

REGULAR MEETING OF THE CITY COUNCIL
OF THE CITY OF SAN ANTONIO, HELD IN
THE COUNCIL CHAMBERS, CITY HALL, ON
THURSDAY, JUNE 11, 1987.

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The meeting was called to order by the presiding officer, Mayor Pro Tem James Hasslocher, with the following members present: BERRIOZABAL, WEBB, DUTNER, WING, MARTINEZ, THOMPSON, VERA, WOLFF, LABATT, HASSLOCHER; Absent: CISNEROS.

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87-29 The invocation was given by Reverend Anthony Monteleone, Our Lady of Guadalupe Church.

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87-29 The members of the the City Council and the audience joined in the Pledge of Allegiance to the flag of the United States.

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87-29 At this time, the City Council and the audience joined Mayor Pro Tem Hasslocher in silent prayer for the Mayor and his family in support of the difficulties their new born son is experiencing.

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87-29 CITATION FOR N.E.I.S.D

Mayor Pro Tem Hasslocher read a citation in honor of the North East Independent School District Vocational Advisory Committee on their accomplishment of receiving the 1987 Texas Vocational Instructional Program Advisory Committee Award. He then presented the award to Mr. Bill Zinsmeyer and Mr. Arnold Oates of the North East Independent School District.

Mr. Zinsmeyer thanked the Mayor Pro Tem for the award. He commended the committee for the outstanding job they have accomplished.

Mr. Oates stated that this committee provides a linkage between the school district and private industry.

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87-29BOY SCOUT TROOP 285

Mayor Pro Tem Hasslocher recognized the presence in the audience today of Boy Scout Troop 285, accompanied by the Assistant Scout Leader, Mr. Ted Lee.

Mayor Pro Tem Hasslocher and the Council members welcomed them to City Hall.

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87-29SAKU CITY JUNIOR CHAMBER OF COMMERCE

Mayor Pro Tem Hasslocher recognized the presence in the audience today of the Saku Junior Chamber of Commerce, accompanied by Dr. Gail Wilson of International Relations.

Dr. Wilson then introduced each member of the delegation and in turn each Council member introduced himself and the district he represents.

Mayor Pro Tem Hasslocher welcomed the delegation to City Hall and to San Antonio and presented them with the official book of San Antonio.

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87-29 The minutes of the City Council meeting of May 21, 1987 were approved.

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87-29CONSENT AGENDA

Mrs. Dutmer made a motion to approve Agenda Items #6 - 38, constituting the Consent Agenda, with the exception of Items #10, 14, 24, and 26, which were pulled for individual consideration. Mr. Wing seconded the motion.

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

AN ORDINANCE 65,132

ACCEPTING THE LOW QUALIFIED BIDS OF ROSS CRAWFORD SALES, FLAGHOUSE, INC. BECKLEY CARDY, S & S ARTS AND CONSTRUCTIVE PLAYTHINGS TO FURNISH THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH GAMES FOR A TOTAL OF \$6,169.85.

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AN ORDINANCE 65,133 .

ACCEPTING THE LOW BID OF MOTHER'S WINDOW TINT TO FURNISH THE CITY OF SAN ANTONIO MARKET SQUARE WITH EXTERIOR SUN SCREEN FILM FOR A TOTAL OF \$5,070.00.

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AN ORDINANCE 65,134 .

ACCEPTING THE LOW QUALIFIED BID OF TRAFFIC PARTS, INC. TO FURNISH THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TRAFFIC CONFLICT MONITORS FOR A TOTAL OF \$9,692.00.

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AN ORDINANCE 65,135 .

ACCEPTING THE PROPOSAL OF DECISION TECHNOLOGY, INC. FOR THE CONTINUATION OF THE DATA ANALYZER SOFTWARE FOR THE INFORMATION RESOURCES DEPARTMENT FOR A TOTAL OF \$4,050.00.

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AN ORDINANCE 65,136 .

ACCEPTING THE LOW BID OF G. MADISON COMPANY TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH LIBRARY SHELVING FOR A TOTAL OF \$17,489.00.

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AN ORDINANCE 65,137 .

ACCEPTING THE LOW BIDS OF AT & T INFORMATION SYSTEMS, COMPUTER SERVICE, DIGITAL COMMUNICATION ASSOCIATION, HARRIS CORPORATION, INDIANA CASH DRAWER COMPANY, LEE DATA CORPORATION, MEMOREX, PAUL ANDERSON COMPANY, PCA MICROSYSTEM, RACAL MILGO INFORMATION SYSTEMS, UDP, AND UNICOM, INC., TO FURNISH VARIOUS DEPARTMENTS OF THE CITY OF SAN ANTONIO WITH COMPUTER HARDWARE FOR AN ESTIMATED TOTAL OF \$210,020.00.

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AN ORDINANCE 65,138 .

APPROPRIATING 1985 LIBRARY BOND MONIES IN THE TOTAL AMOUNT OF \$425,000.00 FOR PROCUREMENT OF THE INITIAL LIBRARY STOCK; MACHINERY AND EQUIPMENT; AND FURNITURE AND FIXTURES FOR THE THOUSAND OAKS/EL SENDERO LIBRARY.

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AN ORDINANCE 65,139 .

APPROVING FIELD ALTERATION NO. 5, IN THE AMOUNT OF \$15,060.00, TO THE CONTRACT FOR THE ALL WEATHER ACCESS ROADWAY, UTILITY UPGRADE & MODIFICATIONS AT INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 65,140 .

AUTHORIZING ADDITIONAL ARCHITECTURAL FEES IN THE AMOUNT OF \$7,200.00 PAYABLE TO WILLIAM E. PARRISH, ARCHITECT, INC., FOR ADDITIONAL DESIGN SERVICES RELATING TO THE SOUTHEAST POLICE SUBSTATION.

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AN ORDINANCE 65,141 .

AUTHORIZING FIELD ALTERATION NO. 11 IN THE AMOUNT OF \$131,789.00 TO THE CONTRACT OF H.B. ZACHRY COMPANY, INC., FOR THE COMPLETION OF THE VEHICULAR SPEED RAMP EXIT DURING THE CONSTRUCTION OF THE HEMISFAIR PARKING GARAGE FOR THE HEMISFAIR REDEVELOPMENT PROJECT.

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AN ORDINANCE 65,142 .

AUTHORIZING FIELD ALTERATION NO. 19 IN THE AMOUNT OF \$23,770.00 TO THE CONTRACT WITH KUNZ CONSTRUCTION CO., INC., FOR THE INSTALLATION OF THE CHILL WATER PIPE AND INSULATION TO THE TOWER OF AMERICAS AS PART OF THE HEMISFAIR PARK HARDSCAPE CONSTRUCTION PACKAGE.

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AN ORDINANCE 65,143

AUTHORIZING AN ADDITIONAL \$30,000.00 FOR ENGINEERING EXPENSES PAYABLE TO CZUNA & ASSOCIATES, IN CONNECTION WITH THE ASHEY DRAINAGE PROJECT #30 & 31.

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AN ORDINANCE 65,144

AUTHORIZING AN ADDITIONAL \$20,000.00 FOR ENGINEERING DESIGN EXPENSES PAYABLE TO OZUNA & ASSOCIATES, IN CONNECTION WITH THE GOLDEN STREET DRAINAGE PROJECT #250, PHASE II MODIFIED.

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AN ORDINANCE 65,145

AUTHORIZING AN ADDITIONAL \$5,076.73 FOR ENGINEERING EXPENSES PAYABLE TO G.A. PRATT & ASSOCIATES, INC., IN CONNECTION WITH THE ALBERT/MENCHACA/MICKLEJOHN STREETS RECONSTRUCTION PROJECT.

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AN ORDINANCE 65,146

AUTHORIZING AN ADDITIONAL \$20,000.00 FOR CONSTRUCTION CONTINGENCY EXPENSES AND \$4,000.00 FOR ENGINEERING EXPENSES PAYABLE TO PRESTON, FISHER, ABRAHAMSON & ASSOCIATES, INC., IN CONNECTION WITH THE CRAIGMONT, DRESDEN, SCHMELTZER STREETS RECONSTRUCTION PROJECT.

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AN ORDINANCE 65,147

AUTHORIZING AN ADDITIONAL \$27,327.79 FOR ENGINEERING EXPENSES PAYABLE TO D.R. FRAZOR & ASSOCIATES, INC., IN CONNECTION WITH THE LULLWOOD DRAINAGE PROJECT #36.

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AN ORDINANCE 65,148

AUTHORIZING FIELD ALTERATION NO. 3 TO THE NACOGDOCHES ROAD - BITTERS TO NACO PERRIN PROJECT IN THE AMOUNT OF \$40,506.06 WHICH PROVIDES FOR THE ADDITIONAL CONSTRUCTION WORK REQUIRED TO REALIGN THE BITTERS ROAD/FOREST OAKS LANE AND NACOGDOCHES ROAD INTERSECTION TO ELIMINATE AN EXISTING STREET JOG WHICH WILL IMPROVE THE TRAFFIC FLOW THROUGH THE INTERSECTION.

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AN ORDINANCE 65,149

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER #8 IN THE AMOUNT OF \$68,511.86, PAYABLE TO BASIC CONSTRUCTORS, FOR THE LEON AND SALADO CREEK BELT FILTER PRESS.

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AN ORDINANCE 65,150

AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER #6 IN THE AMOUNT OF \$39,974.99 PAYABLE TO PIZZAGALLI CONSTRUCTION COMPANY, CONTRACTOR, FOR THE DOS RIOS FACILITY CONTRACT #3.

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AN ORDINANCE 65,151

APPROPRIATING ADDITIONAL ENGINEERING FUNDS, PAYABLE TO MACINA, BOSE, COPELAND AND ASSOCIATES, INC. FOR THE ADDITIONAL ENGINEERING SERVICES FOR THE GATEWAY 35 BUSINESS PARK SUBDIVISION OFF-SITE SANITARY SEWER FOR THE AMOUNT OF \$14,063.45; AND AUTHORIZING AN ADDITIONAL \$2,100.51 FOR THE ENGINEERING CONTINGENCY.

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AN ORDINANCE 65,152

ACCEPTING THE DEDICATION OF SANITARY SEWER EASEMENTS ON CERTAIN LANDS, ALL IN CONNECTION WITH CERTAIN WASTEWATER PROJECTS.

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AN ORDINANCE 65,153

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LETTER OF AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION RELEASING FEDERAL RESTRICTIONS ON TWO PARCELS OF AIRPORT PROPERTY TO BE USED FOR STREET RIGHT-OF-WAY AND A DRAINAGE EASEMENT FOR NORTH LOOP ROAD.

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AN ORDINANCE 65,154

AN ORDINANCE AUTHORIZING THE SALE OF CITY-OWNED PROPERTY IDENTIFIED AS PART OF LOTS 2 AND 4, NC 13419, TOGETHER WITH IMPROVEMENTS THEREON, AND MORE COMMONLY KNOWN AS THE GRAHAM BUILDING OR 426 SOUTH SANTA ROSA, PROVIDING FOR RECORDATION OF REVENUE AND APPROPRIATING PROCEEDS IN ACCORDANCE WITH ATTACHED SCHEDULE.

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AN ORDINANCE 65,155

AUTHORIZING THE CITY MANAGER TO PAY FISK ELECTRIC COMPANY OF SAN ANTONIO THE SUM OF \$5,085.93 FOR RELOCATION OF COMPUTER CABLES.

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AN ORDINANCE 65,156

AUTHORIZING THE EXECUTION OF ATTACHMENT 9B TO THE CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH THAT PROVIDES STATE AID TO THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE AMENDING OF THE SPECIAL T.B. OUTREACH PROJECT TO ADD ONE PUBLIC HEALTH NURSE I TO THIS PROJECT; ADOPTING AN AMENDED BUDGET; AUTHORIZING PERSONNEL AND AUTHORIZING BUDGET MODIFICATIONS IN THE PUBLIC HEALTH SUPPORT PROJECT 1986/87 ESTABLISHED IN ORDINANCE NO. 63615 PASSED SEPTEMBER 11, 1986.

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AN ORDINANCE 65,157

AUTHORIZING THE CITY MANAGER TO EXECUTE THREE LEASE AGREEMENTS FOR ADDITIONAL OFFICES FOR THE COMMUNITY

ACTION DIVISION OF THE DEPARTMENT OF HUMAN RESOURCES AND SERVICES.

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AN ORDINANCE 65,158

AUTHORIZING THE SOCIETY OF ST. VINCENT DE PAUL OF THE ARCHDIOCESE OF SAN ANTONIO TO ENTER INTO CONTRACTS FOR THE PHASE I RENOVATION OF THE BUILDING AT 914 W. COMMERCE.

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AN OPDINANCE 65,159

AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE UNICORN CENTERS, INC., FOR 2200 SQUARE FEET OF OFFICE SPACE LOCATED AT 534 ACME ROAD.

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AN ORDINANCE 65,160

APPROVING A LEASE AGREEMENT WITH HOSPITALITY CONCEPTS, INC., FOR STORAGE ROOM AT THE RIVERBEND GARAGE.

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87-29 The Clerk read the following Ordinance:

AN OPDINANCE 65,161

ACCEPTING THE PROPOSAL OF SOUTHWESTERN BELL MEDIA TO FURNISH THE CITY OF SAN ANTONIO PUBLIC LIBRARY WITH TELEPHONE DIRECTORIES FOR A TOTAL OF \$9,236.95 PLUS FREIGHT.

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In response to a question by Mr. Wolff, Mr. John Brooks, Director of Purchasing & General Services, stated that directories which would be purchased are for cities and states and are used extensively in the library.

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Ms. Vera made a motion to approve the proposed Ordinance. Mr. Labatt 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, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Cisneros.

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87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,162 .

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ACCEPTING THE BID OF E.N. SHEET METAL AND ROOFING COMPANY IN THE AMOUNT OF \$34,854.00 TO PROVIDE FOR ROOF REPAIRS FOR EASTSIDE BOYS AND GIRLS CLUB AND THE GUADALUPE THEATRE; PROVIDING A \$3,000.00 CONSTRUCTION CONTINGENCY; APPROPRIATING FUNDS, AND AUTHORIZING PAYMENTS.

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

Mrs. Dutmer noted that there was a disparity among the bids. She stated her concern with obtaining quality work on this project.

In response to a question by Mrs. Dutmer, Mr. Ron Darner, Director of Parks and Recreation, stated that previous had been done on the roof but the problem had not been rectified.

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

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87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,163 .

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AUTHORIZING FIELD ALTERATION NO. 6 TO THE WEST AVENUE RECONSTRUCTION PROJECT IN THE AMOUNT OF \$27,829.30 WHICH PROVIDES FOR THE ADDITION OF A 24" SANITARY SEWER PIPE AND MANHOLE STRUCTURES AT WEST AVENUE AND PANTHER CREEK.

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

In response to a question by Mrs. Dutmer, Mr. David Steitle, Director of Public Works, stated that the water flow is on private property and the plans will be modified to correct this separately.

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

87-29 On a point of personal privilege, Mr. Hasslocher stated that he would like to have a dollar estimate of the damage done by the recent rains.

Mr. David Steitle, Director of Public Works, stated that he would provide the Council with a report when a study has been completed.

87-29 ZONING HEARINGS

39. CASE Z87114 - to rezone a 2.366 acre tract of land out of NCB 10319, In the 3400 Block of Roland Drive, from "B" Residence District to "I-1" Light Industry District, located on the north corner of Roland Avenue and Amity Avenue, having 266.07' on Amity Avenue and 336.17' on Roland Avenue with a maximum depth of 264.03'.

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

Mr. Andy Guerrero, Planner III, stated there was a 20% opposition to the case and nine votes were needed for approval.

Mr. Alex Coy, representing the proponent, stated that Mr. Cordova constructs floats for parades on his property. He stated that the working area is totally enclosed and no visual impact would be subjected to the area. He stated that Mr. Cordova is also willing to erect a fence. He stated that the proponent has six floats that are used again and again and would be stored on his property. He stated that the proponent would also be willing to erect a storage shed.

In response to a question by Mr. Webb, Mr. Coy stated that Mr. Cordova would like to obtain the zoning in order to continue his business and to avoid any problems which may arise in the future due to improper

zoning.

Mr. Webb made a motion to approve the request for rezoning. Mr. Wing seconded the motion.

In response to a question by Mr. Labatt, Mr. Guerrero stated that the Zoning Commission had recommended "R-2".

On roll call vote, the motion to approve failed to carry by the following vote: AYES: Webb, Dutmer, Wing, Martinez, Thompson, Wolff; NAYS: Vera, Labatt, Hasslocher; ABSENT: Berriozabal, Cisneros.

Zoning Case Z87114 was denied.

40. CASE Z87002 - to rezone a 1.8297 acre tract out of NCB 8416, from "R-1" One Family Residence District to "B-1" Business District; a 2.7832 acre tract out of NCB 8416 from "R-1" One Family Residence District to "B-2NA" Non-Alcoholic Sales District; a 0.2792 acre tract out of NCB 8416, from "R-1" One Family Residence District to "B-3E" Restrictive Business District, in the 2800 Block of Fredericksburg Road, located 200' west of Fredericksburg Road, being 330.76' northwest of the intersection of Quentin Drive and Fredericksburg Road, having a maximum width of 314.02' and a maximum depth of 1234.97'.

(Case Z87002 was in the process of being rewritten at the time of the preparation of these minutes, thus will be inserted at a later date.)

41. CASE Z87112 - to rezone Lot 4, Block 2, NCB 17417, in the 8400 block of Marbach Road, from Temporary "R-1" One Family Residence District to "B-2" Business District, located on the northside of Marbach Road and on the westside of Horal Drive, being 400' west of Horal Drive with 91.59' on Marbach Road and approximately 500' north of Marbach Road, having 126.29' on Horal Drive, having a maximum depth of 583.20' and width of 343.24'.

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

Ms. Vera made a motion to approve the recommendation of the Zoning Commission provided that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mrs. Dutmer seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt,

Hasslocher; NAYS: None; ASENT: Thompson, Cisneros.

AN ORDINANCE 65,165

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 LOT 4, BLOCK 2, NCB 17417, IN THE 8400 BLOCK OF MARBACH ROAD FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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42. CASE Z87113 - to rezone a 2.215 acre tract out of CB 5098, from Temporary "R-1" One Family Residence District to "O-1" Office District, located on the southwest corner of Royal View Drive and St. Hedwig road, having 216.56' on St. Hedwig Road and 275.0' on Royal View Drive; a 1.504 acre tract out of CB 5098 from Temporary "R-1" One Family Residence District to "B-3NA" Non-Alcoholic Sales Business District; a 12.495 acre tract out of CB 5098 from Temporary "R-1" One Family Residence District to "I-2" Heavy Industry District, located on the southside of St. Hedwig Road, being 275.56' west of Royal View Drive, having 668.31' on St. Hedwig Road with a maximum depth of 918.85'.

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

Mr. Robert Diaz De Leon, representing Harper International, the proponent, stated that they are requesting the change of zoning for existing industrial use with a two story office proposed to be erected on the property. He stated that they would like to continue their operation of manufacturing refrigeration equipment on the property. He further stated that they have been in contact with area neighbors and had offered them a tour of another plant in operation in San Antonio and have not received any negative response. He stated that they are willing to provide a shrubbery screen as a buffer.

Mr. Clifton Jefferson, 5706 Way View, spoke in opposition to the request for rezoning. He submitted a petition from area residents who are also in opposition (included in the papers of this meeting). He stated that they were not contacted by Harper International and were not aware of their intentions until they received a notice from the Zoning

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Department. He stated that he is opposed to changing the frontage property from "R-1" in order to "O-1" and "R-1" to "I-2" Heavy Industrial. He stated that he feels the buffer as proposed by Mr. De Leon is wide enough between the residential area and the proposed area.

Mr. Steve Allison, President of Harper International, stated that Harper International had terminated their lease to Pipe Benders and Fabricators and now would like to utilize the property for their own use. He stated that Harper International had been in contact with Mr. Jefferson and other area residents and had provided them with a two weeks notice of a proposed trip to another plant which they operate here in San Antonio in order to give the residents an idea of what to expect from their company.

Mr. Hasslocher stated that the other plant which Harper International operates is in his district and he further stated that he has not received any complaints.

Mr. Sam Williams, 5703 Way View, spoke in opposition to the proposed rezoning. He stated that he is opposed to any industrial use in his neighborhood because of the added noise and pollution for the neighborhood. He spoke of the loss of sleep he and his wife have lost because of the excessive noise.

In response to a question by Mr. Webb, Mr. Andy Guerrero, Planner III, stated that the three houses adjacent to the property in question are vacant.

Mr. Webb stated that he would be voting in favor of the rezoning with the amendments proposed by the Zoning Commission. He stated that he does not foresee any homes to be built in this area in the future.

Mr. Webb made a motion to approve the recommendation of the Zoning Commission provided that five feet of dedication is given along St. Hedwig Road; that a one foot non-access easement is imposed along Royal View Drive; that a six foot solid screen fence is erected and maintained along with landscaping adjacent to the single family residential area; and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Labatt seconded the motion.

In response to a question by Mrs. Dutmer, Mr. De Leon stated that Harper International did not have any intentions of enlarging in the future.

Mrs. Dutmer questioned why the owners of the property are not present in the audience. She further stated that homeowners have the right to enjoy their homes without industries moving in to disturb their neighborhoods. She stated that with that in mind she would be voting against the requested rezoning.

In response to a question by Mrs. Berriozabal, Mr. Allison stated that their plant would very seldomly be working on a 24 hour basis.

In response to another question by Mrs. Berriozabal, Mr. Allison stated that the noise complaint that had been brought up was with the previous tenant, Pipe Benders and Fabricators. He further stated that the buildings will be insulated and will need to be temperature controlled. He stated that their use of the building differs from the previous tenant so in essence theirs would be a difference in the noise level.

Mr. Hasslocher stated that he has personally studied the noise level at Harper International's plant on Crownhill Drive and in his opinion will not present a problem.

In response to a question by Mrs. Berriozabal, Mr. Guerrero stated residents may lodge their complaints with the Health Department if a problem arises should the zoning be granted.

Mrs. Berriozabal stated her concern with the residents who presently live in the area and the possible problems they may have to confront.

Mrs. Dutmer noted that Harper International at one time had been located in her district and she had received complaints of the level of the noise, and the excessive number of trucks.

In response to a question by Mr. Wing, Mr. Louis J. Fox, City Manager, stated that the Environmental Health Department would be in charge of monitoring the level of noise in industrial uses.

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

AN ORDINANCE 65,166

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 A 2.215 ACRE TRACT OF LAND OUT OF CB 5098 FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "O-1" OFFICE DISTRICT; A 1.504 ACRE TRACT OF LAND OUT OF CB 5098 FROM TEMPORARY "R-1" ONE FAMILY RESIDENCE DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES; AND 12.495 ACRE TRACT OF LAND OUT OF CB 5098 FROM TEMPORARY "R-1"

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ONE FAMILY RESIDENCE DISTRICT TO "I-2" HEAVY INDUSTRIAL DISTRICT, PROVIDED THAT FIVE FEET OF DEDICATION IS GIVEN ALONG ST. HEDWIG ROAD; THAT A ONE FOOT NON-ACCESS EASEMENT IS IMPOSED ALONG ROYAL VIEW DRIVE; THAT A SIX FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG WITH LANDSCAPING ADJACENT TO THE SINGLE FAMILY RESIDENTIAL AREA; AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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MR. FERNANDO CANALES

Mayor Pro Tem Hasslocher introduced Mr. Fernando Canales, from Monterrey, Mexico.

Mr. Canales stated that he had worked with Mayor Cisneros on the Bilateral Commission on U.S./Mexico Relations.

Mayor Pro Tem Hasslocher and the Councilmembers individually welcomed Mr. Canales to the Council Chambers.

87-29 ZONING HEARINGS cont.

43. CASE Z87067 - to rezone the southeast 107.79' of Lot 39, NCB 17363, in the 2900 Block of Thousand Oaks, from "B-2" Business District to "B-3NA" Non-Alcoholic Sales Business District, located on the northeast side of Thousand Oaks Drive, being 334.07' northwest of Country Morning Drive, having approximately 115' on Thousand Oaks Drive, with a maximum depth of 214.40'.

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 provided that a six-foot solid screen fence is erected and maintained along the southeast property line across the "R-5" property, and that driveways and off-street parking are provided and submitted for approval by the Traffic Engineering Division. Mr. Wolff seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: AYES:

Berriozabal, Webb, Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros.

AN ORDINANCE 65,167

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 SOUTHEAST 107.79 FEET OF LOT 39, NCB 17363, IN THE 2900 BLOCK OF THOUSAND OAKS DRIVE FROM "B-2" BUSINESS DISTRICT TO "B-3NA" BUSINESS DISTRICT, NON-ALCOHOLIC SALES, PROVIDED THAT A SIX-FOOT SOLID SCREEN FENCE IS ERECTED AND MAINTAINED ALONG THE SOUTHEAST PROPERTY LINE ACROSS FROM THE "R-5" PROPERTY, AND THAT DRIVEWAYS AND OFF-STREET PARKING ARE PROVIDED AND SUBMITTED FOR APPROVAL BY THE TRAFFIC ENGINEERING DIVISION. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

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44. CASE Z87103 - to rezone Lot 5, Block 1, NCB 8933, 1617 S.W. Military Drive, from "E" Office District to "B-2" Business District, located on the northside of S.W. Military Drive, 200' west of Tacoma Avenue, having 50' on S.W. Military Drive and a depth of 152.5'.

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 the applicant work with the Traffic Engineering Division for off-street parking requirements. Mr. Webb seconded the motion.

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

AN ORDINANCE 65,168

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE

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CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, BLOCK 1, NCB 8933, 1617 SOUTHWEST MILITARY DRIVE, FROM "E" OFFICE DISTRICT TO "B-2" BUSINESS DISTRICT, PROVIDED THAT THE APPLICANT WORK WITH THE TRAFFIC ENGINEERING DIVISION FOR OFF-STREET PARKING REQUIREMENTS. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00."

* * * *

87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,169 .

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

* * * *

Ms. Vera made a motion to approve the proposed Ordinance. Mr. Martinez 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, Martinez, Vera, Wolff, Hasslocher; NAYS: None; ABSENT: Thompson, Cisneros; ABSTAIN: Labatt.

87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,170 .

ESTABLISHING A FUND, APPROPRIATING A BUDGET, AND AUTHORIZING A TRANSFER OF FUNDS FOR THE ALAMO GRAND PRIX PROJECT.

* * * *

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

On roll call vote, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: AYES: Dutmer, Wing, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: Berriozabal, Webb; ABSENT: Thompson, Cisneros.

87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,171

AUTHORIZING A LEASE WITH LAUCHNER INTERESTS, INC., FOR USE OF CITY-OWNED LAND ON THE SAN ANTONIO RIVER WALK FOR AN OUTDOOR DINING AREA.

* * * *

Mrs. Dutmer made motion to approve the proposed Ordinance. 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, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Cisneros.

87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,172

AUTHORIZING THREE-YEAR LEASE AGREEMENT WITH SEVEN (7) THREE-YEAR RENEWAL OPTIONS WITH LAUCHNER INTERESTS, INC., FOR APPROXIMATELY 1,419 SQUARE FEET OF CITY-OWNED COVERED SPACE ON THE RIVER WALK ADJACENT TO THE ALAMC DRUG COMPANY BUILDING.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Ms. Vera seconded the motion.

Mr. Louis J. Fox, stated that this agreement will provide for downtown housing and retail restaurants.

In response to a question by Mrs. Dutmer, Mr. Ron Darner, Director of Parks and Recreation, stated that the building is presently owned by Mr. Dan Poole and the activation of the lease is contingent upon purchase of the building. He further stated that the Riverwalk Commission has approved the lease.

In response to a question by Mrs. Dutmer, Mr. Lauchner stated the building presently has a sprinkler system throughout the building.

In response to a question by Mrs. Berriozabal, Mr. Lauchner stated that there will be approximately 104 units of housing ranging from 600 to 1200 square feet and will rent between \$350.00 and \$900.00.

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

- - -
87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,173 .

.
AUTHORIZING AN ADDITIONAL \$636.97 FROM DISTRICT 1
PEDESTRIAN ACCESS FUNDS FOR CONSTRUCTION EXPENSES
RELATING TO THE N. MURRY ALLEY PROJECT.

* * * *

Mr. Thompson made a motion to approve the proposed Ordinance. Mrs. Berriozabal seconded the motion.

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

- - -
87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,174 .

.
ALLOWING EXEMPTIONS FROM LOCAL ROOM TAXATION AS IS
CURRENTLY ALLOWED ON STATE ROOM TAX.

* * * *

Mr. Thompson made a motion to approve the proposed Ordinance. Mr. Wolff seconded the motion.

In response to a question by Mr. Wolff, Mr. John Mosty, Director of Convention and Visitors Bureau, stated that there will be no immediate loss of revenue. He stated that they will be following state procedures in order to comply with them. He further stated that they will also need the cooperation of the City's Audit Division as well.

In response to a question by Mrs. Dutmer, Mr. Mosty stated that the city has not been collecting the tax. The City Council in 1968 did not realize they had the same exemption as the state.

Mrs. Dutmer stated that the city cannot supersede State Law.

Mr. Tom Finlay, Assistant City Attorney, stated that this amendment makes the city's ordinance in compliance with State Statutes, the present ordinance as it stands now is not in compliance.

Mr. Thompson stated that the city is not required to pass this ordinance, the purpose is to be in compliance with State law.

Mr. Mosty stated that he recommends hiring a city auditor, under the direction of Mr. Carl White, the Director of Finance, to monitor the collection of room tax.

Mr. Louis J. Fox, City Manager, stated that it would be cost effective to hire someone from within the city.

Mrs. Dutmer stated her concern that this is long over due and should have done some time ago.

In response to a question by Mrs. Dutmer, Mr. John Mosty stated that 100% of the room tax to be collected will go to the Convention & Visitors Bureau and for payment for expansion of the Convention. A portion is also allocated to go to the arts, visual and historic preservation of the Convention Center.

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

87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,175

BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS, AMENDING ORDINANCE NO. 60876, AND ORDAINING OTHER MATTERS INCIDENT AND RELATED TO SUCH AMENDMENT.

* * * *

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

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

- - -
87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,176 .

.
APPOINTING BARBARA WITTE-HOWELL AND DOMINGO MONTEZ
TO SERVE ON THE INDUSTRIAL WASTEWATER REVIEW
COMMITTEE FOR A TERM TO EXPIRE ON JANUARY 17, 1989.

* * * *

Mrs. Berriozabal made a motion to approve the proposed Ordinance. Mr. Thompson 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, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Cisneros.

- - -
87-29 The Clerk read the following Ordinance:

AN ORDINANCE 65,177 .

.
APPOINTING LYDIA OLLERVIDEZ TO SERVE ON THE PARKS
AND RECREATION BOARD FOR A TERM TO EXPIRE ON MARCH
31, 1990.

* * * *

Mrs. Dutmer made a motion to approve the proposed Ordinance. Ms. Vera 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, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Cisneros.

87-29 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - REPROGRAMMING FUNDS - LAS TIENDAS DE AVENIDA GUADALUPE

Mayor Pro Tem Hasslocher declared the Public Hearing to be open.

No citizen appeared to speak.

Mayor Pro Tem Hasslocher declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 65,178

AUTHORIZING THE REPROGRAMMING OF \$322,000.00 FROM UDAG VISTA VERDE SOUTH GRANT PROJECT PROGRAM INCOME FUNDS FOR USE AS THE REQUIRED LOCAL MATCH FOR A \$600,000 EDA GRANT IN SUPPORT OF THE COST OF CONSTRUCTION OF LAS TIENDAS DE AVENIDA GUADALUPE; AUTHORIZING ESTABLISHMENT OF A FUND FOR THE GRANT PROJECT; AUTHORIZING BUDGET REVISIONS AND PROCUREMENT OF PROMISSORY LOAN NOTE FROM THE AVENIDA GUADALUPE ASSOCIATION FOR \$322,000.00; AND DIRECTING A PUBLIC HEARING.

* * * *

Mr. Drew Cameron, Budget and Research Department, explained that the purpose of the ordinance is to authorize the reprogramming of \$322,000 from UDAG Program income as the required local match to secure a \$600,000 EDA Grant to support the construction of improvements to Las Tiendas de Avenida Guadalupe and authorizing the City Manager to submit an application and to accept the grant from the Economic Development Administration (EDA) on behalf of the Avenida Guadalupe Association.

Mr. Martinez stated that the City of San Antonio has supported revitalization of Avenida Guadalupe using CDBG funds. He stated that a medical center has been built as a result which in turn provides job for our city. He stated that this ordinance is basically a continuance of the city's commitment to revitalization. He asked for the support of the Council in this effort.

In response to a question by Mrs. Dutmer, Mr. Cameron stated that is a CDBG eligible project.

Mrs. Dutmer stated her concern that these are federal monies and need to be utilized properly.

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Mr. Thompson stated that he has supported the project in the past but is concerned with the reprogramming of CDBG grant monies, so he cannot support this ordinance today.

Mr. Cameron stated that the \$322,000 local match will be provided as a loan, and will be paid back to the city.

Mr. Louis J. Fox, City Manager, stated the monies which will be obtained are Economic Development Administration (EDA) monies.

Mr. Thompson stated that he would like a report on how much money the city is actually spending. He stated that he does not know the exact nature of the EDA grant.

Mr. Martinez stated that monies from UDAG are available for any project under the guidelines. He stated that Avenida Guadalupe has made an effort to seek additional funds to further their project. He stated that the city does not have a structured program to utilize CDBG funds.

Mrs. Berriozabal stated that she understands Mr. Thompson's concerns. She stated that she needs monies to fix Martinez Creek and she would like the help of the city in order to rectify the problem. She stated that she is very supportive and would like to see Tiendas del Rio a reality.

Mrs. Berriozabal made a motion to approve the proposed Ordinance. Ms. Vera 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, Martinez, Vera, Wolff, Labatt, Hasslocher; NAYS: Thompson; ABSENT: NONE.

87-29 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - DELGADO STREET RECONSTRUCTION

Mayor Pro Tem Hasslocher declared the Public Hearing to be open.

No citizen appeared to speak.

Mayor Pro Tem Hasslocher declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 65,179
AUTHORIZING THE REPROGRAMMING OF \$10,000.00 FROM

DISTRICT 1 CDBG CONTINGENCY TO THE DELGADO STREET RECONSTRUCTION PROJECT TO ADDRESS CONSTRUCTION SHORTFALLS; AUTHORIZING FIELD ALTERATION NO. 1 TO PROVIDE FOR THE INSTALLATION OF A CONCRETE RETAINING WALL AT 1512 DELGADO, CHAIN LINK WIRE FENCING TO ELIMINATE NEW GATES AT DRIVEWAY PENETRATIONS, AND ADDITIONAL CONCRETE WORK.

* * * *

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

Mrs. Berriozabal noted that the corner of Delgado and Picoso Streets is a bad area which needs to be addressed.

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

87-29 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - SUBDIVISION REGULATIONS

Mayor Pro Tem Hasslocher declared the Public Hearing to be open.

No citizen appeared to speak.

Mayor Pro Tem Hasslocher declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 65,180

AMENDING CHAPTER 30 OF THE CITY CODE, SUBDIVISION, CONCERNING CUL-DE-SACS TURNAROUND DIAMETER, PUBLIC PARK PLATTING REQUIREMENTS, SIDE LOT LINES, PLAT ANNOTATIONS FOR PRIVATE WATER WELLS, AND AMENDMENTS TO UNRECORDED PLATS, AND PROVIDING A PENALTY FOR VIOLATION HEREOF OF A FINE NOT TO EXCEED \$200.00.

* * * *

Mr. Roland Lozano, Director of Planning, stated that there are five proposed amendments to the subdivision regulations: 1) Cul-de-sac turnaround diameter; 2) providing an extension of public parks from platting requirements; 3) side lot lines; 4) adding a plat annotation

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requirement for private water wells; and 5) allowing amendments to unrecorded plats involving changes to easements.

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

In response to a question by Mr. Labatt, Mr. Lozano stated that they had sent notices to the appropriate people and agencies to obtain their recommendations.

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

- - -
87-29 PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE - ZONING REGULATIONS

Mayor Pro Tem Hasslocher declared the Public Hearing to be open.

No citizen appeared to speak.

Mayor Pro Tem Hasslocher declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 65,181

AMENDING CHAPTER 35 OF THE CITY CODE (ZONING) CONCERNING NON-CONFORMING SINGLE FAMILY RESIDENCES; MAKING ALL SINGLE FAMILY USES CONFORMING USES IN TEMPORARY ZONES; ZONING VARIANCES ON UNPLATTED PROPERTY; AND PRIVATE CLUBS; AND PROVIDING A PENALTY FOR VIOLATION HEREOF OF A FINE NOT TO EXCEED \$1,000.00.

* * * *

Mr. Roland Lozano, Director of Planning, stated that there are four proposed amendments to the Zoning Ordinance: 1) allowing non-conforming single family residences to be rebuilt if destroyed or damaged more than 50% of replacement cost; 2) temporary zoning classifications -- all single family uses to be considered as conforming; 3) zoning variances for unplatted property -- allow granting under certain conditions; and 4) provisions relating to private clubs.

Mr. Thompson stated his concern with the revision concerning newly annexed territory which would be allowed: "R-5", "R-6" and "R-7" single-family uses on lots which were platted for such uses prior to annexation.

Mr. Lozano explained the amendment for newly annexed territories.

Mr. Thompson stated that he has had several bad experiences with small lots in District 6 with this same problem when they are newly annexed into the city. He stated that he cannot support this amendment.

In response to a question by Mr. Wolff, Mr. Lozano stated that all territory annexed into the City is classified as temporary "R-1", one-family residence district.

Mr. Wolff stated that he is concerned with Amendment #2, (B), "R-5", "R-6", and "R-7" single-family uses on lots which were platted for such uses prior to annexation.

Mrs. Dutmer stated that all area already in the city limits should be grandfathered to eliminate the zero lot line and include everything in it.

Mr. Thompson stated that he would like to have a review after these amendments are passed.

Mrs. Dutmer offered an amendment to delete "B" under Amendment #2, ("R-5", "R-6" and "R-7" single-family uses on lots which were platted for such uses prior to annexation.) Mr. Wing seconded the motion.

The motion on the amendment, prevailed by the following vote:
 AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher, Cisneros; NAYS: None; ABSENT: Cisneros.

The main motion, as amended, prevailed by the following vote:
 AYES: Berriozabal, Webb, Dutmer, Wing, Martinez, Thompson, Vera, Wolff, Labatt, Hasslocher; NAYS: None; ABSENT: Cisneros.

- - -
 87-29 Ms. Shirl Thomas, Executive Assistant to the Mayor, provided the City Council with an update on the status of the Cisneros's baby. She noted that she had visited with the Mayor and his wife at the hospital today. She explained that the baby was doing fine as well as the Mayor and Mrs. Cisneros. She stated that the baby was born with only two chambers in his heart instead of four and only three valves instead of five, and will have to be monitored.
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87-29 Mayor Pro Tem Hasslocher stated that he would like to have Agenda Item #54, being a proposed Resculation setting guidelines for the appointment of individuals to serve on Boards and Commission of the City, to be postponed until next week in order to have a full representation from the Council and the Mayor.

Mrs. Dutmer made a motion to postpone this item. Mr. Labatt seconded the motion.

87-29

DISCUSSION OF LOCHWOOD ESTATES II

Mr. Roland Lozano, Director of Planning, gave a perspective of the case of Lochwood Estates II.

Mr. Louis J. Fox, City Manager, stated that this is a discussion time only and no action will be taken today.

Mr. Roberto Gonzales, representing the developer, stated that he will be available today to answer any questions the Council may have. He stated that they do not have a plat to submit today since this is only a public hearing. He stated that he is here to find out what the concerns the homeowners have.

Ms. Laura Bohanon, 6697 Stoney Kirk Road, stated that she is in opposition to the replatting of Lochwood II. She stated that the lots are too small to conform to the existing neighborhood. She stated that due to deed restrictions they cannot subdivide their property therefore these small lots will devaluate their property. She further stated that the way the Planning Commission interprets the state statute on the counting of votes and with the number of lots that the developers are holding across from the five acres fronting on Kischner Road it will be difficult to obtain the required votes to block this replatting. She stated that development of this subdivision would make the traffic situation impossible. She stated that the developers should make necessary improvements to roads and drainage before they develop the area. She stated that she would like for the Council to recommend to the Planning Commission to require Lincoln/Stoneykirk Joint Venture to revise the filed replat to be more harmonious with surrounding properties.

Mr. Theng Wau, 6821 Stoneykirk, stated he is in opposition. He stated his concern that the property taxes in his neighborhood are increasing, and that developers are moving in and building high density houses.

Mr. K.L. Kidd, thanked Mr. Wolff for placing their group on the agenda to discuss this issue. He stated that because of the how the Planning Commission interprets votes that about 50 to 60 homeowners that have lived in this neighborhood as much as 30 years, have a total of 13

votes, the developer has 125 and one-third. He stated that as a result, there is no way they can win. He stated that in his opinion, one of the problems has been the interpretation of State Statute, 974A, which states that " all lots of any subdivision or any plat taken in by any city in the State of Texas since 1985 must be taken in and measured by metes and bounds." He stated that that puts them in the same situation as all the rest of the lots. He questioned why they do not get a full vote. He stated that what the homeowners would like is due process.

Ms. Kathy Harding, President of Alamo Farmsteads/Babcock Road Neighborhood Association, submitted an aerial photograph of the area in question. She stated that the jest of the problem is the interpretation of the State Statutes. She stated that they are a large lot estate type subdivision that is now being overrun with development with the smaller type tract homes which they are not opposed to, but are opposed to it being handled in an unplanned, unorderedly manner. She stated that they have come to Council today because every time they have approached this issue with the Planning Commission, they want only to be concerned with 974A and not any discussion or reliance on the health, safety and welfare statute 1011. They would like Council to support them in that enabling statute. She stated that they are asking for a resolution to be passed to instruct the Planning Commission to allow replats in the Alamo Farmsteads Subdivision only if it does not meet the criteria in the Subdivisions Chapter, San Antonio City Code, 36-19, Page 884.

Mrs. Edith Wau, 6821 Stoneykirk, stated that she is in opposition to the proposed replatting. She states that she sees only negative effects if the Planning Commission allows this replatting.

Mr. C.R. Dutler, compared the two subdivisions in the general area and offered them as a look at what to expect. He stated that this trend is in evidence in their neighborhood and he hopes that something can be done to bring the quality of these homes in line with the quality of the homes that have built in the past.

Ms. Emily Thuss, representing the Neighborhood Coalition, stated that it would be counter productive to act without the approval of those surrounding neighbors in contrary to the Master Planning process and what is trying to be achieved in neighborhoods today.

Ms. Michelle Stitch, representing Neighborhoods Now, stated that their group hopes the City Council will take into consideration all the state and local regulations concerning replatting. She stated that her group supports Alamo Farmsteads citizens and residents.

Mr. Wolff stated that the fact is that the Council seems to be in a position of having no control or effect on this other than relying on the appointees to the Planning Commission. He stated that in his opinion, the Council should instruct the Planning Commission to follow the provisions of the Subdivision Regulations Section 3039 and in connection

with that that the staff of the Planning Department work with the neighborhood in determining the four factors that Ms. Harding had mentioned that are increasing the size of the lots.

Mr. Lozano stated that the Council today could basically give direction to the Planning Commission that at the appropriate time when the subdivision comes before them that they take under consideration Section 3039, which is lot sizes as it relates to increased dimensions to take that under advisement when the plat comes before the Planning Commission at the appropriate time. Mr. Lozano further stated that he would prefer that the Planning Commission direct him to develop the appropriate information to come back at the appropriate time with that information under Section 3039.

Mr. Wolff stated that his motion is for the staff to begin the work in determining the four factors under Section 3039 with input from both the neighborhood and the developer and responding to the effect on their neighborhood and that the Planning Commission follow the provisions under Section 3039 and take up the consideration in making the lot size bigger if the analysis shows these four things to be prevalent.

Mr. Hasslocher stated that Mr. Wolff might like to have the Assistant City Manager who is responsible for this department to also get involved.

Mr. Martinez stated that he knows there is a pending case now in the process, so in approving this and giving direction to the Planning Commission to consider and to take into advisement and to utilize city staff to obtain the reports which are necessary to make that decision, he stated that he would like to know if the city is violating any city ordinances or any violations in terms of the pending legal case.

Mr. Finlay stated that the city will confine their comments and dealings with the Planning Commission under this motion to Lochwood Estates II. He stated that this motion is only direction to the Planning Commission to take into consideration a part of the code that has always been there, the other point in litigation deals more with procedures that we followed and notification procedures, the way we count votes and some other matters in relation.

Mr. Martinez stated that the initial protest by the community on the first development involved to some extent the lot sizes.

Mr. Finlay stated that lot sizes is only a option that the Planning Commission has if they make certain findings but they can require them if they find it necessary.

In response to a question by Mr. Martinez, Mr. Finlay stated that the Planning Commission is the proper legal body rather than the Council based on state statute which gives the power to approve all plats and on

the subdivision regulations which go along with the state statutes.

In response to a question by Mayor Pro Tem Hasslocher, Mr. Finlay stated that deed restrictions are enforceable by any people whose land is covered by a set of deed restrictions, deed restrictions are a voluntary agreement which cannot be forced upon anyone.

In response to a question by Mr. Thompson, Mr. Lozano clarified the motion as set forth by Mr. Wolff. He stated that the action of the issue of Section 3039 has not been brought forth to the Planning Commission.

Mr. Thompson questioned to the reason why Section 3039 has not been brought to attention of the Planning Commission. He stated that if it is in the City Code, the Planning Commission should be cognizant of what it in the code, be bound by what it says and he sees no reason for the Council to have to bring it to their attention by discussion, by instruction or any other measure.

In response to a question by Mr. Thompson, Mr. Lozano stated that as it relates to it, Planning is functioning an amendment to the ordinance which is Senate Bill 767, that amends the process of basis of the city is using in the notification and have made their interpretation that relates to an appropriately platted lot versus a lot platted by metes and bounds, and taking the amendment to that section and how they interrelate he cannot answer at this time.

In response to a question by Mrs. Berriozabal, Mr. Lozano stated that the Land Use Plan guides the Planning Commission's functioning.

Mrs. Berriozabal stated her concern that the plans are applied to the entire city and one set of guidelines that has to fit the whole city in spite of the fact that the neighborhoods are very different.

Mr. Lozano stated that the document under Section 3039 provides discretion or gives authority to the commission should they find for a number of things that in fact they can increase the size of the lots should they find any of the elements outlined.

Mrs. Berriozabal stated that neighborhoods work together and have legal plan.

Mr. Wolff clarified his motion to instruct the Planning Commission to consider Section 3039 of the City Code when Lochwood Estates II comes before it; city staff will work on the four factors dealing with "increased dimension" of lot sizes in conjunction with Alamo Farmsteads Neighborhood Association in which the staff will eventually present its recommendations to the Planning Commission.

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Ms. Vera stated that with this motion we would be asking the Planning Commission to exercise that discretion as outlined under Section 3039. She stated that she cannot support this motion.

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

87-29

BEXAR APPRAISAL DISTRICT DISCUSSION

Mr. Bill Burnette, Bexar Appraisal District, thanked the Council for the opportunity to come before them today. He spoke of the Bexar Appraisal District appraisal process. He spoke of the number of protests that have been filed with the Appraisal District. He spoke of the basic concepts behind appraising a property. He stated that he encourages citizens who have an appeal to protest it. He spoke of the appraisal appeal process. He spoke of increased percentages on the market value of a home. He provided charts and graphs of the median values of properties prepared by the Board of Realtors.

Mr. Burnette extended an invitation to the City Councilmembers to visit the Bexar Appraisal District offices to see first hand how the process is made.

Mr. Wing stated that he appreciates the appeal process, but that his constituents have expressed difficulty in the working hours of BAD and would like to see an extension into the evening hours.

Mr. Burnette stated that he will inquire with the Review Board on the feasibility of extending BAD's office hours.

Mr. Thompson stated that in his opinion, he does not think one has to go through the appeal process to get the fair market value of their home. He stated that individuals have to take time off from their work in order to appeal. He stated concern with the process BAD goes through in appraising property.

Mr. Burnette stated that they have utilized the mass appraisal technique.

Mr. Thompson stated that every house should be appraised on a case by case basis. He stated that the Appraisal District does not see the actual house instead they rely on computers.

In response to a question by Mr. Labatt, Mr. Burnette spoke of the Bexar Appraisal District, its makeup and how they are appointed

Mr. Burnette stated that anyone have their own appraisal done by a realtor.

Mr. Burnette stated that he encourages anyone who believes their property is not appraised at market value to file a written protest.

Mr. Labatt stated it is important to look at the market value of your property today not what you paid for it years ago.

Mr. Wolff stated that the difficulty all of us have is not understanding the process. He stated that something is wrong with the method as a whole and that computers lose the fact of reality.

Mr. Martinez stated that a constituent of his district has protested to the Bexar Appraisal District and was inconvenienced because they had to pay twice for the same appraisal. He stated that people are not aware of the appeal process. He stated that he has elderly people in his district who do not have the funds to seek assistance.

Mr. Burnette stated that he willing to go into the neighborhoods to explain the process to the citizens with Mr. Martinez.

Mr. Martinez questioned by the difference between the State Appraisal Board and the function of the Bexar Appraisal District.

Mr. Burnette stated that some homes are undervalued.

Mrs. Dutmer stated that the mass appraisal system is not fair. She stated that homeowners cannot sell their homes today, thus their taxes cannot be paid. She stated that this cannot be helping the economy. She stated that the State should look into the Board's interpretation of "fair market value".

Mrs. Berriozabal stated that the issue is how the Board does its appraisals without physically looking at the home.

Mr. Burnette stated that they do go by the homes but they do not have enough staff to look at each and every home.

Mrs. Berriozabal stated that this method does not fit each home. She stated that she would like to meet with Mr. Burnette and constituents in her district to discuss their problems.

Ms. Vera stated that she has received several complaints from her constituents on the method the Bexar Appraisal is using. She stated that she has received notice that employees of BAD did not greet them with a very pleasant manner and are less than helpful.

Mr. Burnette stated that a research area is available for people to use which includes computers and maps. He stated that a time limit is

imposed to review records because of the large volume of appeals that have besiege the office. He further stated that he would look into the matter of the conduct of the employees and the feasibility of adding additional staff.

Mr. Frank Coleman stated his reasons why he is concerned with the Bexar Appraisal District. He stated that he has not heard an adequate response to the method the Bexar Appraisal District uses. He urged the City Council to go to the Bexar Appraisal District office and see first hand.

Mr. Frank Coleman, Jr., stated that he was met with an favorable greeting when went to the Bexar Appraisal District to appeal his case.

Col. John M. Hogg, King William area resident, stated that when his property appraisal had been raised again this year.

Mr. Howard Forsythe, 222 E. Guenther, stated that the entire King William area has gone up 200% and not the 10% as mentioned by Mr. Burnette. He stated that when you appeal to the BAD office, you need to provide the adequate information to state your case. He stated that BAD should be the ones to supply the necessary information instead of the homeowner.

Mr. Roger Robles, stated that his property appraisal had gone up 400%. The reason given to him by the Bexar Appraisal District was that it was a commercial influence. He stated that there is no commercial use for 4 miles from his property. He stated that he was treated unjustly at the Bexar Appraisal District office.

Mr. Michael Widerhorn, spoke of the increase in the appraisals in the King William area. He stated that he felt penalized because his area is considered a tourist attraction. He stated that he does not have confidence in the computerized system that BAD uses. He stated that same computer stated that he had amenities on his property that he does not have.

Mayor Pro Tem Hasslocher stated that this is an important issue which needs to be remedied.

Mr. Espinoza stated that BAD does not make any efforts to work with you when go approach their office to file an appeal.

Ms. Caroline Zaner, King William area resident, spoke of the problems the King William residents have had with the Bexar Appraisal District. She stated that her property had been appraised as commercial when it is not. She stated that when homeowners go before the Review Board they are treated rudely and unjustly.

87-29 On a point of personal privilege, Mrs. Dutmer stated her concern that VIA has been advertising the schedules for the park and ride buses which will transport people to the site where the Pope will preside over. She stated that she is concerned that there is no park and ride in the southern sector of the city.

In response to a question by Mayor Pro Tem Hasslocher, Mr. Louis J. Fox, City Manager, stated that he will assign staff to work with VIA to see that this problem is rectified.

87-29

CITIZENS TO BE HEARD

APPLEWHITE RESERVOIR

Mr. Phillip Martin Ross, Aquifer Protection Association, spoke of his concerns with the Applewhite Reservoir. He stated that he would like to enlist the support of legislation. He stated that new issues need to be addressed which have not been submitted.

Ms. Dee Hitzfelder stated that she is concerned with the proposed Medina River Mitigation. She would like to see this issue placed on next week's Council meeting. She stated that she is seeking an extension to study the proposed mitigation.

Mr. Russell Seal, stated that they as residents are all dependent on the aquifer and want to seek measures to protect it. He stated that only two public hearings have been held and he feels the southside residents have not been properly informed. He stated that the city should ask the Army Corps of Engineers to hold another public hearing. He stated that more time is needed in order to study the plan.

Ms. Karen Seal, stated that San Antonio needs to be planning for the city's water supply for the future. She stated that the Applewhite will not be an asset to the city.

Mr. Arthur Barneby, Lacoste resident, addressed the mitigation issue.

Ms. Peggy Opphelt, stated her concerns that the City Water Board has never made attempts to mitigate wildlife.

Mrs. Dutmer spoke to clarify several points of previous speakers. She stated that she feels lawsuits will prevent construction of Applewhite Reservoir into the next century.

Mrs. Berriozabal spoke to the City Water Board's proposed 9.7% water rate increase and that much of that amount is scheduled to be spend on surface water - ag. Applewhite Reservoir. She further stated that she feels the City Council is against it also.

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87-29

CITY MANAGER REPORTS

Mr. Louis J. Fox, City Manager, handed out budget work books with 31 priority issues identified by City Council.

Mr. Alex Briseno, Assistant City Manager, stated that the packet contains staff reports on 6 of 31 priority items. He stated that the matter of "early retirement" needs Council decision.

Mr. Joe Constantino, Personnel Director, stated that there are three options proposed to those eligible for early retirement and addressed each, (a copy of this report is made a part of the papers of this meeting). He spoke of projected savings to be realized if all 379 eligible city employees (non-uniformed) accepted one of the options. He stated that it will cost the city \$676,273.00 if an estimated 42 employees accept one of the options, all retirements would be effective September 30, 1987.

Mr. Fox stated that perhaps 100% of those eligible will take early retirement this year, last year 14% of those eligible to retire actually did so.

A discussion of incentives for early retirement and savings to be realized was taken up at this time.

Mr. Labatt stated that he favors the early retirement plan proposed.

Mr. Fox stated that if the city cannot cut costs this way it must raise revenues or implement a reduction in force.

Mr. Wing made a motion to approve the early retirement plan. Mr. Webb seconded the motion.

* * * *

VICI PROGRAM

Mr. Louis J. Fox, City Manager, stated that he feels that the HUD offices in Washington can be approached to excuse VICI program disallowed costs of \$744,914.68.

He spoke to staff recommendations, (a copy of which is made a part of the papers of this meeting).

Mr. Wing stated that he wants the city to look into Market Square contracts and fees.

Mr. Fox stated that he would like to have an outside examination of all fees and costs involving all city leases and services to see where we stand.

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The City Council recessed at 8:20 P.M., reconvening at 9:00 P.M. for the Cable TV Advisory Board report.

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87-29

June 4, 1987

Honorable Mayor and Members of the City Council of the City of San Antonio.

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

May 28, 1987

Petition submitted by Mr. Joe De La Luz, 907 Commercial Avenue, San Antonio, Texas 78211, requesting the completion of his driveway.

* * * *

/s/Norma S. Rodriguez
City Clerk

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There being no further business to come before the City Council, the meeting was adjourned at 9:35 P.M.

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June 11, 1987
sr

A P P R O V E D

ATTEST: *Norma A. Rodriguez*
C i t y C l e r k

Henry Casimir
M A Y O R