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The meeting was called to order at 1:00 P.M., by the presiding officer, Mayor Pro-Tem Gene Canavan, in the temporary absence of the Mayor with the following members present: CISNEROS, WEBB, DUTMER, WING, EURESTE, THOMPSON, ALDERETE, CANAVAN, ARCHER, STEEN, COCKRELL; Absent: NONE.

79-56 The invocation was given by The Reverend Hue L. Paige of New Bethel Baptist Church.

79-56 Members of the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

79-56 Consideration of the minutes of the meeting of November 8, 1979 was postponed one week.

79-56 INSURANCE PLACEMENT BOARD

Councilman Wing spoke to the Council regarding the public service announcements which have been put out by the Insurance Placement Board of the City of San Antonio on EMS vehicles. He stated that this Board should be commended for this action. He also mentioned that other cities are following their example.

Mayor Pro-Tem Canavan stated that these public service announcements have resulted in greater savings to San Antonio taxpayers.

79-56 SMITHTON VALLEY HIGH SCHOOL

Mayor Pro-Tem Canavan introduced a group of 37 members of the Civic Class from Smithton Valley High School who were present in the audience.

79-56 ZONING HEARINGS

4. CASE 7747 P.P.S.R. - to rezone all of Lot 16, the northeast 12' of Lot 17, NCB 11668, the northwest 11.7' of the southwest 100' of Lot 15, and the northeast 10.6' of the northwest 11.7' of Lot 14, NCB 11667, 10430 Dreamland Drive, from "A" Single Family Residential District to "R-A" Residential Agriculture District for horse boarding stables.

Mr. Gene Camargo, Planning Administrator, stated that the applicant, Mr. W. D. Walker, had requested that the case be postponed. He did state that there is a person in the audience to speak in opposition to the case.

After discussion, Dr. Cisneros moved to hear the case at this time. Mr. Steen seconded the motion. On roll call, the motion prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Archer, Steen; NAYS: None; ABSENT: Cockrell.

The applicant was not present to explain the case.

Mr. Archer moved to uphold the recommendation of the Zoning Commission and deny the request for rezoning. Mr. Wing seconded the motion.

Mr. Joseph P. Blanks spoke in opposition to the proposed rezoning. He described the surrounding property and wants to keep it residential in character. To permit the boarding stables would be detrimental to the neighborhood, create health problem and would be a nuisance.

Mayor Cockrell entered the meeting and presided.

Dr. Cisneros stated that he is familiar with the area and spoke against expanded commercial activity in the area. He urged the Council to deny the request for rezoning.

Mr. Eureste spoke in support of the motion to deny.

In response to Mrs. Dutmer's question of the nature of the complaint on this zoning case, Mr. Camargo stated that the complaint was made with regard to operating a commercial stable in a residential zone.

Mr. Steen asked that the applicant be contacted and advised of the decision made by the City Council at today's hearing.

Mr. Canavan also spoke in opposition to the granting of the rezoning.

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

CASE 7747 P.P.S.R. was denied.

79-56 Mayor Cockrell stated that she had arrived late at the meeting because she had been to visit the three police officers who had been wounded earlier in the week. She stated that she had conveyed the Council's regards to the police officers.

5. CASE 7850 - to rezone Lots 195 and 196, NCB 11984, Lots 210 through 217, NCB 11985, in the 13800 Block of San Pedro Avenue, from Temporary "A" and "A" Single Family Residential District to "B-3" Business District; and Lots 218 through 221, NCB 11985, and Lots 235 through 239, NCB 13823, from Temporary "A" Single Family Residential District to "B-3R" Restrictive Business District. Subject properties are located between Heimer Road and San Pedro Avenue, being 200' north of Bitters Road, having a total of 390' on Heimer Road and a total of 1075' on San Pedro Avenue.

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

In response to a question by Mr. Alderete, Mr. Camargo explained the access and egress to the subject property.

Mr. Steen spoke about a bridge across a drainage ditch in the area and stated that it would probably be discussed later in the zoning hearing.

Mr. Glen Duff, one of the opponents, stated that their attorney had to be out of town and asked if the case could be postponed.

Mr. Harry Jewett, the applicant, stated that he will be out of town all of December and asked that the case be heard at today's meeting as originally scheduled.

Mr. Canavan moved to hear the case. Dr. Cisneros seconded the motion. On roll call, the motion, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Alderete, Canavan, Archer, Steen, Cockrell; NAYS: Thompson; ABSENT: None.

(At this point in the meeting, Mayor Cockrell asked that the meeting be interrupted in order to welcome a delegation from Australia. See page 5 of these minutes for the introduction.)

Mr. Harry Jewett, the applicant, stated that he is representing the property owners of the nineteen lots in question. He then gave a history of the subdivision as it was originally proposed. He presented Council with a detail plan of the future development of the subject property. The property owners intend to sell their property to a major

developer for the development of a shopping center. They feel that this will be the highest and best use for the property. He also explained the egress and ingress to the property. He then displayed plans of the fencing they are proposing to protect the residential area. They are also agreeable to the one foot non-access easement on Coulter Drive and the alley adjacent to the single family residences.

In response to a question by Mr. Alderete, Mr. Jewett explained the egress and ingress of the property to the access road and explained that a 40' building setback lane parallel to the alley and a 60' building setback line adjacent to Lot 222 is being imposed by the Zoning Commission, and they are in agreement to these stipulations.

In response to a question by Mr. Steen on the bridge that is being built across a drainage ditch in the area, Mr. Jewett stated that Stop & Go is paying for this bridge in connection with their new store in this area.

Mrs. Dutmer expressed concern on the large delivery trucks traveling in the area to serve the grocery store.

Mr. Jewett referred to the existing traffic and the noise factor of the U.S. Hwy. 281 North Expressway adjacent to the subject property.

Mr. Glen Duff, 102 N. Coulter Drive, then spoke in opposition to the proposed change. He distributed to the Council a plat of the area and a petition with over 500 signatures in opposition to the zoning change. He stated that the City Council has always been receptive and sensitive to the neighborhood and their concerns about intrusion of business into residential areas. They feel that the street does not have the capacity to handle this additional traffic. They are also very concerned about school children. Mr. Duff then referred to previous City Council action which had provided a buffer to the residences in the area. They also feel that there is enough commercial development in the area. They do not see a need for the proposed development as outlined by Mr. Jewett. Mr. Duff then presented an alternate plan for rezoning of the subject property. (A copy of Mr. Duff's plan as well as the petitions and plat of the area is on file with the papers of this meeting.)

In response to a question by Dr. Cisneros, Mr. Duff explained the traffic flow on Heimer Road and again expressed concern about drawing additional traffic on this street if the proposed development is approved.

Dr. Cisneros stated that this is a prime piece of property and the plan presented by Mr. Duff is not economically feasible.

Mr. Duff responded that other development of the property besides commercial would be feasible.

Mr. Eureste concurred with Dr. Cisneros' statements and stated that the plan presented by Mr. Duff completely destroys the concept as outlined by the developer.

Mr. Duff explained that his plan would serve as a compromise and again stated that a shopping center would not be in the best interest to the neighborhood.

Mr. Steen stated that he is very familiar with the area and was contacted by the opponents and proponents in the case. He feels that the decision will be very difficult to make. He also stated that the compromise as outlined by Mr. Duff is not very feasible.

In response to a question by Mr. Steen, Mr. Camargo stated that Heimer Road functions as a collector street and disperses traffic through the other arterial streets.

In response to Council's concern, Mr. Stewart Fischer, Director of Traffic and Transportation, stated that Heimer Road needs to be improved irregardless of the zoning change. He feels that the zoning will not significantly impact Heimer Road.

Mr. Webb stated that the subject property has been vacant for a long time and feels that the proposed development is the highest and best use for the property.

Mr. Duff explained why the subject property had been vacant for such a long period of time.

Mr. Jewett then spoke in rebuttal. He stated that they have been working on this plan for many years and spoke about the buffer they are planning to utilize. He also explained how they will handle the drainage by building two culverts.

A discussion then took place on the possibility of limiting the number of driveways to the subject property.

Mr. Fischer explained why he felt limiting the number of driveways would cause more traffic problems.

After further discussion, Mr. Thompson moved that the recommendation of the Zoning Commission be upheld and the zoning change be granted, provided that a one foot non-access easement is imposed on Coulter Drive and the alley adjacent to the single family residences; that a six foot solid screen fence with an 18" masonry continuous footing and with intermittent 6' masonry columns, is erected and maintained adjacent to the alley on Coulter Drive opposite the single family dwellings and adjacent to Lot 222; that a 40' building setback lane parallel to the alley and a 60' building setback line adjacent to Lot 222 is imposed; that proper platting is accomplished and that the applicant work with the Traffic Department for proper ingress and egress. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Alderete, Canavan, Steen, Cockrell; NAYS: Archer; ABSENT: None.

AN ORDINANCE 51,479

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 195 AND 196, NCB 11984, LOTS 210 THROUGH 217, NCB 11985, IN THE 13800 BLOCK OF SAN PEDRO AVENUE, FROM TEMPORARY "A" AND "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT; AND LOTS 218 THROUGH 221, NCB 11985, LOTS 235 THROUGH 239, NCB 13823, FROM TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT A ONE FOOT NON-ACCESS EASEMENT IS IMPOSED ON COULTER DRIVE AND THE ALLEY ADJACENT TO THE SINGLE FAMILY RESIDENCES; THAT A SIX FOOT SOLID SCREEN FENCE WITH AN 18" MASONRY CONTINUOUS FOOTING AND WITH INTERMITTENT 6' MASONRY COLUMNS, IS ERECTED AND MAINTAINED ADJACENT TO THE ALLEY ON COULTER DRIVE OPPOSITE THE SINGLE FAMILY DWELLINGS AND ADJACENT TO LOT 222; THAT A 40' BUILDING SETBACK LANE PARALLEL TO THE ALLEY AND A 60' BUILDING SETBACK LINE ADJACENT TO LOT 222 IS IMPOSED; THAT PROPER PLATTING IS ACCOMPLISHED AND THAT THE APPLICANT WORK WITH THE TRAFFIC DEPARTMENT FOR PROPER INGRESS AND EGRESS.

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AUSTRALIAN DELEGATION

Mayor Cockrell asked Mr. Jack Spruce, General Manager of the City Public Service Board to introduce the delegation that was present in the audience.

Mr. Spruce introduced Mr. A. B. (Tony) Lawrance to the Council.

Mr. Lawrance, Mission Leader and Chief Executive of the R. W. Miller & Co., Pty. Ltd., spoke to the Council regarding the Australian Steaming Coal Survey Mission to the United States of America. He stated that they are visiting the USA in order to obtain a first hand look of the needs and market opportunities in the Gulf and South Atlantic coastal regions. Mr. Lawrance represents Australian Coal Producers.

Mr. Lawrance then introduced the following:

Mr. R. R. (Ralph) Vine, Official Member, Assistant Secretary (Coal) Department of Trade and Resources,

Mr. G.E. (George) Edwards, General Manager, Market Development, Coal and Allied Industries, Ltd.

Mr. J.J. (John) Reinhold, Coal Marketing Officer, Fuel Division, The Electricity Commission of New South Wales,

Mr. M.G.B. (Michael) Coultras, Senior Trade Commissioner New York,

Mr. J.C.K. (John) Baker, Director, Department of Trade and Resources, Executive Officer Coal Branch Mission Manager

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Mr. Lawrance thanked the City Council for their cooperation and their active interest in energy conservation.

6. CASE 7841 - to rezone Lot 15, Block 3, NCB 9568, 359 Kipling Avenue, from "B" Two Family Residential District to "R-3" Multiple Family Residential District, located between Fair Avenue and Kipling Avenue, being 310' west of Clark Avenue having 60' on both Clark Avenue and Kipling Avenue and a distance of 125' between these two streets.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He stated that thirty-four notices were returned in opposition and five notices were returned in favor. He stated that nine affirmative votes were needed to approve the change in zoning.

Mrs. Lucy Reyes, 359 Kipling, the applicant stated that she is requesting the zoning change for a day care center. She stated that at the present time, she is caring for five children and in order to receive State approval for twenty children, they will have to have an addition to the house. She stated that they are awaiting the zoning change in order to follow through with the State requirements. She explained the traffic situation that exists already in the area. She also mentioned other businesses located nearby.

Mr. Thompson spoke against the request in zoning. He stated that he considered this to be "spot zoning," and moved to deny the zoning change. Mr. Canavan seconded the motion.

Dr. Cisneros expressed concern that the day care center would be the Reyes' only source of income, since her husband is a full-time student. He addressed the concerns of some of the Council members regarding the fact that the zoning goes with the land by mentioning the other uses allowed under this type of zoning should the Reyes's decide to sell their property.

Mr. Eureste also spoke in favor of the requested change.

Mrs. Dutmer expressed concern regarding the number of accidents occurring on Fair Avenue, in particularly where the hill is located at the beginning of the Reyes' property. She mentioned the danger to the children because of the traffic at this location; unless the Department of Traffic and Transportation had plans in the near future to widen Fair Avenue.

Mr. Stewart Fischer, Director of Traffic and Transportation, stated that there were no plans in the making regarding the widening of this location.

Mr. Canavan spoke in opposition to the request in the zoning change. He spoke against the commercial zoning in the midst of residential zoning.

Mrs. Reyes presented a petition to the Council representing people who reside in the area, in favor of the change in zoning.

Mr. Eureste spoke regarding the number of cases that have come before the Council in the past year regarding "spot zoning." He stated that a day care center is a type of business that fits well in residential areas.

After discussion, Dr. Cisneros made a substitute motion to approve the request in rezoning. Mr. Eureste seconded the motion.

After further discussion, the substitute motion to approve the change in zoning failed to carry by the following vote: AYES: Cisneros, Webb, Wing, Eureste, Alderete, Canavan, Cockrell; NAYS: Dutmer, Thompson, Archer, Steen; ABSENT: None.

In response to a question by Mayor Cockrell, Mr. Tom Finlay, Assistant City Attorney, informed the Council that since the vote had already taken place, postponing the item would not be appropriate at this time.

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A discussion then took place on the matter.

Mrs. Dutmer moved to close debate regarding this Case. Mr. Canavan seconded the motion. On roll call, the motion failed to carry by the following vote: AYES: Dutmer, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: Cisneros, Webb, Wing, Eureste, Alderete; ABSENT: None.

A discussion then took place regarding the signature of a person who had signed the petition approving the zoning change but was marked on the map presented by the Zoning Commission as being opposed to the request in zoning.

Mr. Camargo clarified that the owner of the property has indicated opposition and that the signature of the person who had signed the petition was the renter of the property.

Mr. Thompson expressed concern regarding the verification of signatures that need to be considered. He stated that if a signature is used, there is no way of telling if it has or has not been forged.

Mayor Cockrell asked that staff review the procedure relative to verifying the names or signatures of property owners in opposition to a zoning change to assure that opposition stated is legitimate and that the process used is uniform.

Mrs. Dutmer concurred with Mayor Cockrell that a policy needs to be set forth. She stated that she had conferred with the South East Citizens' Commission and had been informed that the majority of the people in the subject area were against the zoning change. She spoke strongly in opposition to the request in zoning. A discussion then took place on time requirements of zoning cases and the manner in which they can be heard. Mayor Cockrell explained that in order for this case to be reconsidered, a memorandum would need to be circulated in order to obtain six signatures to bring this case forth in the near future.

No citizen appeared to speak in opposition.

After discussion, the original motion to deny the request for rezoning, failed to carry by the following vote: AYES: Dutmer, Thompson, Archer, Steen; NAYS: Cisneros, Webb, Wing, Eureste, Canavan, Cockrell; ABSENT: Alderete.

Case 7841 was denied.

7. CASE 7866 - to rezone Lot 5, Block 33, NCB 8476, 1914 West Olmos Drive, from "B" Two Family Residential District to "O-1" Office District, located on the south side of W. Olmos Drive, being 150' west of the intersection of W. Olmos Drive and West Avenue, having 50' on W. Olmos Drive and a depth of 125'.

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

No citizen appeared to speak in opposition.

Mr. Archer stated that he was familiar with the area and spoke in favor of the zoning change.

After consideration, Mr. Thompson moved that the recommendation of the Zoning Commission be approved, provided that the applicant work with the Traffic Department for proper ingress and egress. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Dutmer, Alderete.

AN ORDINANCE 51,480

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 5, BLOCK 33, NCB 8476 1914 WEST OLMOS DRIVE, FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "O-1" OFFICE DISTRICT PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC DEPARTMENT FOR PROPER INGRESS AND EGRESS.

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8. CASE 7646 - to rezone Lots 16 and 17, NCB 12056, 822 and 826 North Coker Loop Road, from "A" Single Family Residential District to "B-3R" Restrictive Business District, located on the southwest side of N. Coker Loop Road, being 268.77' southeast of the intersection of W. Coker Loop Road and N. Coker Loop Road, having 240.53' on N. Coker Loop Road and a depth of 242.3'.

Mr. Gene Camargo, 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 street dedication in accordance with the Traffic Department's recommendation is accomplished. Mr. Canavan seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Webb, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Cisneros, Dutmer, Alderete.

AN ORDINANCE 51,481

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 16 AND 17, NCB 12056, 822 AND 826 NORTH COKER LOOP ROAD, FROM "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT STREET DEDICATION IN ACCORDANCE WITH THE TRAFFIC DEPARTMENT'S RECOMMENDATION IS ACCOMPLISHED.

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The meeting was recessed at 3:50 P.M. and reconvened at 4:05 P.M.

9. CASE 7832 - to rezone Lot 52, Block G, NCB 8394, in the 1500 Block of Hillcrest Drive, from "A" Single Family Residential District to "B-1" Business District, located on the southeast side of Hillcrest Drive, being 421.9' northeast of the intersection of Bandera Road and Hillcrest Drive, having 20' on Hillcrest Drive and a depth of 337.25'.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He stated that twelve notices were mailed, two were returned in opposition inside the 200' radius and one notice returned in opposition outside the 200' radius, with four notices returned in favor. He stated that nine affirmative votes were needed to approve the change in zoning.

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10. CASE 7856 - to rezone Lots 5, 6, and 7, Block C, NCB 2875, 304 Furnish Avenue from "C" Apartment District to "B-3R" Restrictive Business District, located on the northwest side of Halstead Street between Furnish Avenue and Forrest Avenue, having 230.4' on Halstead Street, 50.6' on Furnish Avenue and 118.4' on Forrest Avenue.

Mr. Gene Camargo, Planning Administrator, explained the proposed change which the Zoning Commission recommended be approved by the City Council. He stated that thirty-one notices were mailed out to the surrounding property owners, one notice returned in opposition and three notices were returned in favor. He explained that nine affirmative votes are needed to approve the change in zoning.

Mr. Edmund Perez, 445 Castroville Road, the applicant, stated that this business has existed in this location for the past 25 to 30 years. He stated that at the present time, there are two green houses which are deteriorated and his plans are to construct a new building for the purpose of conducting his business of cut flowers and floral supplies for retail purposes. He asked that the Council grant his request in order that he may be able to remodel and expand his present business.

Mr. Steen stated that the zoning goes with the land and expressed concern, should Mr. Perez ever decide to sell his property.

Mrs. Maria De Jesus Medrano, 310 Furnish, stated that she has lived in this neighborhood for the past 60 years. She expressed concern that too many people have owned the subject property and have tried to erect a business on this lot. She submitted a petition from people who oppose the change in zoning.

Mrs. Frausto, also a resident of the neighborhood expressed concern regarding the big trucks that load equipment on such a narrow street. She also expressed concern regarding the traffic congestion at this location as a danger to the children who attend a nearby school.

In rebuttal, Mr. Perez stated that the trucks that were addressed are trucks that deliver dry goods to his place of business. He stated that this type of business would not introduce the type of traffic which would usually be generated.

After discussion, Mr. Canavan moved to deny the request for zoning. Dr. Cisneros seconded the motion. On roll call, the motion to deny, carried by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson, Alderete.

CASE 7856 was denied.

11. CASE 7861 - to rezone a 1.027 acre tract of land out of NCB 14868, being further described by field notes filed in the Office of the City Clerk, in the 12300 Block of Babcock Road, from Temporary "R-1" E.R.Z.D. One Family Residential Edwards Recharge Zone District to "B-2" E.R.Z.D. Business Edwards Recharge Zone District, located southwest of the intersection of Babcock Road and Spring Rain Drive, having 200' on Babcock Road and 200' on Spring Rain Drive; to rezone a 34.847 acre tract of land out of NCB 14868, being further described by field notes filed in the Office of the City Clerk, from Temporary "R-1" E.R.Z.D. One Family Residential Edwards Recharge Zone District to "R-6" E.R.Z.D. Townhouse Edwards Recharge Zone District, located west of the intersection of Babcock Road and Spring Rain Drive, having a length of 1350' and a depth of 1324.63'.

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. 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 south and west property lines. Mr. Canavan 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, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson, Alderete.

AN ORDINANCE 51,482

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 1.027 ACRE TRACT OF LAND OUT OF NCB 14868, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 12300 BLOCK OF BABCOCK ROAD, FROM TEMPORARY "R-1" E.R.Z.D. ONE FAMILY RESIDENTIAL DISTRICT EDWARDS RECHARGE ZONE DISTRICT TO "B-2" E.R.Z.D. BUSINESS EDWARDS RECHARGE ZONE DISTRICT; A 34.847 ACRE TRACT OF LAND OUT OF NCB 14868, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, FROM TEMPORARY "R-1" E.R.Z.D. ONE FAMILY RESIDENTIAL EDWARDS RECHARGE ZONE DISTRICT TO "R-6" E.R.Z.D. TOWNHOUSE EDWARDS RECHARGE ZONE DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED AND THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTH AND WEST PROPERTY LINES.

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12. CASE 7880 - to rezone Lot 14 thru the east 20' of Lot 15, NCB 11257, in the 3932-3930 Blocks of S.W. Military Drive, from "B" Two Family Residential District to "B-3" Business District, located on the south side of S.W. Military Drive, being 1250' east of the intersection of Bynum Avenue and S.W. Military Drive, having 120' on S.W. Military Drive and a depth of 415.6'.

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

Mr. Steen moved that the recommendation of the Zoning Commission be approved provided that the applicant work with the Traffic Department for proper ingress and egress. Mr. Archer seconded the motion.

No citizen appeared to speak in opposition.

In response to a question by Mr. Wing, Mr. Jorge R. Lozano, the applicant stated that he had no objection to "B-3R" Restrictive Business Zoning in lieu of "B-3" Business District. The applicant stated that he is requesting the zoning change in order to expand his business and provide parking for his customers.

Mr. Wing explained to the applicant that he expressed concern regarding the "B-3" zoning because the sale of alcoholic beverages are allowed under this type of zoning.

After discussion, Mr. Wing made a substitute motion to grant "B-3R" zoning in lieu of "B-3". Mr. Canavan 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, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

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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 14 THRU THE EAST 20' OF LOT 5, NCB 11257, IN THE 3932-3930 BLOCKS OF S.W. MILITARY DR., FROM "B" TWO FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC DEPARTMENT FOR PROPER INGRESS AND EGRESS.

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13. CASE 7858 - to rezone Parcel 15, save and except the northeast 104.3' of the northwest 208', NCB 16587, 16422 Nacogdoches Road, from Temporary "R-1" One Family Residential District to "B-3R" Restrictive Business District, located on the southeast side of Nacogdoches Road, being 1446.5' southwest of the cutback between F.M. 1604 Expressway and Nacogdoches Road, having 125' on Nacogdoches Road and a depth of 250'.

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. Canavan moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 51,484

AMENDING CHAPTER 42 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 15, SAVE AND EXCEPT THE NORTHEAST 104.3' OF THE NORTHWEST 208', NCB 16587, 16422 NACOGDOCHES ROAD, FROM TEMPORARY "R-1" ONE FAMILY RESIDENTIAL DISTRICT TO "B-3R" RESTRICTIVE BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

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14. CASE 7852 - to rezone the northwest irregular 255.42' of Lot 7-A, Block A, NCB 11609, 2544 Babcock Road, from Temporary "R-1" One Family Residential District and Temporary "A" Single Family Residential District to "B-2" Business District, located on the southwest side of Babcock Road, being 400' southeast of the intersection of Rowley Drive and Babcock Road, having 255.4' on Babcock Road and a maximum depth of 443.5'; to rezone Lot 6-B, Block A, NCB 11609, 7250 Rowley Drive, from Temporary "R-1" One Family Residential District to "R-3" Multiple Family Residential District, located on the southeast side of Rowley Drive, being 635' southwest of the intersection of Rowley Drive and Babcock Road, having 151' on Rowley Drive and a maximum depth of 1043.8'.

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

No citizen appeared to speak in opposition.

In response to Mrs. Dutmer's concern, Mr. Mark Van Overborg, the applicant, explained that there is no house on the subject property that will be affected; there is an abandoned well on this location.

Mr. Canavan expressed his concern regarding the drainage problem that presently exists at this location.

After discussion, Mr. Canavan moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Wing seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 51,485

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 NORTHWEST IRRREGULAR 255.42' OF LOT 7-A, BLOCK A, NCB 11609, 2544 BABCOCK ROAD, FROM TEMPORARY "R-1" ONE FAMILY RESIDENTIAL DISTRICT AND TEMPORARY "A" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-2" BUSINESS DISTRICT; LOT 6-B, BLOCK A, NCB 11609, 7250 ROWLEY DRIVE, FROM TEMPORARY "R-1" ONE FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

15. CASE 7876 - to rezone a 108.683 acre tract of land out of NCB 15329, being further described by field notes filed in the Office of the City Clerk, in the 1300 Block of S.W. Loop 410, from Temporary "R-1" Single Family Residential District to "B-3" Business District, located northwest of the intersection of Marbach Road and S.W. Loop 410 Expressway having 405' on Marbach Road and 9,366.53' on S.W. Loop 410 Expressway.

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.

Mrs. Dutmer expressed concern that the person requesting this zoning change has not abided by any of the rules as provided by the City Council in previous zoning cases. She also expressed concern regarding the drainage problem in this area.

Mr. Harry Leeper, the applicant, stated that they are requesting the change in zoning for the purpose of erecting an \$80 million to \$100 million development on more than 1,500 acres. He stated that the master plan for this property has been reviewed by the City's Planning Department. Mr. Leeper explained that this plan would include 3,000 homes and 1.7 miles of commercial development along I-410. He explained that this land is owned by the descendants of Tom Slick Sr., who established the Southwest Research Institute. In response to Mrs. Dutmer's concerns, he explained that the stipulations in the previous zoning cases are being taken care of at the present time and in regards to the drainage in this area, he stated that one possibility would be to restrict the drainage to a channel so developers can use more of the land for buildings.

Mr. Canavan expressed concern regarding the 9,300' of "B-3" zoning which allows the sale of alcoholic beverages.

After discussion, Mr. Thompson moved that the recommendation of the Zoning Commission be approved provided that proper platting is accomplished. Mr. Steen seconded the motion. On roll call, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

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AN ORDINANCE 51,486

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 108.683 ACRE TRACT OF LAND OUT OF NCB 15329, BEING FURTHER DESCRIBED BY FIELD NOTES FILED IN THE OFFICE OF THE CITY CLERK, IN THE 1300 BLOCK OF S.W. LOOP 410, FROM TEMPORARY "R-1" SINGLE FAMILY RESIDENTIAL DISTRICT TO "B-3" BUSINESS DISTRICT, PROVIDED THAT PROPER PLATTING IS ACCOMPLISHED.

* * * *

79-56 The following Ordinance was read by the Clerk and after consideration, on motion of Mrs. Dutmer, seconded by Dr. Cisneros, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Thompson, Alderete.

AN ORDINANCE 51,487

APPROPRIATING THE SUM OF \$215,901.00 FROM FUND NO. 52-008 TO FUND NO. 52-008 PROJECT 008028 AND ACCEPTING THE LOW QUALIFIED BID OF HOGAN MECHANICAL, INC., IN THE AMOUNT OF \$202,651.00 TO CONSTRUCT THE SLUDGE DE-WATERING BUILDING, RILLING ROAD WASTEWATER TREATMENT PLANT, SECTION XI, PHASE T; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CITY PUBLIC WORKS CONSTRUCTION CONTRACT; AND AUTHORIZING PAYMENT.

* * * *

79-56 The Clerk read the following Ordinance:

AN ORDINANCE 51,488

ACCEPTING THE LOW QUALIFIED BID FROM D.D.W. CONSTRUCTION CO. TO CONSTRUCT THE HOT WELLS SANITARY SEWER RELIEF LINE; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC WORKS CONSTRUCTION CONTRACT FOR SAME; AND AUTHORIZING PAYMENT AND TEMPORARY LOANS.

* * * *

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

In response to a question by Mrs. Dutmer, Mr. Frank Kiolbassa, Director of Public Works, explained that the sanitary sewer relief line would alleviate the problem of the ditch, located behind the school.

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

79-56 The Clerk read the following Ordinance:

AN ORDINANCE 51,489

AUTHORIZING THE CITY MANAGER TO EXECUTE FIELD ALTERATION NO. 4, IN THE AMOUNT OF \$33,645.45 TO THE CONTRACT FOR CONSTRUCTION OF THE RIVER BEND PARKING GARAGE PROJECT.

* * * *

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

In response to a question by Mr. Webb, Mr. Frank Kiolbassa, Director of Public Works, explained that this field alteration authorizes relocating fire hydrants and water mains, and new gas, water, electric, and sewer services. He stated that originally it was intended that the various utility connections and adjustments were to be made by the utilities themselves, but it has developed that it would be advantageous to have this work done by the general contractor.

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

79-56 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, Archer, Cockrell; NAYS: None; ABSENT: Alderete, Steen.

AN ORDINANCE 51,490

ACCEPTING THE PROPOSAL OF RABA-KISTNER CONSULTANTS, INC., FOR GEOTECHNICAL ENGINEERING SERVICES IN CONNECTION WITH THE ALAMO PLAZA/ PASEO DEL RIO LINKAGE PROJECT.

* * * *

AN ORDINANCE 51,491

AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION FOR \$35,288.00 TO THE CRIMINAL JUSTICE DIVISION OF THE GOVERNOR'S OFFICE FOR A GRANT ENTITLED "MAINTAIN MESSAGE SWITCHER - PHASE V" TO PROVIDE OPERATIONAL FUNDS THROUGH SEPTEMBER 30, 1980.

* * * *

AN ORDINANCE 51,492

REAFFIRMING THE PURPOSE AND MEMBERSHIP OF THE 201 AREA WASTEWATER ADVISORY COMMITTEE, SETTING ITS FUNCTIONS; AND APPOINTING REPLACEMENTS AND NEW MEMBERS TO CONTINUE PROVIDING ADVICE IN THE DEVELOPMENT AND MONITORING OF WASTEWATER FACILITY PLANS PREPARED UNDER THE PROVISIONS OF THE FEDERAL WATER POLLUTION CONTROL ACT AND THE CLEAN WATER ACT.

* * * *

The following individuals, as representatives of the sectors, indicated, are hereby reappointed, newly appointed, or appointed to fill vacancies of said 201 Area Wastewater Advisory Committee, and are to serve on the Committee until January 31, 1981:

A. Private Citizens

1. Louis Bernal
2. Paul Segura
3. Ken Bruder
4. Armando Aranda

B. Public Interest Groups

1. Joann Adams, Aquifer Protection Association
2. Ruth Lofgren, League of Women Voters
3. Dr. Frank Townsend, Bexar County Medical Society
4. Ronnie Slack, Neighborhood Coalition

C. Public Officials

1. Councilwoman Helen Dutmer
2. Mayor Milton Hoeneke
3. Commissioner Tom Vickers
4. Mr. Fred Pfeiffer, San Antonio River Authority

D. Economic Interest Groups:

1. Bob Pedretty, San Antonio Manufacturers Association
2. Jesus Rodriguez, San Antonio Builders Association
3. William Roegelin, Jr., Greater San Antonio Chamber of Commerce
4. Phil Mathews, Texas Society of Professional Engineers

E. Federal Installations

1. Richard Beauvais, SARTMA

* * * *

79-56 The following Ordinance was read by the Clerk and after consideration, on motion of Mr. Canavan, seconded by Mr. Eureste, was passed and approved by the following vote: AYES: Cisneros, Webb, Dutmer, Wing, Eureste, Thompson, Canavan, Archer, Steen, Cockrell; NAYS: None; ABSENT: Alderete.

AN ORDINANCE 51,493

APPOINTING MR. JOE MEZA TO THE SAN ANTONIO ZONING COMMISSION TO SERVE FOR THE REMAINDER OF THE UNEXPIRED TERM OF MR. JOE GALLEGOS WHO HAS RESIGNED.

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70001 LTD. PRESENTATION

Miss Ginny DeLeon introduced Mr. Roland Esquivel and Miss Lucy Moreno, members of the 70001 Ltd. Organization, and asked if they could make a special presentation to Councilman Frank Wing. They presented Mr. Wing with a Citation in appreciation of his efforts which helped to motivate members of the 70001 Ltd. organization.

Mr. Wing expressed his appreciation to the group.

Mr. Thompson also spoke about their program which is very active in the south side of town and stated that Public Service Employee cuts have impacted their budget. He stated that the Council will be taking a look into this matter at a future time.

MR. TOM MORGAN

Mr. Tom Morgan spoke to the Council about the Ordinance which was approved at the Special Meeting on Wednesday, November 14, 1979 which further amended the Peddlers' Ordinance. He stated that the City Council by approving this Ordinance as well as the previous Ordinance will drive them out of business. He doesn't understand why the City Council has catered to a group of 40 individuals and as a result will put over 2,000 street peddlers out of business.

Mrs. Dutmer stated that the Council has tried to address the interest of the entire City and in no way intended to put anyone out of business.

Mr. Eureste concurred with the statements made by Mr. Morgan and stated that the Ordinance is catering to special interest groups and is too restrictive.

MRS. MICAELA GONZALEZ

Mrs. Micaela Gonzalez stated that she will be appearing before the City Council next month on a particular zoning case and felt that the Council should investigate the matter before that time.

In response to a question by Mayor Cockrell, Assistant City Attorney Louis Garcia stated that the pros and cons of the Case should be heard at the stated public hearing and felt it not proper to hear the merits of the Case at this time.

Mr. Eureste stated that he felt this ruling too stringent and stated that Mrs. Gonzalez should be allowed to speak.

Mrs. Gonzalez stated that she is involved in Zoning Case No. 7891, Lot 32. She then spoke about the zoning procedure that she has followed and felt that she was not treated properly by the Zoning Commission. They turned down her request without her being present to present her case.

Mr. Canavan stated that the Zoning Commission is a recommending body and makes recommendations to the City Council which is the governing body.

Mrs. Gonzalez was advised to be present at the City Council meeting when her Case will be addressed by the City Council.

MRS. ESTELLA F. MONSALVO

Mrs. Estella F. Monsalvo, 202 Bandera Road, stated that she is a florist and had been one of the persons who had first approached the Council about the problem of flower peddlers. She thanked them.

for the approval of the Ordinance. She then took exception to the statements made by Mr. Eureste that they're a special interest group.

At this point in the meeting, Mayor Cockrell was obliged to leave the meeting, and Mayor Pro-Tem Canavan presided.

Mr. Eureste then stated that peddlers like Mr. Morgan will be severely affected as well as those peddling flowers around the cemeteries on religious holidays. He further stated that this Ordinance will not address the main concern of florists which was the trailer trucks parking in private lots to peddle flowers. These persons will not be affected.

Mrs. Dutmer stated that amendments are being prepared by the Legal Department to address the matter of trailer trucks parking on private lots to peddle flowers.

Mr. Alderete also stated that the Ordinance as approved at last night's meeting will not address this particular concern. The Ordinance only regulates those trailer trucks parking on City property.

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MRS. BEATRICE MUNIZ

Mrs. Beatrice Muniz, 202 Cupples Road, thanked the City Council for approving the Peddlers Ordinance. She stated that she makes her living as a florist and other people only peddle flowers on holidays. They have other jobs and do this on a part-time basis.

Mr. Eureste stated that flower peddlers must get the proper licensing and also purchase flowers from the same wholesalers as florists.

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MR. JACK SCHMITZ

Mr. Jack Schmitz, 902 Steves, stated that persons who peddle on sidewalks don't cause traffic congestion. He stated that the Ordinance should prohibit peddling from traffic islands.

Mrs. Dutmer stated that this new Peddler's Ordinance will not affect Mr. Schmitz and his daughter since their stand is on private property. She also stated that the new Ordinance approved at last evening's meeting opened up additional streets for the peddlers.

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MRS. MARILYN LIGUES

Mrs. Marilyn Lignes spoke to the Council regarding the number of permits they must obtain in order to peddle flowers. She feels that a number of persons will be affected and put out of business because of this new Ordinance. She also stated that she intends to fight the Ordinance in court.

Mr. Eureste concurred with the statements made by Mrs. Lignes.

There being no further business to come before the Council, the meeting adjourned at 6:50 P.M.

A P P R O V E D

Lela Cockrell
M A Y O R

ATTEST:

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

November 16, 1979

nsr