

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, JUNE 15, 1989.

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The meeting was called to order by the presiding officer, Mayor Lila Cockrell, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, MARTINEZ, THOMPSON, VERA, LABATT, HASSLOCHER, COCKRELL. Absent: WOLFF.

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89-26 The invocation was given by Reverend Robert E. Felder, St. Paul's United Methodist Church.

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89-26 The members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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89-26 KTFM'S "H₂OKAY WATERTHON"

Mayor Cockrell introduced Mrs. Yolanda Arellano and Mr. Jeff McCartney, from Radio Station KTFM, who were in the audience to make a brief presentation on the "H₂Okay Waterthon" which is being jointly sponsored by KTFM and the City of San Antonio.

Mrs. Arellano and Mr. McCartney stated that this promotion is intended to heighten public awareness on the use of water with the intent of making San Antonio citizens "water smart." They explained that the station will take pledges from citizens who pledge to save water. They invited the City Council to come by the radio station during this "Waterthon."

Mayor Cockrell thanked the station for committing to this project and spoke to the need for long-term conservation of our City's water supply. Mayor Cockrell also congratulated Mrs. Arellano in her capacity as President of the San Antonio Festival for the tremendously successful festival.

Mr. Labatt thanked KTFM for their efforts and read from a pamphlet prepared for this event.

Mrs. Arellano spoke to the upcoming Friday night Festival presentation at the San Jose Mission.

Mrs. Dutmer commended Mrs. Arellano for this worthwhile campaign and asked that safety in swimming pools also be emphasized. She spoke to the increase of pool deaths in the past few months.

Mrs. Berriozabal took note of the pamphlet on the waterthon that had been prepared for distribution by KTFM and congratulated the station on its content.

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89-26 The minutes of the City Council meeting of June 1, 1989 were approved.

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89-26 CONSENT AGENDA

Mr. Hasslocher made a motion to approve Agenda Items 5 - 28, constituting the Consent Agenda, with Items 9, 19, 23, and 28 to be pulled for individual consideration. Mrs. Dutmer seconded the motion.

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

AN ORDINANCE 69,643 .

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ACCEPTING THE LOW QUALIFIED BIDS OF HORNUNG'S PRO GOLF SALES, TEE TO GREEN AND FOUR SEASONS GOLF COMPANY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH GOLF SUPPLIES FOR A TOTAL OF \$7,192.15.

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AN ORDINANCE 69,644 .

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ACCEPTING THE LOW BIDS OF CLARK'S MACRAME, S & S ARTS & CRAFTS, VALLEY INDUSTRIAL PRODUCTS AND COLE SUPPLY TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH ARTS & CRAFTS SUPPLIES FOR A TOTAL OF \$8,618.83.

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AN ORDINANCE 69,645 .

.
ACCEPTING THE LOW BID OF TEXTRUCK/WELCH EQUIPMENT COMPANY TO FURNISH THE CITY OF SAN ANTONIO POLICE

DEPARTMENT WITH A HYDRAULIC WHEEL LIFT FOR A TOTAL OF \$3,795.

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AN ORDINANCE 69,646 .

ACCEPTING THE LOW BID OF CASCO INDUSTRIES, INC. TO FURNISH THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH SMOKE EJECTORS FOR A TOTAL OF \$7,250.

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AN ORDINANCE 69,647 .

ACCEPTING THE LOW BID OF SOUTHWEST ENVIRONMENTAL SERVICES, TO FURNISH THE CITY OF SAN ANTONIO WITH THE REMOVAL AND RELOCATION OF PETROLEUM PRODUCTS FOR A TOTAL OF APPROXIMATELY \$3,000.

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AN ORDINANCE 69,648 .

ACCEPTING THE PROPOSAL OF PARKING PRODUCTS, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A PARKING ACCESS CONTROL SYSTEM FOR A TOTAL OF \$13,530.

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AN ORDINANCE 69,649 .

ACCEPTING THE BID OF AHR AVIONICS, INC. TO FURNISH THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH TRANSCEIVER RADIOS FOR A TOTAL OF \$6,074.

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AN ORDINANCE 69,650 .

ACCEPTING THE PROPOSAL OF COMPUTER ASSOCIATES INTERNATIONAL TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH A SOFTWARE MAINTENANCE RENEWAL CONTRACT FOR A TOTAL OF \$15,000.50.

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AN ORDINANCE 69,651

ACCEPTING THE LOW BID OF BERRY COMPUTER INCORPORATED, TO FURNISH THE CITY OF SAN ANTONIO INFORMATION RESOURCES DEPARTMENT WITH A MAINFRAME CHANNEL-TO-CHANNEL INTERFACE FOR A TOTAL OF \$7,825.

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AN ORDINANCE 69,652

AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH THE STATE DEPARTMENT OF HIGHWAYS & PUBLIC TRANSPORTATION RELATED TO THE GUADALUPE/CASTROVILLE ROAD PROJECT (FROM ALAZAN CREEK TO CUPPLES ROAD) AND AUTHORIZING THE CITY PARTICIPATION IN THE AMOUNT OF \$925,371.80.

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AN ORDINANCE 69,653

AUTHORIZING AN ADDITIONAL \$15,561.96 FOR ENGINEERING FEES PAYABLE TO M.W. CUDE & ASSOC., INC., IN CONNECTION WITH THE CANTRELL FROM HILTON TO PLEASANTON ROAD PROJECT.

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AN ORDINANCE 69,654

AWARDING A \$23,030.00 CONSTRUCTION CONTRACT TO SIA ENGINEERING, AND AUTHORIZING \$2,303.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES FOR THE PEDESTRIAN ACCESS PROGRAM PHASE XXIII CONSTRUCTION.

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AN ORDINANCE 69,655

AWARDING A CONSTRUCTION CONTRACT TO S.A. WINCO, INC. THE LOW QUALIFIED BIDDER IN THE AMOUNT OF \$504,297.34 FOR RECONSTRUCTION OF VANCE JACKSON ROAD GENERALLY BETWEEN LAZY HOLLOW AND PARMAN PLACE.

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AN ORDINANCE 69,656

APPROPRIATING \$1,550.00 IN PAYMENT FOR TITLE CHARGES AND APPRAISAL FEES INCURRED IN ACQUISITION OF CERTAIN RIGHT-OF-WAY PROJECTS. (HARRY WURZBACH DRAINAGE PROJECT #75; MITCHELL/WELLINGTON/NOGALITOS/MARGIL/RIPFORD STREET RECONSTRUCTION PROJECT; GEMBLER ROAD - COLISEUM TO NORTH W.W. WHITE ROAD; CURTIS STREET OUTFALL PROJECT; HILDEBRAND AVENUE - STADIUM DRIVE TO U.S. 281; WURZBACH ROAD - VANCE JACKSON TO LOCKHILL SELMA)

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AN ORDINANCE 69,657

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND FROST NATIONAL BANK, TO ENCROACH WITHIN CITY RIGHT-OF-WAY AT TWO SEPARATE LOCATIONS BEING ACROSS NORTH FLORES AND WEST HOUSTON STREETS AND AUTHORIZING THE CITY MANAGER OR ANY ASSISTANT CITY MANAGER TO EXECUTE SAID LICENSE AGREEMENT FOR A TOTAL CONSIDERATION OF \$1,000.00 IN CONNECTION THEREWITH.

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AN ORDINANCE 69,658

DECLARING SURPLUS A STRIP OF LAND MEASURING 7.5 FEET IN WIDTH BY 50.0 LINEAR FEET CONTAINING 375.0 SQUARE FEET (0.009 ACRES) WITHIN LOT 23, BLOCK 5, NEW CITY BLOCK 3410, PALM HEIGHTS ADDITION, SAN ANTONIO, BEXAR COUNTY, TEXAS AND AUTHORIZING THE CITY MANAGER OR ANY ASSISTANT CITY MANAGER TO EXECUTE A QUITCLAIM DEED UNTO ROGELIO E. VASQUEZ AND WIFE, DORA R. VASQUEZ, FOR A CONSIDERATION OF \$1.00.

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AN ORDINANCE 69,659

AMENDING ORDINANCE 67480 TO PROVIDE THAT SUPERVAN SHUTTLE MAY CONTINUE OPERATION FOR A ONE YEAR PERIOD OR UNTIL ADOPTION OF A COMPREHENSIVE GROUND TRANSPORTATION ORDINANCE.

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AN ORDINANCE 69,660 .

AUTHORIZING THE CREATION OF THREE (3) ADDITIONAL PERSONNEL POSITIONS IN THE IMMUNIZATION INFLUENZA DEMONSTRATION PROJECT OPERATED BY THE HEALTH DEPARTMENT.

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AN ORDINANCE 69,661 .

AUTHORIZING THE TRANSFER OF \$38,830.00 FROM THE SPECIAL REVENUE RESERVE FUND TO CONTRIBUTIONS TO MUNICIPAL BUILDINGS TO PROVIDE FOR THE UPGRADING OF ELECTRICAL SYSTEMS IN THREE CITY OWNED PUBLIC HEALTH FACILITIES.

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AN ORDINANCE 69,662 .

AUTHORIZING REIMBURSEMENT OF THE GENERAL FUND EXPENSES INCURRED FOR PROFESSIONAL CONSULTING SERVICES DURING NEGOTIATIONS ON THE ROGERS CABLE TELEVISION FRANCHISE TRANSFER FROM THE PROCEEDS OF THE SETTLEMENT AGREEMENT.

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89-26 The Clerk read the following Ordinance:

AN ORDINANCE 69,663 .

ACCEPTING THE LOW BID OF RIDER CAR WASH SYSTEMS TO FURNISH THE CITY OF SAN ANTONIO AUTOMOTIVE OPERATIONS WITH CAR WASH WATER RECOVERY SYSTEMS FOR TOTAL OF \$86,883.27.

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

In response to questions by Mrs. Dutmer, Mr. Archie Titzman, Director of Purchasing, explained the benefit of using recycling systems and noted that the cost per year for maintaining these systems is not a major factor.

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Mr. Labatt stated that the cost benefit ratio is hard to determine on recovery systems.

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

89-26 Agenda Item 19, being a proposed ordinance establishing a budget for site clearing and grubbing along the Zarzamora Creek within the Science Park Drainage Project between Callaghan and Ingram, was taken up for discussion at this time.

Mrs. Vera made a motion to postpone consideration of this proposed ordinance for two weeks. Ms. Berriozabal seconded the motion.

Mrs. Vera stated that area residents have asked to meet with her and City staff to discuss some questions they have with regard to this pilot channel.

Joe Aceves, Director of Public Works, in response to question by Mrs. Berriozabal, briefly discussed the problems of downstream flooding and the use of impact fees to fund capital improvement programs.

The motion to postpone consideration of this ordinance for two weeks prevailed by the following vote: AYES: Berriozabal, Dutmer, Wing, Vera, Labatt, Hasslocher, Cockrell; NAYS: None; ABSENT: Webb, Martinez, Thompson, Wolff.

89-26 The Clerk read the following Ordinance:

AN ORDINANCE 69,664

AUTHORIZING AN AGREEMENT WITH HENRY S. MILLER CO., REALTORS, TO PROVIDE SERVICES RELATED TO LEASING RETAIL SPACE LOCATED UNDER THE COMMERCE STREET BRIDGE ON THE RIVER EXTENSION INTO RIVERCENTER MALL.

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

In response to a question by Mrs. Berriozabal, Mr. Ron Darner, Director of the Parks & Recreation Department, stated that contracting with the Henry S. Miller Company to serve as the City's leasing agent for

this retail space would cost approximately \$4,000.

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

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89-26 The Clerk read the following Ordinance:

AN ORDINANCE 69,665 .

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APPROVING INCLUSION OF PART OF THE CITY'S
EXTRATERRITORIAL JURISDICTION WITHIN A RURAL FIRE
PREVENTION DISTRICT.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Rebecca Quintanilla Cedillo, Director of Planning, stated that should the City annex this area into the City, the volunteer fire department will cease to operate and the citizens would be served by the City's fire department, safeguarding the residents from being double taxed.

Mr. Hasslocher pointed out that this ordinance calls for only a 60 day extension of the City's consent to include a portion of the City's ETJ within this district.

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

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89-26 BENEFACTOR OF THE COMMUNITY

Mayor Cockrell recognized Major General Lewis G. Curtis, who was present in the audience and whom she noted was retiring from Kelly Air Force Base. She requested General Curtis come forward as she read the "Benefactor of the Community" award.

The City Council joined the Mayor in thanking General Curtis for his years of service and wished him well upon his retirement.

General Curtis thanked the City Council for the Benefactor award.

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89-26 The Clerk read the following Ordinance:

AN ORDINANCE 69,666 .

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ACCEPTING THE HIGH BIDS RECEIVED IN CONNECTION WITH
CITY FUNDS AVAILABLE FOR DEPOSIT IN INTEREST-BEARING
CERTIFICATES OF DEPOSIT.

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

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

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89-26

NORMA S. RODRIGUEZ

Mayor Cockrell stated that Norma S. Rodriguez, City Clerk, was in
the T.V. audience today recuperating from her recent surgery. Mayor
Cockrell, as well as other members of the City Council, wished her well.

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89-26 The Clerk read the following Resolution:

A RESOLUTION NO. 89-26-54 .

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SUPPORTING RESTORATION OF REASONABLE RATE REGULATION
BY CITIES OVER THE CABLE TELEVISION INDUSTRY.

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

Mayor Cockrell stated she would be attending the upcoming
United States Conference of Mayors and she felt that the issue of rising
subscriber rates for basic services should receive national attention.
She asked for Council's input on this issue.

Mr. Labatt noted that in his opinion the escalation of basic rates has been too rapid.

Mr. Thompson spoke in support of the resolution.

Mrs. Vera spoke to her support for this action and expressed appreciation to Mayor Cockrell for bringing it to the table.

Mr. Hasslocher noted that rates have almost tripled since 1978, spoke to the use of satellite dishes and applauded Mrs. Cockrell for her work in favor of the consumer.

Mrs. Berriozabal expressed her approval of the proposed resolution and noted that it would be in order to send a copy of the resolution to San Antonio's congressional delegation in Washington. She noted that some of her constituents had to cancel their services after the latest rate increase.

Mr. Wing stated that he would support the proposed resolution but noted that in all fairness to the cable company he has a problem with trying to effectuate more controls.

Mr. Webb spoke in support of the resolution.

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

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89-26 The Clerk read the following Ordinance:

AN ORDINANCE 69,667

AUTHORIZING THE SETTLEMENT OF CAUSE NO. 85-CI-08531,
STYLED MARIA CARRANCO AND RAUL CARRANCO, ET AL VS.
CITY OF SAN ANTONIO, IN THE AMOUNT OF \$150,000.

* * * *

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

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

89-26 TRAVEL AUTHORIZATION - GRANTED

Mayor Lila Cockrell to travel to Charleston, South Carolina from June 16 - 21, 1989 to attend the U.S. Conference of Mayors' meeting.

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The City Council at 1:54 P.M. took a short recess, reconvening at 2:02 P.M. for consideration of various zoning cases.

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ZONING HEARINGS

33. CASE Z89055 - to rezone Lots 12, 13, and the east 10 feet of 11, Block 53, NCB 8943, 635 Price Avenue, from "R-2" Two Family Residence District to "O-1" Office District, located northeast of the intersection of Bynum Street and Price Avenue, having 140 feet on Bynum Street and 110 feet on Price Avenue.

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

Mr. Wing made a motion to approve the recommendation of the Zoning Commission provided that a one-foot non-access easement is imposed along Price Avenue. Mr. Thompson seconded the motion.

In response to a question by Mr. Wing, Andy Guerrero, Planner III, stated that a non-access easement could be placed along Price Avenue to necessitate ingress and egress to the property from Bynum.

Mr. Pablo Uresti, the owner, stated that he agreed with including the recommendation of the Zoning Commission including the requirement for a non-access easement.

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

AN ORDINANCE 69,668

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AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 12, 13 AND THE EAST 10 FEET OF LOT 11, BLOCK 53, NCB 8943, 635 PRICE AVENUE, FROM "R-2" TWO-FAMILY RESIDENCE DISTRICT TO "O-1"

OFFICE DISTRICT, PROVIDED THAT A ONE-FOOT NON-ACCESS EASEMENT IS IMPOSED ALONG PRICE AVENUE. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

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34. CASE Z89097 - to rezone Arbitrary A-16, Block 5, NCB 10615, 740 South W.W. White Road, from "A" Single Family Residence District to "B-3R" Restrictive Business District, located on the east side of South W.W. White Road, being approximately 175.0' south of the intersection of South W.W. White Road and Kay Ann Drive, having 54.0' on South W.W. White Road with a depth of 145.0'.

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

Mr. Webb made a motion to approve the recommendation of the Zoning Commission. Mr. Hasslocher seconded the motion.

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

AN ORDINANCE 69,669

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS ARBITRARY A-16, BLOCK 5, NCB 10615, 740 SOUTH W.W. WHITE ROAD, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "B-3" RESTRICTIVE BUSINESS DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

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35. CASE Z89096 - to rezone Lots 1, 2, 3 and 4, Block 11, NCB 7230, 4022 Blanco Road, from "F" Local Retail District to "B-3NA" Non-Alcoholic Sales Business, located southeast of the intersection of Blanco Road and Lovera Boulevard, having 120.0' on Blanco Road and 150.0' on Lovera Boulevard.

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

Mr. Rudy Hettler, representing Mr. Richard Reyna, the owner, stated that the owner was requesting a change of zoning in order to continue operating a paint and auto repair business with the existing car lot. He further stated that the owner was not aware that he did not have the proper zoning for the existing business. He added that Mr. Reyna had written to the neighbors in an attempt to discuss their concerns but he had never received a response.

Mr. Lyle Teague, 730 Lovera, stated that he is opposed to the proposed change of zoning. He stated that he had received a letter from Mr. Reyna but had not responded because he saw no way that the noise from the body shop could be eliminated nor the fumes from the paint shop prevented from coming into his business. He further added that the change of zoning would not be in the best interest of the whole neighborhood.

In response to questions by Mr. Labatt, Andy Guerrero, Planner III, stated that the current zoning allows for a used car lot but not for a paint and body shop and Mr. Rudy Hettler stated that the owner was not aware he was in violation of the zoning until he was cited.

Mr. Labatt stated that, based on the facts, he was inclined to agree with the Zoning Commission and deny Mr. Reyna's request.

After further discussion, Mr. Labatt made a motion to approve the recommendation of the Zoning Commission and deny the requested zoning. Ms. Berriozabal seconded the motion.

A brief discussion followed on how the Zoning Commission views non-responses to notices sent out to neighboring residents of properties that are being considered for zoning changes. It was pointed out that the notices ask for either support or opposition to the changes.

Mr. Teague stated that, if the Zoning Commission views non-responses as being in support of requested zoning changes, then this should be stated in the notices so that the public is fully aware of this.

Mrs. Cockrell, directing her comments to Mr. Guerrero, stated that her sense of the City Council is that they would like clarification from the Zoning Commission on how the Commission views non-responses.

Mr. Guerrero stated that he would convey the Council's concerns to the chairman of the Zoning Commission and request that he address them.

Mrs. Vera stated that, if a non-response is considered an affirmative vote for zoning change purposes, she would recommend that

staff assure this is so stated on the notices.

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

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36. CASE Z89099 - to rezone Lot 9 and the southwest 22.6' of the northwest 154.5' of Lot 11, Block 30, NCB 452, 416 Eighth Street, from "K" Commercial District to Historic Significant (HS) "K" Commercial District, located east of the intersection of Eighth Avenue and Union Street, having 126.3' on Union Street and 119' on Eighth Street.

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

Ms. Pat Osborne, Historic Preservation Office, stated that this property was part of a large area that the Board of Review for Historic Districts and Landmarks had recommended be designated as historically significant and that this property in particular was part of what is known as the "Irish Flats". She stated that the Zoning Commission concurred with the historic designation.

Mr. Andrew Perez, member of the Historic Review Board, stated that the board had looked at all the structures and did a survey as to their historicity.

Mr. Arne Klendshoj, 416 8th Street, stated that he has owned the subject property since 1977 and has operated it as a restaurant and inn. He further stated that he closed the business last year and has the property for sale. He added that if the historical designation is placed on the property it will make it very difficult for him to sell it and that he sees nothing historical on this property.

Mr. Thompson expressed his concern with the previously approved blanket historical designation of properties.

In response to questions by Mr. Thompson, Mr. Klendshoj stated that the staff had not briefed him on the ramification of the historical designation and Ms. Osborne spoke to the staff's notification process and to the requirements dictated by a historical designation.

Mr. Thompson reiterated his comments on historical designations being placed on properties where owners do not concur with the designation. He stated that he cannot support this change of zoning.

In response to further questions by Mr. Thompson, Ms. Osborne stated that this property was being designated historically significant

because it belonged to the Herpel family, a prominent business family in San Antonio.

Mr. Hasslocher also expressed his concern with historical designations and with designating this particular building as historically significant.

Mrs. Berriozabal noted her concern that persons having their properties designated as historically significant are not being given complete information on these designations.

Mr. Perez explained the difference between a property being classified as historically significant or historically exceptional.

Mrs. Dutmer stated that the Herpel family was a well-known family in San Antonio and noted her support for protecting the historicity of San Antonio. She urged the City Council to preserve historical buildings.

In response to questions by Mrs. Vera, Ms. Osborne spoke to the restrictions that will be placed on the property if it is designated as historically significant.

In response to questions by Mr. Thompson, Mr. Gene Camargo, Director of the Building Inspections Department, explained the process used by City staff to notify property owners of the proposed historical designations on their properties.

Mr. Thompson stated that he is not sure that enough is being done by the City to bridge the communication gap.

Mayor Cockrell stated that, based on the comments made by Council members on this case, she urged City staff to be more zealous in their notification procedures of zoning cases.

Mr. Wing stated that he had fundamental problems with the City designating a property historically significant or exceptional when the owner is against the designation.

Mr. Hasslocher made a motion to approve the requested rezoning. Mr. Wing seconded the motion.

Mayor Cockrell stated her opinion that the City needs to have boards and commissions and spoke to her support of the process of designating properties that have historical value as historically significant.

The motion to approve the historical designation on the subject property failed to carry by the following vote: AYES: Berriozabal, Webb, Dutmer, Vera, Cockrell; NAYS: Wing, Martinez, Thompson, Labatt, Hasslocher; ABSENT: Wolff.

Zoning Case Z89099 failed.

37. CASE Z89100 - to rezone Lot 5 and the northwest 25.3 feet of Arb A-3, Blk 14, NCB 434, 123 McCullough Avenue, from "I" Business District to Historic Significant (HS) "I" Business District, located on the southwest side of McCullough Avenue, 161.1' southeast of the intersection of Avenue E and McCullough Avenue, having 67.6' on McCullough Avenue and a depth of 141.6'.

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

Ms. Pat Osborne, Historic Preservation Office, stated that the structure on this property is an example of a stone "saltbox" house. She added that the structure is one of the original residence structures remaining in the area known as "Irish Flats" and was built by Charles E. Fischer.

Mr. Jace Floyd, 123 McCullough, spoke to the history of the property he purchased 22 years ago and noted that he had never received notification that the property was being designated as historically significant.

In response to questions by Mayor Cockrell, Mr. Floyd stated that the property is up for sale and that, in his opinion, it would not be economically feasible to restore the inside of the property to its original state. He added that no one had asked to see the condition of the inside of the building.

Reverend Louis Zbinden, pastor of the First Presbyterian Church, expressed his opposition to the historical designation. He noted that Grace Lutheran Church, located in the area, also opposed the designation.

Mr. Ron Greenberg, real estate agent, stated that he has tried to sell the subject property for Mr. Floyd for several years but prospective buyers lose interest when they learn of the possible historic designation.

Mrs. Dutmer spoke in support of the historic designation and urged the Council to support this proposed ordinance.

Ms. Osborne, in response to Ms. Berriozabal, stated that by the time the zoning cases for historical designations come before the Council there have been four public hearings and that the Board makes its decisions based on the ordinance the Council passed on historical designations.

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Mr. Andrew Perez, member of the Historic Review Board, spoke to the process of designating a property historically significant.

Ms. Berriozabal stated that she would vote to uphold the process of historical designation.

Mr. Labatt stated his opinion that he was opposed to this historical designation.

Mr. Thompson also voiced his opposition to this designation.

Mr. Labatt made a motion to approve the proposed historical designation. Mr. Thompson seconded the motion.

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

CASE Z89100 failed.

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38. CASE Z89101 - to rezone Lot 7 and the southeast 20.6' of Lot 9, Block 14, NCB 434, 127 McCullough Avenue, from "I" Business District to Historic Significant (HS) "I" Business District, located on the southwest side of McCullough Avenue, 81.6' southeast of the intersection of Avenue E and McCullough Avenue, having 79.5' on McCullough Avenue and a depth of 141.6'.

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

Ms. Pat Osborne, Historic Preservation Office, stated that this is another example of a "saltbox" house and originally was the home of Ross Kennedy, one of the original "developers" in the area known as "Irish Flats." She added that the owner of this property is not opposing the historical designation.

Mrs. Dutmer commended the owner for not opposing the historical designation.

Reverend Louis Zbinden, First Presbyterian Church, spoke in opposition to the designation.

Mr. Wing made a motion to approve the historic designation on subject property. Ms. Vera seconded the motion.

The motion to designate the property as historically significant failed to carry by the following vote: AYES: Berriozabal, Webb, Dutmer, Vera, Cockrell; NAYS: Wing, Thompson, Labatt, Hasslocher; ABSENT:

Martinez, Wolff.

CASE Z89101 failed.

89-26

"B" SESSION ITEM

Mayor Cockrell suggested a possible "B" Session to give the Historic Review Board an opportunity to brief the City Council on the work they perform.

Mrs. Berriozabal concurred with Mayor Cockrell that a briefing session was in order.

39. CASE Z89102 - to rezone the northwest 75' of Lots 7 and 8, Block E, NCB 2564, 1303 S. Main Avenue, from "R-3" Multiple Family Residence District to Historic Significant (HS) "R-3" Multiple Family Residence District, located southwest of the intersection of S. Main Avenue and Sweet Street, having 79.3' on S. Main Avenue and 75' on Sweet Street.

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

Mrs. Dutmer made a motion to table consideration of this zoning case. Ms. Vera seconded the motion.

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

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Vera, Labatt, Hasslocher, Cockrell; NAYS: Thompson; ABSTAIN: Dutmer; ABSENT: Martinez, Wolff.

AN ORDINANCE 69,670

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTHWEST 75' OF LOTS 7 AND 8, BLOCK E, NCB 2564, 1303 SOUTH MAIN AVENUE, FROM "R-3" MULTIPLE FAMILY RESIDENCE DISTRICT TO HISTORIC

June 15, 1989
mlr

SIGNIFICANT (HS) "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

* * * *

89-26 Agenda Item 41, being the City Manager's Report (firefighters' contract discussion), was taken up at this time.

Mr. Ben Foster, chief negotiator for the City of San Antonio, presented a paper listing the firefighters' contract demands (a copy of which is filed with the papers of this meeting). He reviewed each one of the items individually and recommended the ratification of the contract. He then reviewed the projected budget costs.

In response to questions by Mayor Cockrell, Mr. Foster stated that the figures being presented today are the same as those that were presented to the City Council in their deliberations and stated that the Finance Department concurs with these figures.

In response to questions by Mr. Thompson, Mr. Foster stated that the union has ratified the contract and at this point the City Council had the option to approve or deny it as presented. He added that the issues cannot be individually addressed.

Mr. Ken Daly, Director of the Budget and Research Department, responding to Mr. Labatt, spoke to the total amount of the Fire Department's budget and to the contract's effective date.

Mr. Labatt stated that he would vote against the contract because the Firefighters Union's president is paid to do union work at taxpayers' expense.

A brief discussion followed on sick leave cycles and vacation days.

In response to a question by Ms. Berriozabal, Mr. Louis J. Fox, City Manager, stated that there are no equipment or staffing issues addressed in this contract.

Mr. Johnny Anderson, President of the Firefighters' Union, spoke briefly to the contract.

Mrs. Dutmer made a motion to move consideration of the firefighters' contract to next week's "A" session. Ms. Vera seconded the motion.

Mayor Cockrell stated that she supported the work of the City Council in negotiating this contract and further stated that she wanted to assure that all the facts and figures as presented are correct. She noted that the union president's job is a valid negotiating point. She added that the Council would have a week to request any additional information they may need in order to decide on their vote.

Mr. Wing noted that the Council is attempting to provide ratio parity between the fire and police contracts.

The City Council recessed its regular session to convene a "B" on the budget at 4:46 P.M., reconvening the regular session at 6:15 P.M.

89-26

EDWARDS AQUIFER LAWSUIT

Mayor Cockrell noted that the Guadalupe-Blanco River Authority today filed a lawsuit contending that the Edwards Aquifer actually is an underground stream, and asked City staff to be prepared to brief the City Council on the matter.

Mr. Labatt spoke to the substance of the lawsuit, as filed.

Mr. Lloyd Garza, City Attorney, noted that the suit was filed in Hays County, and his office now is seeking to obtain copies of the pleadings. He further stated that he does not feel that the City is in any jeopardy, and that the City will work in concert with the Edwards Underground Water District and the City Water Board on this case. He stated he would prepare a briefing for the City Council for next week.

89-26

CITIZENS TO BE HEARD

NORMA TORRES

Mrs. Norma Torres, 6019 Little Brandywine, spoke of having rescued a dog last night, after the animal fell from the back of a truck on a San Antonio expressway. She spoke of her efforts to find an open animal clinic without success, and of her telephone conversation with the Animal Defense League. She noted that there was no one available to assist the injured dog at that hour, and asked the City Council to make a commitment to assist injured animals such as this by strengthening of City animal control laws.

Mrs. Dutmer noted that the Council will take up the subject of animal control at a "B" session on July 13th.

* * * *

PHILIP M. ROSS

Mr. Philip M. Ross spoke to his own newspaper article published May 28th, which contended that the current water crisis is a 'scare tactic' and damages water conservation efforts. He then spoke to details of another newspaper article, contending that San Antonio is not short of water. He then reiterated his comments of last week, that it will cost San Antonio \$10 million per year for the Applewhite Reservoir, just to feed water into Comal Springs to keep them flowing. He then spoke to the alleged damage which will be caused by construction of the reservoir, and stated his belief that the entire issue of the reservoir needs to be re-evaluated in light of today's lawsuit filed over the aquifer spring flow.

* * * *

LAWRENCE FRANKLIN

Mr. Lawrence Franklin, Script Advertising, spoke of his proposed new concession for the Convention Center, as originally outlined for City Council back in February. He noted that City staff feels that his plans for a new advertising approach in the Convention Center is not feasible. He then spoke to proposed changes he will make in the concession's original proposal which would guarantee income to the City, and distributed photographs of the concession.

Mr. Webb briefly explained Mr. Franklin's plans to offer the City a percentage of his gross profits from the placement of advertising in the Convention Center, and stated his support for the project.

Mr. J. Rolando Bono, Assistant City Manager, noted that the Convention Center only has advertising in the Arena as a matter of City policy and that Arena advertising is controlled by the Spurs organization. He stated that it is his belief that Mr. Franklin's proposal would detract from the City's current policy on the Convention Center. He also noted that even if City staff should relent on the stated no-advertising policy, it would still have to go out for bids rather than award it directly to an individual or firm.

Mr. Martinez asked City staff to evaluate the proposal in the context of the City's current budget considerations.

Mr. Webb stated that he feels there would be no proliferation of advertising in the Convention Center as a result of implementation of Mr. Franklin's plans, even if one individual was given the concession by bid.

He stated his belief that the concession would be an asset to the Convention Center.

Mayor Cockrell asked staff to follow through on this as part of its budget considerations.

There being no further business to come before the City Council, the meeting was adjourned at 6:43 P.M.

A P P R O V E D

Lila Cockrell

M A Y O R

ATTEST: *Armando S. Rodriguez*
City Clerk

June 15, 1989
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