

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO HELD IN
THE COUNCIL CHAMBER, CITY HALL, ON
THURSDAY, NOVEMBER 19, 1981.

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The meeting was called to order at 1:00 P.M. by the presiding officer, Mayor Pro Tem Joe Alderete, in the absence of Mayor Henry Cisneros, with the following members present: BERRIOZABAL, WEBB, DUTMER, WING, THOMPSON, HARRINGTON, HASSLOCHER, ALDERETE; Absent: EURESTE, ARCHER, CISNEROS.

81-59 The invocation was given by Reverend Mark Dunn, Assistant Pastor, Highland Hills Baptist Church.

81-59 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

81-59 The minutes of the meeting of November 5, 1981 were approved.

ZONING HEARINGS

4. The Clerk announced that agenda item number 4 had been withdrawn from consideration.

5. CASE 8623 - to rezone the northwest 75' of Lot 2, Block 4, NCB 11770, in the 3800 block of N.W. Loop 410, from "O-1" Office District to "B-3R" Restrictive Business District, located on the southeast side of N.W. Loop 410, being 87' northwest of the intersection of Glencrest Drive and N.W. Loop 410, having 80' on N.W. Loop 410 and a depth of 75'.

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

Mr. Andy Guerrero, Planning Administrator, explained the requested change of zone and noted that the Zoning Commission agreed with City staff and recommended denial. Mr. Guerrero noted that six votes would be needed to approve the requested change.

Mr. Ray Waddell, 6507 Moss Oak Road, the proponent, stated that he was asking for the rezoning on the front portion of the property in order to lease that space for erection of a lighted display sign, explaining that the income from that lease would assist him in financing construction of a small office building on the rear portion of the property.

Mr. Waddell displayed for City Council three photographs of the property, and stated that he was willing to deed-restrict the property for sign usage only.

Speak in opposition, Ms. Kathy Roberson, 4015 Dunmore, manager of the Brook Hollow Apartments adjacent to subject property, stated her belief that the sign would be detrimental to the neighborhood, noting that two of her apartment project occupants were with her today in opposition to the request. She further stated that she had letters of opposition in her possession from other occupants of the apartments.

A brief discussion of deed restrictions then took place.

Mrs. Diana Borden, a resident of the Brook Hollow Apartments, stated that while she is not opposed to the sign per se, she fears other more detrimental uses of the property if it is later sold by the proponent.

Mr. Webb discussed the lack of uses available in the proposed zoning.

Mr. Jack McGarrett, 3253 Brook Hollow, stated that the law does not permit erection of a 'pole sign' within 500 feet of another such sign.

Mr. Andy Guerrero, Planning Administrator, stated that there was no other such sign within 500 feet of this property.

Mr. Wing spoke to the possible rezoning of only a portion of the property, to cover an area only large enough for the sign, in lieu of the requested rezoning.

Ms. Jane Macon, City Attorney, stated that the City Council could approve an ordinance at this time, giving verbal direction that only the exact location and size necessary to erect and maintain the sign be rezoned.

Mr. Wing spoke to the fact that other cities are allowing specific permitted "provisional uses" only on rezoned properties.

Mr. Thomas E. Huebner, City Manager, spoke briefly to the method of such provisional rezoning and stated that his office would look into the matter and report back to City Council on the findings.

A brief discussion then took place on how to effectively restrict the rezoning to the sign area only, during which Mr. Thompson spoke against the matter, stating his opposition to such large signs beside freeways.

After consideration, Mrs. Dutmer moved that a B-3R zoning be granted on only that portion of subject property to be occupied by the area of the sign to be erected. Ms. Berriozabal seconded the motion.

Mr. Harrington made an amendment to the motion to rezone only the property 10-foot wide by the length of the sign to be erected. Mr. Wing seconded the motion.

On roll call, the vote on the amended motion prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Alderete, Harrington, Hasslocher; NAYS: Thompson; ABSENT: Eureste, Archer, Cisneros.

The main motion as amended, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Alderete, Harrington, Hasslocher. NAYS: Thompson. ABSENT: Eureste, Archer, Cisneros.

AN ORDINANCE 54,553

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
10-FOOT BY 50-FOOT TRACT OF LAND OUT OF
LOT 2, BLOCK 4, NCB 11770, BEING FURTHER
DESCRIBED BY FIELD NOTES FILED IN THE
OFFICE OF THE CITY CLERK, IN THE 3800
BLOCK OF N.W. LOOP 410, FROM "O-1" OFFICE
DISTRICT TO "B-3R" RESTRICTIVE BUSINESS
DISTRICT.

* * * *

6. CASE 8632 - to rezone the west irregular 100' of the south 319.04' of Lot 4, Block 11, NCB 8358, at 1272 Bandera Road, from "B-3R" Restrictive Business District and "B-1" Business District to "I-1" Light Industrial District, located on the northeast side of Bandera Road, being 205' south-east of the intersection of E. Ligustrum Drive and Bandera Road, having 100' on Bandera Road and a depth of 319.04'.

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

Mr. Andy Guerrero, Planning Administrator, explained the request and noted that of the 20 notices mailed out by City staff to property owners within 200 feet of the property in question, four were returned in opposition to the requested rezoning.

Mr. Vernon Marsalis, 1272 Bandera Road, the proponent, stated that he asked for the rezoning in order to put up a small cement batching operation and explained that he was willing to modify his request to include only the area where the B-3R zoning currently exists, leaving the area with current B-1 zoning out of the request for rezoning. Mr. Marsalis then distributed photographs of the type equipment to be installed and used in the cement batching plant and the trailers required to haul the cement in and out of the property.

After discussion, Mr. Thompson moved to approve "I-1" zoning on the south 150' of the west irregular 100' of the south 319.04' of Lot 4, Block 11, NCB 8358. Mr. Hasslocher seconded the motion.

A discussion then took place relative to the use of trucks, trailers and mixing equipment on the proposed site, and the noise level of such activity.

Mr. Thomas Bishop, 141 Rio Vista, Mr. Marsalis' partner, stated that the proposed use will cause very little noise or concrete dust, and noted that they were now in process of building a privacy fence between the subject property and its neighbors behind it.

Speaking in opposition, Mr. Tom Garrison, realtor, 4766 S.W. Military Drive, stated that he has a rental management agreement on the property adjacent to subject property, spoke to the use of the house on the subject property as being used for rental property for some years, and stated his fears as to other possible uses of the property in years to come.

In response to a question by Mr. Webb, Mr. Guerrero spoke to the uses allowed under the requested rezoning and noted that the current zoning allows many uses already.

Mr. Rodolfo Garcia, 3926 Maxine, whose property adjoins the property in question, spoke against the request.

In response to a question by Mr. Wing on the possibility of granting the I-1 zoning only on the property where the batching equipment was actually to be located, Mr. Guerrero stated that use of trailers in such an operation also requires an I-1 zoning, and all the property those trailers occupied during the operation must also be zoned I-1.

Mr. Wing spoke in favor of rezoning only the property where the batching equipment and its necessary trailers are to be located, in order to protect the neighbors from any future enlarged I-1 usage.

Mrs. Ernestine Hernandez, 3918 Maxine, spoke against the rezoning, stating that the fence will not stop the blowing cement dust and noise.

Mr. Alfonso Pena, 3243 Gypsy, also spoke against the request, and spoke to floodwater runoff in the area.

After discussion, the motion to approve the rezoning of the south 150' of subject property failed to carry by the following vote: AYES: Webb, Dutmer, Thompson, Alderete; NAYS: Berriozabal, Wing, Harrington, Hasslocher; ABSENT: Eureste, Archer, Cisneros.

Case 8632 was denied.

(Later in this meeting, Case 8632 was reconsidered. Please see Page 8.)

7. The Clerk announced that agenda item number 7 had been withdrawn from consideration.

8. CASE 8648 - to rezone Lot 13, Block 11, NCB 14815, at 16827 Silverwood Drive, from Temporary "R-1" Single Family Residential Edwards Recharge Zone District to "B-2" Business Edwards Recharge Zone District, located 380' south of Kentwood Drive, between U.S. Hwy 281 North and Silverwood Drive, having 118' on U.S. Hwy 281 North, and 83.42' on Silverwood Drive with a maximum depth of 99.79'.

Mr. Andy Guerrero, Planning Administrator, explained the request and stated that no notices had been received in opposition to this case.

Mr. Bob Boyd, manager of Gary Company, 302 E. Nakoma, explained his firm's request and displayed an architect's rendering of a planned retail strip center involving this and an adjacent property.

(At this time, Mayor Pro Tem Alderete was obliged to leave the meeting. Mr. Hasslocher presided over the meeting.)

A brief discussion then took place concerning non-access onto Silverwood Drive and the lack of sewage hookups in the immediate area.

(Mayor Pro Tem Alderete returned to the meeting to preside.)

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

No citizen appeared to speak in opposition.

After discussion, Mr. Hasslocher moved to deny the requested change of zone. Mr. Harrington seconded the motion.

On roll call, the motion to deny the requested zoning change was approved by the following vote: AYES: Webb, Dutmer, Wing, Thompson, Alderete, Harrington, Hasslocher. NAYS: None. ABSENT: Berriozabal, Eureste, Archer, Cisneros.

CASE 8648 was denied.

9. CASE 8663 - to rezone Lots 8C and the remaining portion of 8D, NCB 12056, 11436 and 11510 Coker Loop Road, from "A" Single Family Residence District to "I-1" Light Industry District, located on the southeast side of Coker Loop Road, being 698.08' northeast of the intersection of North Loop Road and Coker Loop Road, having 460.81' on Coker Loop Road and a maximum depth of 518.26'.

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

Mr. Andy Guerrero, Planning Administrator, explained the request to City Council and noted that three notices had been returned in opposition to the request, with an additional 22 notices in opposition returned from property owners outside the 200-foot area around the subject property.

Mr. Hasslocher asked those in the audience opposed to the request to stand.

Mr. Pat Kennell, 11510 Coker Loop, the proponent, explained the proposed lessee of the property in question needs the new zoning in order to store heavy equipment used in construction. Mr. Kenneth then stated that he would accept a B-3 zoning on the property in lieu of the requested I-1.

After consideration, Mr. Harrington moved to grant a "B-3" zoning on the property, provided that the applicant work with the Traffic Engineering Division to provide street dedication if necessary. Mr. Wing seconded the motion.

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In response to a request by Mayor Pro Tem Alderete for any in the audience opposed to a B-3 zoning to so indicate, one person did so.

In response to a question by Mrs. Dutmer, Mr. Guerrero stated that a B-3 zoning requires all storage inside, except for vehicles.

Mrs. Dutmer noted that the proposed relocation of North Loop Road places this property fronting onto a major new thoroughfare.

Mr. Philip Hudson, 12610 Maltsberger Lane, stated he would accept the B-3 recommendation, spoke to the potential of the area, and stated that the proponent had acted in good faith with his neighbors in the matter.

Ms. Patricia Albright, 11618 Coker Loop West, asked the Council to use caution in developing this area, and stated that she was not opposed to a B-3 zoning.

In response to a question by Mr. Harrington, Mr. Geurrero stated that the nearby property of International Airport is set aside in the Airport Master Plan for use in airport supportive services.

Mr. Ed Baxter, representing Mr. Leif Zars, 11816 Coker Loop, stated that he is opposed to I-1 zoning but realizes that development of this area is important and asked that any use of this property be well thought-out by Council before acting.

Dr. William Hill voiced his objection to a B-3 zoning, stating his opposition to any zoning that allows alcoholic beverages in this area.

Ms. Ada Maverick Jamison, 11603 Coker Loop West, spoke of the beauty of the area.

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

AN ORDINANCE 54,554

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 8C AND THE REMAINING PORTION OF 8D, NCB 12056, 11436 AND 11510 COKER LOOP ROAD, FROM "A" SINGLE FAMILY RESIDENCE DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION TO PROVIDE STREET DEDICATION IF NECESSARY.

* * * *

10. CASE 8598 - to rezone the north 333.3' of Lot 9, Block F, NCB 14658, in the 6400 block of Oxford Trace Road, from Temporary "R-1" Single Family Residential District to "R-3" Multiple Family Residential District, located southeast of the intersection of Abe Lincoln Road and Oxford Trace Road, having 326.7' on Oxford Trace Road and 333.3' on Abe Lincoln Road.

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

No citizen appeared to speak in opposition.

After consideration, Mr. Webb moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished if necessary, and that a six-foot solid screen fence is erected and maintained on the east and south property lines. Mr. Thompson

seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Harrington. NAYS: None. ABSENT: Eureste, Archer, Hasslocher, Cisneros.

AN ORDINANCE 54,555

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 333.3' of LOT 9, BLOCK F, NCB 14658, IN THE 6400 BLOCK OF OXFORD TRACE ROAD, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED IF NECESSARY, AND THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ON THE EAST AND SOUTH PROPERTY LINES.

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11. CASE 8664 - to rezone Lot 25, Block 17, NCB 3940, at 803 Jerry Street and 1203 W. Ridgewood Court, from "B-3" Business District to "I-1" Light Industry District, located northwest of the intersection of W. Ridgewood Court and Jerry Street, having 56.23' on Ridgewood Court and 107.38' on Jerry Street.

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

No citizen appeared to speak in opposition.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved provided that street dedication is imposed if necessary. Mr. Thompson seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Harrington, Hasslocher. NAYS: None. ABSENT: Eureste, Archer, Cisneros.

AN ORDINANCE 54,556

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 25, BLOCK 17, NCB 3940, AT 803 JERRY STREET AND 1203 W. RIDGEWOOD COURT, FROM "B-3" BUSINESS DISTRICT TO "I-1" LIGHT INDUSTRY DISTRICT, PROVIDED THAT STREET DEDICATION IS IMPOSED IF NECESSARY.

* * * *

12. CASE 8679 S.R. - to rezone a 0.716 acre tract of land out of Lots 1 and 18, Block 5, NCB 11265, and Lot 23, Block 6, NCB 11266, being further described by field notes filed in the Office of the City Clerk, in the 300 block of Pitluk Avenue, from "B" Two Family Residential District to "I-2" (MAOD-1) Heavy Industrial Military Airport Overlay District, located on the southside of Pitluk Avenue, being approximately 1522' from the intersection of Quintana Road and Pitluk Avenue, having 40' on Pitluk Avenue and a maximum depth of 1558.45'.

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

No citizen appeared to speak in opposition.

Mr. Wing stated that this property had been overlooked in an earlier rezoning effort in this area, and he desired to have that property used in the best possible way.

After consideration, Mrs. Dutmer moved that the recommendation of the Zoning Commission be approved. Mr. Wing seconded the motion. On voice vote, the motion carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Harrington, Hasslocher. NAYS: None. ABSENT: Eureste, Archer, Cisneros.

AN ORDINANCE 54,557

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 0.716 ACRE TRACT OF LAND OUT OF LOTS 1 AND 18, BLOCK 5, NCB 11265, AND LOT 23, BLOCK 6, NCB 11266, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 300 BLOCK OF PITLUK AVENUE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "I-2" (MAOD-1) HEAVY INDUSTRIAL MILITARY AIRPORT OVERLAY DISTRICT.

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13. CASE 8674 S.R. - to rezone Lot 49, Block 13, NCB 13354, 3203 Shady Spring Drive, from "A" Single Family Residential District to "R-1" One Family Residential District for a day care center caring for (10) children, located on the northside of Shady Spring Drive, being 460' west of the intersection of Briargate Drive and Shady Spring Drive, having 69' on Shady Spring Drive and a depth of 115'.

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

No citizen appeared to speak in opposition.

Mr. Andy Guerrero, Planning Administrator, explained the request.

After consideration, Mrs. Dutmer moved to deny the requested rezoning. Mr. Harrington seconded the motion.

Mr. Harrington stated that he had been handed a petition with some 26 signatures of property owners in the area, all opposed to any increase or other change in the zoning of the property, and presented the petition to Mr. Guerrero.

A discussion followed as to whether or not the names on the petition would cause 20 per cent or more of the property owners in a 200-foot radius of the property to be in opposition, thus requiring nine affirmative Council votes for approval of the request, and whether or not the absence of three Council members today would provide the proponent a fair and equitable hearing.

In response to a question by Mr. Alderete, Mr. Guerrero stated that another zoning case scheduled to be heard today had been pulled from consideration because it had 20 per cent opposition and there were three Council members absent from the meeting.

Ms. Jane Macon, City Attorney, stated that a motion to deny the request had been legally made and seconded, and explained the option

to postpone hearing the case, if the Council decides.

Mr. Wing then made a substitute motion to postpone action on this matter for a period of three weeks. Ms. Berriozabal seconded the motion.

Mr. Guerrero stated that a zoning change to R-1 would not change the character of the neighborhood zoning, but simply allow the operation of a day care center on the subject property.

Mrs. Maria de la Rosa, 3203 Shady Spring Drive, the proponent, explained the details of her request.

Mr. Harrington stated that opponents to the rezoning see no benefits from that rezoning, and noted that City staff had recommended denial. He further stated that the opponents fear the setting of a precedent by the request.

After consideration, on roll call, the motion to postpone consideration of the matter for three weeks failed to carry by the following vote: AYES: Webb, Wing, Thompson, Alderete. NAYS: Berriozabal, Dutmer, Harrington, Hasslocher. ABSENT: Eureste, Archer, Cisneros.

Mr. Harrington made a substitute motion to approve the request. Mr. Webb seconded the motion.

In response to a question by Ms. Berriozabal, Mr. Guerrero reviewed the requirements that must be met by the proponent if the rezoning is granted.

After consideration, on roll call, the substitute motion to approve the request failed to carry by the following vote: AYES: Berriozabal, Webb, Wing, Thompson, Alderete. NAYS: Dutmer, Harrington, Hasslocher. ABSENT: Eureste, Archer, Cisneros.

After discussion, the main motion to deny the request failed to carry by the following vote: AYES: Dutmer, Harrington, Hasslocher. NAYS: Berriozabal, Webb, Wing, Thompson, Alderete. ABSENT: Eureste, Archer, Cisneros.

CASE 8674 S.R. failed to carry.

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RECONSIDERATION OF CASE 8632

Ms. Berriozabal stated that the proponent of a previous-denied zoning case, 8632, Mr. Vernon Marsalis, states that he is willing to make certain concessions as to the future property usage in order to protect it from future expanded industrial usage.

Ms. Berriozabal, on the prevailing side of the earlier vote which denied the rezoning, then made a motion to reconsider Zoning Case 8632 at this time. Mr. Webb seconded the motion. On roll call, the motion to reconsider the case prevailed by the following vote: AYES: Berriozabal, Webb, Thompson, Alderete, Harrington, Hasslocher. NAYS: Dutmer. ABSENT: Wing, Eureste, Archer, Cisneros.

Reconsideration of Zoning Case 8632 was approved.

After discussion, Mrs. Dutmer moved to postpone consideration of the case for a period of three weeks. Ms. Berriozabal seconded the motion. On roll call, the motion to postpone for three weeks prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Thompson, Alderete, Harrington, Hasslocher. NAYS: None. ABSENT: Wing, Eureste, Archer, Cisneros.

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81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,558

ACCEPTING THE LOW QUALIFIED BID OF CATO ELECTRIC CO., IN THE AMOUNT OF \$8,150.00 TO CONSTRUCT THE DELLVIEW PARK LIGHTING IMPROVEMENTS; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

* * * *

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

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,559

AUTHORIZING EXECUTION OF A CONTRACT WITH THE STATE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION FOR THE RECONSTRUCTION OF CULEBRA ROAD FROM 24TH STREET TO CALLAGHAN ROAD.

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

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,560

ACCEPTING THE LOW QUALIFIED BID OF JOE R. MORALES CONTRACTOR, INC., IN THE AMOUNT OF \$5,998.00 TO CONSTRUCT THE FENCE RELOCATION PROJECT ON CALLES, HUERTA, OBREGON, AND MADERO STREETS, APPROVING A CONTRACT AND PROVIDING FOR PAYMENT.

* * * *

Mr. Harrington moved to approve the Ordinance. Mr. Thompson seconded the motion.

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,561

ACCEPTING THE LOW QUALIFIED BID OF QUICK & EVANS CO. IN THE AMOUNT OF \$824,774.90 TO CONSTRUCT THE [REDACTED] STREET DRAINAGE

PROJECT NO. 79; APPROVING A CONTRACT AND PROVIDING FOR PAYMENT OF THE CONTRACT AMOUNT AND CONSTRUCTION CONTINGENCIES AND ADDITIONAL ENGINEERING FEES AND CONTINGENCIES.

* * * *

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

Mr. Webb spoke to the costs involved in this project and noted that some \$125,000 apparently will be left in projected funding for this project when it is completed. He stated that he felt this remaining money could be used to help solve flooding problems on Artesia Street and stated that he would meet with Mr. Frank Kiolbassa, Director of Public Works, at a later date to discuss this. Mr. Webb spoke to the importance of the "I" Street drainage project.

Mr. Thompson spoke to the need for the City Council to decide on a firm policy for the use of any excess monies from project funding, and stated that one project in his district came in for some \$400,000 less than projected and allocated; however, this excess capital was not applied to other District 6 specific needs.

Mr. Frank Kiolbassa, Director of Public Works, stated that he would like for City Council to look at the possibility of setting policy or direction in this area by early next year. He stated his belief that any excess monies left over after completion of a funded project could be utilized within the same category as the funded project, but not restricted to one single Council district.

Ms. Jane Macon, City Attorney, stated that her office would look into the legality of this matter and report back to the City Council on their options relative to the use of surplus project funds.

A discussion then took place relative to restrictions upon bond project funds.

Mr. Thompson reiterated his belief that the City Council has not made firm policy in this matter and needs to address it.

In response to a question by Mrs. Dutmer, Mr. Kiolbassa gave a brief progress report on the Cherry Street Underpass project, noting that it is now in the design stage with projected opening of construction in 1982.

Mrs. Dutmer spoke to the matter of flooding at Highlands Blvd. and S. Hackberry Street, and asked Mr. Kiolbassa to look into the matter.

Mr. Wing stated his opinion that bond monies should be used in the Council district where a specific project completion resulted in savings from the amounts allocated.

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,562

AUTHORIZING EXPENDITURE OF THE SUM OF \$25,490.00 OUT OF VARIOUS FUNDS FOR THE PURPOSE OF ACQUIRING EASEMENTS TO CERTAIN LANDS; ACCEPTING THE DEDICATION OF AN EASEMENT TO CERTAIN LANDS; ACCEPTING A PIPE LINE LICENSE AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAME; ALL TO BE USED IN CONNECTION WITH

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CERTAIN RIGHT OF WAY PROJECTS; AND
AUTHORIZING THE CITY MANAGER TO
EXECUTE A RELEASE OF SANITARY
SEWER EASEMENT.

* * * *

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

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,563

ACCEPTING THE HIGH BID(S) RECEIVED IN
CONNECTION WITH \$4,000,000 IN CITY FUNDS
AVAILABLE FOR DEPOSIT IN INTEREST-
BEARING CERTIFICATES OF DEPOSIT.

* * * *

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

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,564

PROVIDING FOR 1% OF HOTEL-MOTEL OCCUPANCY
TAX COLLECTIONS TO BE RETAINED BY HOTELS
AND MOTELS AS A REIMBURSEMENT FOR THE
COST OF COLLECTING AND ACCOUNTING FOR
SAME AND AMENDING THE CODE IN CONNECTION
HEREWITH.

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

Mr. Alderete noted that enactment of the measure will reduce the City's Convention Bureau revenues.

Mr. Louis J. Fox, Deputy City Manager, explained details of the proposal, and stated his belief that it will actually result in local hotels and motels paying their hotel-motel occupancy taxes in a more timely manner. Mr. Fox stated that hotels and motels are audited annually, and that the Hotel-Motel Association had requested this Ordinance.

Mr. Hasslocher stated that the Ordinance will serve as an incentive for hotels and motels to pay their occupancy taxes earlier in the month.

Mrs. Martha Buchanan Lucero, President of the Hotel-Motel Association, explained that this is an extension of a new State law which allows this. She noted that the City of Houston already has enacted such an Ordinance and stated that it represents a gesture of appreciation for the jobs being done by hotels and motels in collecting these occupancy taxes for the City.

Mr. Alderete stated his belief that it will cost the City more, to pay back these taxes to the hotels and motels, and spoke to the small amounts each would receive under the Ordinance.

In response to a question by Mr. Hasslocher, Mr. Stuart Summers, Budget & Research Department, stated that the Ordinance is estimated to cost the City some \$40,000 a year in revenues.

Mr. Thomas E. Huebner, City Manager, stated that he considers the matter a reasonable proposal.

In response to a question by Mr. Alderete, Mr. Summers discussed the procedures followed in calculating the tax payments and penalties involved for delays in payment.

Mr. Alderete then spoke to the advantages of delaying payments of occupancy tax bills by local hotels and motels to the City.

After discussion, on roll call, the motion carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Harrington, Hasslocher. NAYS: Alderete. ABSENT: Eureste, Thompson, Archer, Cisneros.

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,565

AUTHORIZING PAYMENT OF EXPENSES OF A
RECEPTION/LUNCHEON TO BE HELD DECEMBER
3, 1981 IN CONNECTION WITH THE NATIONAL
ASSOCIATION OF EXPOSITION MANAGERS MEETING.

* * * *

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

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,566

AUTHORIZING PAYMENT FOR EXPENSES OF A
RECEPTION TO BE HELD IN AUSTIN, TEXAS
ON DECEMBER 17, 1981, FOR APPROXIMATELY
250 EXECUTIVES OF AUSTIN-BASED
ASSOCIATIONS.

* * * *

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

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,567

AUTHORIZING PAYMENT OF \$25,000.00 TO
PUBLIC TECHNOLOGY, INC., FOR THE
CITY'S 1981-82 SERVICE FEE.

* * * *

Mr. Hasslocher moved to approve the Ordinance. Mr. Harrington seconded the motion.

In response to a question by Mrs. Dutmer, Mr. Stuart Summers, Budget & Research Department, stated that the firm is utilized almost daily by such departments as Budget & Research, Planning and Public Works, and explained that it is a consortium of U.S. cities in the sharing of engineering and technology.

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

The clerk stated that agenda item 24 had been withdrawn from consideration.

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,568

APPOINTING A MUNICIPAL COURT JUDGE AND
THREE PART-TIME MUNICIPAL COURT JUDGES.

* * * *

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

The Clerk then read aloud the names, positions and salaries of those named.

In response to a question by Mrs. Dutmer as to why three part-time judges were being appointed, Mr. Alderete stated that the third position is to replace Judge Quon D. Lew, who is leaving a part-time Municipal Court judge position to accept the position as Night Magistrate.

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

81-59 The Clerk read the following Ordinance:

AN ORDINANCE 54,569

AUTHORIZING THE CITY MANAGER TO EXECUTE
AN AGREEMENT WITH THE SAN ANTONIO POLICE
OFFICERS' ASSOCIATION FOR THE PERIOD
OCTOBER 1, 1981 THROUGH SEPTEMBER 30, 1983.

* * * *

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

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

The Clerk read proposed authorizations for Councilmen Eureste and Archer to travel to Mexico City to meet with Mr. Alberto Escofete, Director General of Mexico's Federal Electricity Commission.

Mr. Webb moved to approve the travel authorizations. Ms. Berriozabal seconded the motion.

Mr. Hasslocher made a substitute motion to postpone action on the matter until the Councilmen return to brief the City Council on the trip. Mr. Harrington seconded the motion.

A discussion took place as to whether or not the City Council gave its concensus for Councilmen Eureste and Archer to travel to Mexico City.

Mr. Webb and Ms. Berriozabal spoke in support of the proposed travel authorizations.

Mrs. Dutmer stated that this matter was discussed during an executive session of the Council, and further stated that the subject was not executive session material.

Ms. Berriozabal stated that this matter was discussed by Council during a break in the executive session.

Mr. Hasslocher spoke of his recent trip to Houston to meet with Mr. Don Jordan of Houston Lighting and Power, and discussed the Council actions in allowing the two Council members to make the Mexico City trip.

A discussion was held as to why the two travel authorization requests had different cost figures.

Mr. Harrington stated that he would support payment of the travel expenses, but was not certain that he gave his concensus for the two Councilmen to make the trip.

Mr. Webb spoke to the two travel authorizations being only an estimate of expected costs.

After discussion, the motion to postpone failed to carry by the following vote: AYES: Dutmer, Harrington, Hasslocher. NAYS: Berriozabal, Webb, Wing, Thompson, Alderete. ABSENT: Eureste, Archer, Cisneros.

The motion to approve the travel authorizations then failed to carry by the following vote: AYES: Berriozabal, Webb, Wing, Thompson, Alderete. NAYS: Dutmer, Harrington, Hasslocher. ABSENT: Eureste, Archer, Cisneros.

After discussion, Mrs. Dutmer moved to postpone consideration of the travel authorizations until 3:00 P.M. next Tuesday, November 24, 1981, during the next scheduled City Council meeting. Mr. Harrington seconded the motion. On roll call, the motion to postpone consideration until 3:00 P.M. Tuesday, November 24, 1981 failed to carry by the following vote: AYES: Dutmer, Thompson, Harrington, Hasslocher. NAYS: Berriozabal, Webb, Wing, Alderete. ABSENT: Eureste, Archer, Cisneros.

Approval of the travel authorizations was denied.

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81-59SOLID WASTE COLLECTION HOLIDAY SCHEDULE

City Manager Mr. Thomas E. Huebner provided City Council with a written report on a proposed alteration to the current Solid Waste Collection Holiday Schedule, a copy of which is made a part of the papers of this meeting. He recommended that on a trial basis, service be provided only on Monday and Tuesday (once a week) for the upcoming Thanksgiving holiday week.

Mr. Frank Kiolbassa, Director of Public Works, provided additional details of the plan, and stated that the plan would be put into effect unless problems with its implementation were voiced by the City's solid waste collection employees.

After consideration, Mr. Harrington moved to approve the plan. Mr. Wing seconded the motion. Consensus of the City Council to approve the plan was given by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Thompson, Alderete, Harrington, Hasslocher. NAYS: None. ABSENT: Eureste, Archer, Cisneros.

81-59GARBAGE, TRASH PICKUP

Ms. Berriozabal spoke to having received numerous calls from persons in her district who were not receiving garbage pickup service, and provided details of one such incident.

Mr. Frank Kiolbassa, Director of Public Works, stated that some problems have been encountered in recent reassignment of pickup routes throughout the city, and stated further that such problems will be resolved as soon as the pickup crews become accustomed to their new routes.

Mr. Webb spoke of his concern for brush and trash accumulations on vacant lots throughout the city being a health hazard, and spoke to specific instances of continuing problems with garbage collection in his district. He stated that the City Council may have to reconsider its policies on where brush and other such refuse may be collected.

In response to a question by Mrs. Dutmer, Mr. Kiolbassa stated that the action just taken by City Council in effect will provide solid waste collection workers with what amounts to a five-day holiday, while other City employees receive four days off. He also spoke to the department experiencing some refuse pickup problems, and stated that the City might receive some criticism for missing one pickup day during Thanksgiving week.

81-59CITIZENS TO BE HEARDMR. REMIGIO VALDEZ

Mr. Valdez, President of the Mexican American Betterment Organization, read a prepared statement to the Council with regard to their proposal to donate some 1.75 acres of land to the City for the construction of a migrant multi-purpose center. (A copy of his statement is on file with the papers of this meeting.)

Mrs. Berriozabal stated that Ms. Rhea Korsh, Community Development Coordinator, has been working with Mr. Valdez on this matter.

In response to Ms. Berriozabal, Mr. Louis J. Fox, Deputy City Manager, stated that the migrant center was one proposal in the last Community Development budget. Mr. Fox stated that at the present time, there is no allocation for this center, and further stated that Mr. Valdez is asking that this center be placed on the Community Development priority list.

Mr. Thompson stated that there is a problem with the scarcity of money at this time. He stated further that he could not commit himself

to this project at this time.

Mr. Wing stated that initially, there was nothing near the site for the proposed project, but now there is a multi-housing project in the vicinity. He stated that the Council could make a better decision when a report on the project comes back.

STATE REPRESENTATIVE FRANK MADLA

Mr. Madla stated that he is not appearing before City Council as a State Representative, but as a representative of Southwest Oil Company. He spoke concerning the bid opening on gasoline bids held on Monday, November 17, 1981, and stated that six companies did not comply with the City's specifications. He further stated that the City departments involved have decided to re-bid the gasoline bids, and he spoke against the contemplated action.

Mr. Louis J. Fox, Deputy City Manager, stated that this is a peculiar case where the City stands to lose a good deal of money, and he further stated that the City has an option to reject any or all bids.

Mr. Wing stated that the City Council has followed a policy of awarding bids with the proper bid specifications. He also spoke to the integrity of the bid process, and stated that he feels that there should not be an exception if the City is going to lose money. Mr. Wing stated that he would object to having the bids readvertised.

Mr. Fox stated that the Director of Purchasing and Central Supply has the prerogative to reject any bid.

In response to a Council question, Mr. John Brooks, Director of Purchasing and Central Supply, stated that in the event it is in the best interests of the City to reject a bid, he has the prerogative to do so.

In response to a question by Mr. Thompson, Mr. Brooks explained the time-frame which the bidder must work within, to meet the City's contract date.

At this point, Mr. Thompson moved to place this item on next week's regular Council agenda. Mr. Hasslocher seconded the motion.

Mr. Fox stated that a complete analysis of the situation will be given to Council members next week.

On roll call, the motion to place the item on the November 24, 1981 agenda prevailed by the following vote: AYES: Berriozabal, Webb, Wing, Thompson, Alderete, Harrington, Hasslocher. NAYS: None. DISQUALIFICATION: Dutmer. ABSENT: Eureste, Archer, Cisneros.

There being no further business to come before the Council, the meeting was adjourned at 6:40 P.M.

A P P R O V E D

Henry Cisneros
M A Y O R P R O T E M

ATTEST:

Roma S. Rodriguez
C i t y C l e r k

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