

Mr. Canavan stated that there must be some type of transition zoning between the residential area and the business zoning on Perrin-Beitel Road nearby.

Mr. Parnes, in rebuttal, stated that there was about a 60-40 chance that the planned duplexes would be for sale, rather than for rent.

Mrs. Dutmer questioned the size of the planned duplexes and the cost of area homes, and Mr. Parnes noted the current trend in some areas toward garden-type homes on narrow lots.

At this time, Mr. Steen made a motion to deny the zoning request. Mr. Thompson seconded the motion. On roll call, the motion to deny failed to carry by the following vote: AYES: Dutmer,

August 7, 1980
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Thompson, Archer, Steen, Cockrell; NAYS: Cisneros, Webb, Wing, Eureste, Canavan; ABSENT: Alderete.

Mr. Wing then made a motion to approve the zoning request. Mr. Eureste seconded the motion. On roll call, the motion failed to carry by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Canavan; NAYS: Dutmer, Thompson, Archer, Steen, Cockrell; ABSENT: Alderete.

Mr. Andy Guerrero, Planning Administrator, explained to the Council that despite almost 100% of neighbors within 200 feet registered in opposition to the zoning change request, it did not take a 3/4ths vote of Council to approve the request in this case because the courts have held that such a majority is not required in cases where "temporary" zoning is involved; in this case, Temporary "R-1".

Later in the meeting this zoning case was reconsidered. See page 8 of these minutes.

23. CASE 8161 - to rezone Lots 7 and 8, Block 8, NCB 1615, 901-903 E. Porter Street from "C" Apartment District to "B-2" Business District located northeast of the intersection of Walters Street and E. Porter Street, having 150' on Walters Street and 50' on E. Porter Street.

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

Mr. David Weiland, Management Agent for the proponent, explained the zoning request and noted that he has a prospective tenant for the property.

Mrs. Hector Moreno, owner of a meat market at 904 Porter Street stated that she had once occupied a building in the rear of this property but had moved from that location because the proponent refused to improve the property and it was in a deteriorating condition.

Mr. Weiland then explained that the main structure on the property now has been renovated.

After discussion, Mr. Webb moved 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, Wing, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: Archer; ABSENT: None.

AN ORDINANCE 52,603

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 7 AND 8 BLOCK 8, NCB 1615, 901-903 E. PORTER STREET FROM "C" APARTMENT DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

24. CASE 8152 - to rezone Lot 53, Block 3, NCB 11967, 426-430 Wolfe Road, from "A" Single Family Residential District to "B-3"

August 7, 1980
mb

Business District, located southwest of the intersection of McAllister Freeway and Wolfe Road, having 298.64' on McAllister Freeway and 65' on Wolfe Road.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Thompson 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, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,604

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 53, BLOCK 3, NCB 11967, 426-430 WOLFE ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

25. CASE 8160 - to rezone Lots 115 and 116, Block 2, NCB 15731, 133 Dinn Drive, from Temporary "R-1" Single Family Residential District to "B-3R" Restrictive Business, located on the north side of Dinn Drive, being 525' west of the intersection of Fratt Road and Dinn Drive, having 150' on Dinn Drive and a depth of 150'.

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

Mr. Tom Hall, Attorney representing the proponent, appeared to speak in favor. In response to questions by Mayor Cockrell as to the intended use of the property since it is situated in the middle of a residential area, Mr. Hall explained that the applicant operates a small auto repair shop on the site and is planning to buy it from the landowner and construct a new building.

A discussion then ensued about changing the character of land use in the area and it was noted that only one neighbor registered opposition to the request.

After consideration, Mr. Steen moved 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 east, west and north property lines. Mrs. Dutmer seconded the motion.

Mr. Hall distributed photos of structures in the area and Mrs. Dutmer stated that it was a highly industrialized area, transitioning from residential to business and industrial uses.

Mayor Cockrell noted that the City staff had recommended denial of the proponent's original change request before the Zoning Commission and Mr. Andy Guerrero, Planning Administrator, explained that the staff had opposed the change to "I-1" Industrial usage but

August 7, 1980
mb

now feels that the action of the Zoning Commission to recommend "B-3R" zoning is adequate.

After discussion, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: Cockrell; ABSENT: None.

AN ORDINANCE 52,605

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 115 AND 116, BLOCK 2, NCB 15731, 133 DINN DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE EAST, WEST AND NORTH PROPERTY LINES.

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80-41 At this time, Mr. Eureste made a motion to reconsider zoning case 8171. Mr. Alderete seconded the motion. On roll call, the motion, carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan; NAYS: Archer, Steen, Cockrell; ABSENT: None.

Mr. Eureste then moved to deny the zoning change request. Mr. Alderete seconded the motion.

Mr. Wing made a substitute motion to approve the zoning request. Mr. Alderete seconded the motion.

A discussion then ensued as to the propriety of the motion, ruled proper by Mayor Cockrell. Mr. Archer made a motion to appeal the ruling of the chair. Mr. Wing seconded the motion. On roll call, the motion to appeal the Chair's ruling failed to carry by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canvan, Cockrell; NAYS: Archer, Steen; ABSENT: None.

Mr. Wing explained that when the zoning case was originally considered earlier in the meeting, one Council member was absent and he desired the case considered before a full Council.

Mr. Archer spoke against the reconsideration, stating that it was not right to reopen a case when the opponents had left the chamber thinking that they had defeated the issue.

In response to a request by Mayor Cockrell, City Attorney Jane Macon stated that reconsideration of the matter during the course of the same meeting was proper under Roberts Rules of Order.

Mr. Steen and Mrs. Dutmer spoke in opposition to the reconsideration of the zoning case.

Mr. Alderete then explained his absence from the meeting earlier when the case was first considered.

A discussion of the merits of the case took place, after which a vote on the substitute motion to approve the zoning change request carried by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Canavan; NAYS: Dutmer, Archer, Steen, Cockrell; ABSENT: None.

August 7, 1980
mb

AN ORDINANCE 52,606

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 18 AND 19, BLOCK 11, NCB 14384, 1142 AND 11146 EL SENDERO DRIVE, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-2" TWO FAMILY RESIDENTIAL DISTRICT.

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26. CASE 8154 - to rezone Lot 86, Block K, NCB 11566, 4991 View Drive, from "A" Single Family Residential District to "P-1(R-6)" Planned Unit Development Townhouse District, located east of the intersection of Callaghan Road and View Drive, having 479.2' on Callaghan Road and 195.8' on View Drive.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished in accordance with the Planned Unit Development Ordinance. Mr. Thompson 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, Wing, Eureste, Thompson, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Archer.

AN ORDINANCE 52,607

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 86, BLOCK K, NCB 11566, 4991 VIEW DRIVE FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "P-1(R-6)" PLANNED UNIT DEVELOPMENT TOWNHOUSE DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IN ACCORDANCE WITH THE PLANNED UNIT DEVELOPMENT ORDINANCE.

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80-41 The following Ordinances were read by the Clerk and after consideration, on motion made and duly seconded, were each passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Steen, Cockrell; NAYS: None; ABSENT: Alderete, Archer.

AN ORDINANCE 52,608

ADOPTING NAMES FOR CERTAIN CITY PARKS.

* * * *

UNOFFICIAL IDENTIFIER

OFFICIAL NAME

August 7, 1980
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Joslyn Park
Kingsborough Park

George Van De Walle Park
Kingsborough Park & Swimming Pool

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AN ORDINANCE 52,609

AUTHORIZING SUBMISSION OF AN APPLICATION FOR A NATIONAL FIRE INCIDENT REPORTING SYSTEM GRANT IN THE AMOUNT OF \$15,000.00; ESTABLISHING A FUND AND ACCOUNTS AND ADOPTING A BUDGET FOR EXPENDITURE OF THE GRANT UPON AWARD.

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80-41 The Clerk read the following Ordinance:

AN ORDINANCE 52,610

AUTHORIZING EXECUTION OF CONTRACTS WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER FOR PROVIDING CERTAIN SERVICES TO THE EMERGENCY MEDICAL SERVICES DIVISION OF THE FIRE DEPARTMENT.

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Mrs. Dutmer moved to approve the Ordinance. Mr. Steen seconded the motion.

Mr. Thompson congratulated the Emergency Medical Services system for doing an outstanding job.

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

80-41 The Clerk read the following Ordinance:

AN ORDINANCE 52,611

AMENDING CHAPTER 40, "VEHICLES FOR HIRE", OF THE SAN ANTONIO CITY CODE, AS AMENDED PROVIDING THAT TAXICABS MAY BE OPERATED UNDER AUTHORITY OF FRANCHISE, OR ANNUAL PERMIT; PROVIDING FOR COLLECTION OF FRANCHISE AND PERMIT FEES; PROVIDING FOR REGULATION OF TAXICAB SERVICE, DRIVERS AND EQUIPMENT; PROVIDING A PENALTY NOT TO EXCEED \$200.00; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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Mr. Thompson moved to approve the Ordinance.

In response to a question by Mr. Wing, Ms. Karen Davis, Executive Assistant to the City Manager, explained that under the recommended changes to Chapter 40 of the City Code, accident reports of a certain magnitude would have to be made to the City Manager or his authorized representative.

A discussion then took place concerning the procedures for reporting certain accidents.

(Mayor Cockrell was obliged to leave the meeting, Mayor Pro-Tem John Steen presided.)

Mr. Wing stated his belief that the recommended taxicab permit fee of \$365.00 per year was too large, compared to fees charged by other Texas cities.

Mr. Steen stated that he felt that the San Antonio Police Department is the place for taxicabs to report their cab accidents.

Ms. Davis stated that she felt this would insure that the accident data is available to the proper City officials; however, this would not insure that such data would be forthcoming should the accident occur outside of the City limits.

Mr. Roger Ibarra, Public Utilities Supervisor, explained the need for a higher fee for taxicab operators, saying it would help offset the cost of the City's regulatory office.

(Mayor Cockrell returned to the meeting and presided.)

Mrs. Dutmer explained that any reference to the City Manager in the section dealing with reporting cab accidents also means "or his designated representative." She then spoke to difficulties of using a credit card in hiring a taxicab.

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80-41

MR. HAPPY HAIRSTON

At this time, Mayor Cockrell noted the arrival in the Council Chambers of former professional basketball player, Mr. Happy Hairston and asked that the agenda item under consideration be delayed to allow a special presentation.

Mr. Hairston explained that he was in San Antonio to assist in promoting the River City Classic Basketball Tournament. He stated that proceeds would go to the "Concerned Athletes in Action" for their charitable purposes. Mr. Hairston and Mr. William Franklin, Host for the "Concerned Athletes in Action" then presented autographed basketballs to members of the City Council and extended an invitation for Council members to attend the River City Classic.

Mayor Cockrell on behalf of the Council, thanked him for his appearance and gifts.

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80-41 Discussion then continued on Item No. 30.

Mr. Eureste noted that the problem of reporting cab accidents is compounded by the requirement to purchase a \$3 City accident report from the Police Department in order to hand it over to another City agency in complying with reported procedures. He then stated his feeling that cab operators should only have to file reports of an accident and not have to purchase a copy of the accident report from one City agency to give to another City agency. He stated his feeling that if the accident occurred outside the City of San Antonio, then the cab operator should purchase the accident report and deliver it to the City.

In response to a question by Mr. Eureste as to how the permit fee was arrived at, Assistant City Attorney, Mr. Luis Garcia explained that the City recommended the 'dollar a day' fee because that was approximately what the City was receiving under the previous two-percent fee.

August 7, 1980
mb

Mr. Jim Fisher, representing Yellow and Checker Cabs, compared the projected permit fee with existing fees charged in other Texas cities, and stated that San Antonio cabs cannot carry that heavy a financial load. He called it a 'tremendous burden' and urged that San Antonio cabs not have to pay a fee higher than that charged in Dallas. He also objected to the proposed ordinance provision dealing with the requirement for cab operators having to reveal the names of firms with which they do business, and also objected to the provision calling for mandatory procedures forcing a customer to take the first available cab.

In response to a question by Mr. Eureste, Ms. Karen Davis explained the City's recommendations on all three points raised by Mr. Fisher.

Mr. Eureste noted that only Mr. Fisher, whose firm controls some 270 taxicab permits, is objecting to the 'dollar a day' permit fee, and that independent operators have not voiced any objections to him.

In response to a question by Mayor Cockrell, Mr. Fisher stated that between 25 and 40 extra cabs were put into service by his firm during peak periods, mostly on weekends.

Dr. Cisneros then seconded Mr. Thompson's motion to approve the Ordinance.

Mr. Steen made a motion amend the Ordinance by deleting paragraphs d and e on page 13. Mr. Archer seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Luis Garcia, stated that financial and operating statements are not public information but are regarded as confidential.

Mrs. Dutmer stated her concern about rate material not being available at a time when it is needed for a review of rates. She asked if a penalty could be imposed if records are not available when needed.

Ms. Davis replied that a clause to that effect already is written into the recommended changes.

Mrs. Dutmer then stated for the record that the model year of the taxicab has been taken out of the proposed ordinance.

Mr. Canavan stated that there are peak times when additional cabs are needed.

Mr. Thompson spoke in opposition to the amendment and stated that these items seeking to be excluded are necessary. He stated his feeling that controls in these areas are needed, and that the data is also needed in order to substantiate any rate increase request.

Mr. Archer spoke in favor of the amendment.

Mr. Eureste then spoke against the amendment.

Ms. Karen Davis noted that the Ordinance would allow the City Council to determine what form is used in a cab reporting an accident, and it need not be a San Antonio Police Department report.

A discussion then took place concerning procedures used in cases involving accidents by taxicabs, both inside of and outside of the City of San Antonio.

Dr. Cisneros then made a substitute amendment to the motion to delete paragraph d on page 13, only. The motion died for a lack of a second.

Mr. Canavan stated his desire that accidents involving cabs outside of the City itself should be reported.

After discussion, the amendment to the motion carried by the following vote: AYES: Cisneros, Dutmer, Alderete, Canavan, Archer, Steen; NAYS: Webb, Wing, Eureste, Thompson, Cockrell; ABSENT: None.

Mr. Archer then made an amendment to the main motion to hold taxicab fees to a limit and lower the present fee to \$140.00. Mr. Steen seconded the motion.

Mr. Canavan noted that a permit fee of some \$300.00 per taxicab would be needed in order for the City's program to break even.

Mr. Canavan then made a substitute amendment to the motion to set the permit fee at \$300.00. Dr. Cisneros seconded the motion.

Mr. Eureste then asked Mr. Fisher if the City were to reduce the recommended permit fee by \$65 per year, would he pass along those savings to the independent drivers who own cabs driving under his company name.

Mr. Fisher replied that he could not pass along all the savings, since rising costs for many automotive items must be considered.

Mr. Canavan spoke strongly in favor of the \$300.00 permit.

After discussion, the substitute amendment to the main motion carried by the following vote: AYES: Cisneros, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Webb, Dutmer, Wing, Eureste, Thompson; ABSENT: None.

Mr. Thompson then made a motion to amend the main motion, to require cab permit holders to report to the City Manager or his representative all accidents outside the San Antonio City limits. Mrs. Dutmer seconded the motion.

After discussion, the amendment to the main motion carried by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Wing; ABSENT: None.

The main motion to approve the Ordinance as amended prevailed by the following vote: AYES: Cisneros, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Webb, Dutmer, Wing; ABSENT: None.

80-41 The Clerk read the following Resolution:

A RESOLUTION
NO.80-41-61

ENDORING THE PROPOSED SETTLEMENT
REGARDING THE USE OF THE GSA PROPERTY
BOUNDED BY SOUTH FLORES, SOUTH MAIN
GUENTHER, AND SHERIDAN STREETS.

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Mrs. Dutmer moved to approve the Resolution. Dr. Cisneros seconded the motion.

Dr. Cisneros explained that the Resolution was requested by parties involved in the settlement of the GSA property.

Ms. Joanna Parrish, President of the San Antonio Conservation Society, voiced favor with the compromise and read a prepared statement. (Her statement is on file with the minutes of this meeting.)

(Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem John Steen presided.

After discussion, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Eureste, Canavan, Archer, Steen; NAYS: None; ABSENT: Wing, Thompson, Alderete, Cockrell.

80-41 The Clerk read the following Ordinance:

AN ORDINANCE 52,612

ESTABLISHING NEW POLICIES AND PROCEDURES FOR PAYROLL DEDUCTION OF DUES FOR EMPLOYEE ASSOCIATIONS.

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Mr. Webb moved to approve the Ordinance. Mr. Eureste seconded the motion.

Dr. Cisneros made an amended motion to require employee organizations qualifying under the dues checkoff proposal to prove at least a 7.5% membership of the City's work force in order to be eligible for dues checkoff, in lieu of the recommended 5%. Mr. Alderete seconded the motion.

Mrs. Dutmer and Mr. Archer spoke against the amendment.

(Mayor Cockrell returned to the meeting and presided.)

Dr. Cisneros explained the reasons for his motion.

Assistant City Attorney, Mr. Jake Talley explained the reasons for staff arriving at the 5% figure, noting that it represented a compromise of all groups involved.

Mrs. Dutmer spoke against the City subsidizing a dues checkoff system for a union at no cost.

Mr. Sam Alvarado, Business Manager of United Public Employees Association, stated that his union has offered to pay costs of a dues checkoff system for its members.

After discussion, the amendment to the motion carried by the following vote: AYES: Cisneros, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: Webb, Dutmer, Wing, Eureste, Archer; ABSENT: None.

Mr. Eureste stated that a judge had asked both sides of the issue to work out their problems in good faith, and stated his opinion that this move was an attempt to circumvent the agreement arrived at by the parties. He advised tabling the issue and giving it back to the attorneys for all concerned for a compromise.

Mayor Cockrell spoke against the tabling and urged the Council to proceed with the issue.

Dr. Cisneros noted that the City has no agreement without policy guidance and decision-making by the City Council.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Dutmer, Wing, Eureste; ABSENT: None.

80-41 The Clerk read the following Ordinance:

AN ORDINANCE 52,613

AUTHORIZING PAYMENT OF \$24,945 TO THE TEXAS MUNICIPAL LEAGUE FOR USE IN CONNECTION WITH THE PARTICIPATION OF THE CITY OF SAN ANTONIO IN OPPOSING THE APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY FOR A STATE-WIDE TELEPHONE RATE INCREASE, NOW PENDING IN DOCKET NO. 3340 BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS.

* * * *

Dr. Cisneros moved to approve the Ordinance. Mrs. Dutmer seconded the motion.

Mr. Canavan disqualified himself from voting on this Ordinance.

After consideration, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: None; DISQUALIFICATION: Canavan.

80-41 The Clerk read the following Resolution:

A RESOLUTION
NO. 80-41-62

REQUESTING MEMBERS OF THE BEXAR COUNTY LEGISLATIVE DELEGATION TO TAKE NECESSARY STEPS TOWARD ADOPTION OF LEGISLATION PROVIDING OVERSIGHT AND REVIEW OF RATE-SETTING BY SAN ANTONIO METROPOLITAN TRANSIT AUTHORITY.

* * * *

Mrs. Dutmer moved to approve the Resolution. Dr. Cisneros seconded the motion.

In response to question by Mr. Archer, Mayor Cockrell explained that this Resolution pertains only to rate-setting oversight.

Dr. Cisneros explained that VIA is the only such local body that has no rate-setting oversight.

Mr. Steen noted that the City controls 4 of the 7 VIA Commissioners, and spoke against letting the State Legislature determine who would have rate-setting oversight on VIA.

Mrs. Dutmer spoke against the Resolution.

August 7, 1980
mb

A discussion then took place on the general aspects of the Resolution and comments of support were made by Mr. Thompson, Mr. Eureste, and Mr. Alderete.

After discussion, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Cockrell; NAYS: Archer, Steen; ABSENT: None.

80-41 The Clerk read the following Ordinance:

AN ORDINANCE 52,614

DESIGNATING AN INDUSTRIAL DISTRICT PURSUANT TO THE MUNICIPAL ANNEXATION ACT, AND AUTHORIZING THE EXECUTION OF A CONTRACT GUARANTEEING THE CONTINUATION OF EXTRA-TERRITORIAL STATUS AND IMMUNITY FROM ANNEXATION BY THE CITY OF THE LAND, WITHIN SUCH DISTRICT, AND PROVIDING FOR THE CITY TO SERVE SUCH DISTRICT WITH FIRE PROTECTION SERVICES.

* * * *

Mr. Steen moved to approve the Ordinance. Mr. Webb seconded the motion.

In response to a question by Mr. Alderete, Assistant Director of the Department of Economic and Employment Development, Mr. Reynaldo Lopez, explained that an exception such as this would pose no problems down the line in other such cases, and that the City staff is getting a better handle on such items each time one is considered and acted upon.

After discussion, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

80-41 At this point, Council resumed consideration of agenda item no. 11 considered earlier in the meeting and for which action was temporarily postponed until City staff could bring certain information to Council on the aspects of the street project.

Mr. Joe Aceves, Assistant Director of Public Works, explained that the date used to determine the length of the project in question was derived from recommendations submitted by a neighborhood organization. He stated that ROBBED was among those asking that the project be undertaken and completed.

After discussion, the motion to approve the following Ordinance prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: None.

AN ORDINANCE 52,615

AUTHORIZING EXECUTION OF A STANDARD PROFESSIONAL SERVICES CONTRACT WITH CURTIS NEAL AND ASSOCIATES FOR ENGINEERING

SERVICES AND PREPARATION OF PLANS AND
SPECIFICATIONS FOR THE EASTSIDE STREETS
II PROJECT, AND PROVIDING ITS PAYMENT.

* * * *

80-41

MEXICAN-AMERICAN NEIGHBORHOOD CIVIC ORGANIZATION

Mrs. Dutmer asked how MANCO had acquired the property it operates from, where the money came from to purchase the property and asked to hear from the former director of MANCO.

It was determined that the individual was not present.

Mrs. Dutmer expressed her concern that this was the third such delegate agency to be disenfranchized by the City, yet there has been no public word as yet on anyone being held responsible for the agencies' actions.

Ms. Irma Lopez Kramer, the new acting director of MANCO, answered Mrs. Dutmer's questions, noting that MANCO was allowed to acquire property so long as no individual profits from that purchase. She stated that MANCO is not asking for City funds to pay its old bills, but as an investment, and noted that the present fiscal officer has tried hard to pay back the amount owed to the Internal Revenue Service.

A discussion then was held concerning mortgage payments on the subject MANCO property, during which time it was noted that no City program funds had been used for this purpose.

Mr. Canavan then spoke to the MANCO problems, stating that he is concerned with allocating City funds to the agency when its fiscal problems haven't been solved. He spoke against budget requests being presented just before budget approval and noted that the City refused to fund the Barrio Betterment and Development Corporation because of allegations against it, and should do the same with MANCO. He also commended Mrs. Lopez Kramer for her work with the agency.

Mayor Cockrell stated that the City Council had three choices: take no action, eliminate the MANCO funding, or provide month-to-month funding while the investigation goes on.

In response to a question by Mr. Canavan as to why Council was not advised of the MANCO problems, even though those problems were found in December 1979, Mr. Bill Donahue, Director of the Department of Human Resources and Services, stated that when the problems were found, they were referred to Internal Audit of the City for investigation. He stated that the Legal Department then submitted that investigation to the District Attorney, and that's where it is now. He stated that at the time, the problems were uncovered, all the City had were allegations, and noted that in retrospect, perhaps staff should have come to the Council with its information as well.

Mr. Canavan stated that on March 26, 1980, the City Finance Department reported a series of problems with MANCO, and commented that this should have alerted the City.

Mr. Donahue noted that his department did not recommend the MANCO funding.

At this point, Mr. Archer made a motion that the MANCO funds be redirected to the San Antonio Public Library. Mr. Steen seconded the motion.

A discussion was then held on the merits of the motion.

August 7, 1980
mb

-17-

Mrs. Dutmer then made a substitute motion to freeze any allocation to MANCO until November 6, 1980, the date at which MANCO representatives stated that their financial difficulties would be solved. Mr. Canavan seconded the motion.

80-41 At this point, Mayor Cockrell asked for a consensus of the City Council to postpone the pending "B" Session items because of the lateness of the hour.

Council concurred.

80-41 DISCUSSION REGARDING FUNDING FOR MANCO CONTINUED.

Mrs. Dutmer then made a motion to call the question. Mr. Alderete seconded the motion.

On roll call, the motion to call the question failed to carry by the following vote: AYES: Dutmer, Thompson, Alderete, Archer, Steen, Cockrell; NAYS: Cisneros, Webb, Wing, Eureste; ABSENT: None; ABSTAIN: Canavan.

Mrs. Dutmer's substitute motion was then voted upon and failed to carry by the following vote: AYES: Dutmer, Canavan, Archer, Steen; NAYS: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Cockrell; ABSENT: None.

Mr. Eureste then made a motion to provide month-to-month funding for MANCO, putting the MANCO contract on a 30-day notice requiring renewal each month by action of the City Council. Mr. Webb seconded the motion. On roll call, the motion carried by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Alderete, Cockrell; NAYS: Dutmer, Canavan, Archer, Steen; ABSENT: None.

(Mayor Cockrell was obliged to leave the meeting and Mayor Pro-Tem John Steen presided.)

80-41

CITIZENS TO BE HEARD

MR. LEONARDO VALDOVINO

Mr. Valdovino, representing the United Seniors Association asked that the fee be waived at El Mercado for their Arts and Crafts Show. He also asked that 125 tables with two chairs each be furnished.

MRS. MARY LOUISE FARLEY

Mrs. Farley also representing the United Seniors Association reiterated the request for waiver of the fee. She stated that this will help defray the costs involved with the holding of the Arts and Crafts Show.

MR. ORAN B. MINWARREN

Mr. Minwarren also a member of United Seniors Association stated that senior citizens have held their Arts and Crafts Show at El Mercado under the auspices of Barrio Betterment Development Corporation and were not charged a fee. He stated that they have now taken over the sponsorship of this event.

Mr. Thompson stated that he agrees with the request for tables and chairs, however he doesn't support the waiver of the fee. He stated that other groups have been denied the same request.

Mr. Rolando Bono, Assistant to the City Manager, stated that the city management at El Mercado agrees that the fee be waived since the United Seniors Association has taken over the sponsorship of the Senior Citizens Arts and Crafts sales in El Mercado. However, there is concern about the number of tables and chairs requested. They suggest the number of exhibitor spaces be set at 72 because of fire and safety reasons as well as not further limiting produce space in the Farmer's Market. He stated that the request concerning waiving the fees on parking space in El Mercado has been referred to the Traffic Department for their recommendation.

At this point, Mr. Wing made a motion that the fee be waived for the United Seniors Association and that as many tables and chairs as possible be provided at no cost. Mr. Canavan seconded the motion.

Mr. Bono stated that only the Cinco De Mayo Celebration which the City co-sponsored and other partial reductions have been approved by the City Council.

Mrs. Farley then stated that they will be very limited in space if only 72 tables are authorized.

Mr. Bono stated that they will try to see if more tables can be set up.

Mrs. Dutmer expressed concern about the number of exhibitors being crammed into the Farmer's Market and suggested that the senior citizens from San Antonio be given first preference.

After discussion and on roll call, the motion carried by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Canavan, Steen; NAYS: None; ABSENT: Cisneros, Eureste, Alderete, Archer, Cockrell.

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MRS. BEATRICE LILBURN

Mrs. Lilburn spoke about their problem at the Market Square. She also spoke about specific security problems. She stated that she was informed that the gates were going to be closed at the Market. She also stated that she has stayed there until midnight and the gates are still left open and feels that the problem is a lack of communication with city management.

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MRS. JANET AHMAD

Mrs. Ahmad stated that she will relinquish speaking to the Council due to the lateness of the hour.

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MR. ED ADAME

Mr. Adame expressed his concern about a statement he received from the City of San Antonio requesting reimbursement of costs involved in the cleaning of a lot owned by himself. He felt that he was not given proper notification and feels that the bill was exorbitant.

Assistant City Attorney, Mr. Luis Garcia stated that the procedure followed is set out in an Ordinance. He then explained that a certified letter was sent to Mr. Adame and a notice was

August 7, 1980
mb

published to that effect. He then stated that this matter has been labored over a year before the lot was cleaned up.

Mr. Eureste stated that the City Council is very concerned about the condition of vacant lots because this is one of the biggest complaints from citizens. He stated that it is the homeowners' responsibility to keep the lot clean.

Mr. Wing stated that this is the last resort and the procedures that are used are proper.

Mrs. Dutmer felt that some consideration should be given to Mr. Adame because of Mr. Adame's statement that he didn't receive proper notification. At this time, Mrs. Dutmer made a motion to cut the cost in half. Dr. Cisneros seconded the motion.

Mr. Eureste spoke against the motion.

Mr. Archer then made a substitute motion that the City Manager review the bids to determine the cost to the City and charge Mr. Adame that cost. Mr. Wing seconded the motion.

After discussion, the substitute motion prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Thompson, Archer, Steen, Cockrell: NAYS: Dutmer; ABSENT: Alderete, Canavan.

(Mayor Cockrell returned to the meeting and presided.)

Mrs. Dutmer stated that this type of notice should be published in a daily newspaper not the Commercial Recorder.

Mr. Eureste asked that the staff report to the Council regarding the costs involved in placing the public notice in the local daily papers instead of the Commercial Recorder.

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MRS. CHARLOTTE BOWERS

Mrs. Bowers stated that she and her husband have had four stalls at the Farmer's Market for the past 18 months and they are very pleased with the management. She stated that she feels that it is a well-kept market and tourists are always complimenting the condition of the Market.

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MR. MIKE FERRER

Mr. Ferrer stated that he has been at the Farmers Market for three years and he too feels that it is a clean and well-managed operation.

Mr. Thompson stated that there have been several complaints made to the Council and he has personally visited the Farmers Market and feels that it is a well-kept and managed operation.

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REVEREND R.A. CALLIES, SR.

Reverend Callies presented a petition to the City Council for the installation of traffic signal lights at Martin Luther King and Hein Road; Martin Luther King Road and Brooksdale; and Martin King Luther Road and Badger street. (A copy of his petition is on file with the minutes of this meeting.)

After his presentation, Dr. Cisneros concurred with remarks made by Reverend Callies and moved that the City Traffic Department be instructed to install a traffic light at Martin Luther King and Hein Road. Mr. Webb seconded the motion.

Assistant to the City Manager, Mr. Alexander Briseno stated that traffic studies have been made at the above-mentioned location and reported the findings of each intersection as well as the recommendations of the Traffic Department.

After discussion and on roll call, the motion prevailed by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Steen, Cockrell; NAYS: Thompson; ABSENT: Dutmer, Alderete, Canavan, Archer.

MR. JESUS CASTILLO

Mr. Castillo stated that he represents merchants who have been tenants at Farmers Market for many years. He stated that the cleaning at Farmers Market is done in the evenings and that is the reason Mr. Thompson has seen those premises clean. He stated that the problems at the Market should be personally investigated by City Manager, Thomas Huebner.

Mr. Rolando Bono, Assistant to the City Manager, stated that investigations are being conducted by the City Attorney's Office. He then reported on efforts to keep the Market clean. He referred to a report on areas of concern raised by Mr. Castillo. (A copy of this report is on file with the minutes of this meeting.)

A discussion then took place between Mr. Eureste and Mr. Bono on a possible snack bar for the Farmers Market.

Mr. Wing stated that he felt that the proposal for a snack bar was dropped several weeks ago.

Mr. Bono noted that requests for a snack bar already had been planned and proposals had been let out.

Mr. Wing requested that the Council be made aware of any plans for a snack bar at the Farmers Market. At this time, he made a motion that staff be advised that the City Council does not look favorably at a snack bar at the Market Square. Mr. Thompson seconded the motion. On roll call, the motion carried by the following vote: AYES: Cisneros, Wing, Eureste, Thompson, Steen, Cockrell; NAYS: None; ABSENT: Webb, Dutmer, Alderete, Canavan, Archer.

There being no further business to come before the Council, the meeting was adjourned at 9:20 P.M.

A P P R O V E D

Lila Cockrell
M A Y O R

ATTEST:

Fernando J. Rodriguez
C i t y C l e r k

August 7, 1980
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