

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse.

AN ORDINANCE 96417

ACCEPTING THE BID SUBMITTED FROM DELL COMPUTERS UTILIZING THE TEXAS DEPARTMENT OF INFORMATION SERVICES "GO DIRECT" PROGRAM TO PROVIDE THE CITY OF SAN ANTONIO LIBRARY DEPARTMENT WITH DESKTOP COMPUTERS FOR A TOTAL SUM OF \$30,050.00.

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AN ORDINANCE 96418

ACCEPTING THE LOW BID SUBMITTED BY WILSON FIRE APPARATUS AND EQUIPMENT TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH FIRE RESCUE EQUIPMENT FOR A TOTAL SUM OF \$51,544.80.

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AN ORDINANCE 96419

ACCEPTING THE LOW, QUALIFIED BID SUBMITTED BY BWI COMPANIES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH GRASS SEED FOR A TOTAL SUM OF \$62,043.15.

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AN ORDINANCE 96420

ACCEPTING THE LOW BID SUBMITTED BY CONTROL TECHNOLOGIES, INC. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TWENTY-FIVE (25) VIDEO IMAGE VEHICLE DETECTION SYSTEMS FOR A TOTAL SUM OF \$80,975.00, AND APPROPRIATING FUNDS.

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AN ORDINANCE 96421

ACCEPTING THE LOW, QUALIFIED BID SUBMITTED BY KONE, INC. TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH THE OVERHAUL OF HYDRAULIC ELEVATORS AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A TOTAL SUM OF \$146,309.00.

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AN ORDINANCE 96422

ACCEPTING THE LOW BID SUBMITTED BY SOUTHWEST SOLUTIONS GROUP TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH TWO FILING AND STORAGE SYSTEMS FOR A TOTAL SUM OF \$37,750.00.

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AN ORDINANCE 96423

ACCEPTING THE OFFER FROM GREATER TEXAS CABLING, A QUALIFIED INFORMATION SYSTEMS VENDOR, TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH DIGITAL CAMERAS AND ACCESSORIES FOR A TOTAL SUM OF \$65,570.00.

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AN ORDINANCE 96424

ACCEPTING THE LOW, QUALIFIED OFFER FROM IKON OFFICE SOLUTIONS, INC., A QUALIFIED INFORMATION SYSTEMS VENDOR, OFFER NO. 1, TO PROVIDE THE CITY OF SAN ANTONIO PURCHASING & GENERAL SERVICES DEPARTMENT CENTRAL STORES DIVISION WITH A SIXTY-MONTH LEASE OF A COLOR NETWORK PRINTER FOR AN ESTIMATED AMOUNT OF \$4,922.60 PER MONTH.

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AN ORDINANCE 96425

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH LICENSE AGREEMENTS, MICROSOFT SUPPORT SERVICES, HOSES, CLAMPS, ELEVATOR MAINTENANCE, RENTAL OF EXCAVATORS AND BARRICADES, PAPER PRODUCTS, JANITORIAL SUPPLIES, SOLAR FLASHER PARTS, RADAR UNITS ON AN ANNUAL CONTRACT BASIS FOR FY 2002-2003 FOR A TOTAL OF APPROXIMATELY \$2,160,902.00.

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AN ORDINANCE 96426

AUTHORIZING THE TRANSFER OF 25TH YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE SOUTHSIDE LIONS COMMUNITY CENTER COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT TO THE SOUTHSIDE LIONS/PALM HEIGHTS REPAIRS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING \$49,450.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES; AUTHORIZING \$550.00 FOR PERMIT/INSPECTION FEES; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96427

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE UNITED STATES OF AMERICA, DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION (FAA) FOR USE OF GROUND SPACE AT THE STINSON MUNICIPAL AIRPORT FOR RUNWAY END IDENTIFICATION LIGHTS, FOR A ONE (1) YEAR TERM COMMENCING OCTOBER 1, 2002.

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AN ORDINANCE 96428

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CURTIS E. GEMBLER, CHARLOTTE KIKER, PATRICIA WALSH SMALL, A.L. HERNDON, BERNARD L. CAMPION, AND RUDY NAVA FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT OF APPROXIMATELY 10,500 SQUARE FEET OF CLINIC AND OFFICE SPACE AT 345 WEST COMMERCE STREET AT A RATE OF \$7,350.00 PER MONTH FOR THE PERIOD JULY 1, 2002 THROUGH JUNE 30, 2005 AND AT AN ADJUSTED RENTAL RATE CALCULATED BY MEANS OF THE CONSUMER PRICE INDEX FOR THE PERIOD JULY 1, 2005 THROUGH JUNE 30, 2007; AND APPROVING PAYMENTS TO THE LESSORS IN CONNECTION THEREWITH.

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AN ORDINANCE 96429

AUTHORIZING AN AMENDMENT TO THE PRIMARY PHYSICIAN SERVICE AGREEMENT WITH UNIVERSITY PHYSICIANS GROUP TO REPLACE TEXAS UNIVERSITIES HEALTH PLAN WITH SUPERIOR HEALTH PLAN AS ADMINISTRATOR EFFECTIVE OCTOBER 1, 2002 IN ORDER TO PROVIDE CONTINUED PREVENTIVE CARE AND IMMUNIZATIONS FOR THE CHILDREN'S HEALTH INSURANCE PROGRAM.

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AN ORDINANCE 96430

AUTHORIZING THE ACCEPTANCE OF CASH SUPPORT TOTALING \$635,266.00 FROM THE TEXAS DEPARTMENT OF HEALTH TO RENEW ONGOING PROGRAMS OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN THE AMOUNTS OF \$116,872.00 FOR THE FEDERAL REFUGEE HEALTH SCREENING PROGRAM, AND APPROVING A SUBCONTRACT WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC.; AND \$518,394.00 FOR THE LABORATORY BIOTERRORISM PREPAREDNESS PROGRAM; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002-2003 - FEDERAL;

APPROVING PERSONNEL COMPLEMENTS; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 96431

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE BEXAR COUNTY HOSPITAL DISTRICT, D/B/A UNIVERSITY HEALTH SYSTEM TO PROVIDE PUBLIC HEALTH SERVICES FOR UNINCORPORATED AREAS OF BEXAR COUNTY DURING THE PERIOD OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003 FOR A MONTHLY FEE OF \$31,654.83, AND OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2006 AT A CALCULATED RATE BASED UPON ESTIMATED CITY COSTS TO PROVIDE THESE SERVICES.

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AN ORDINANCE 96432

AUTHORIZING THE CITY OF SAN ANTONIO, TEXAS CITY COUNCIL CONSENTING TO CAPITAL IMPROVEMENTS BY MORNINGSIDE MINISTRIES OR MORNINGSIDE MINISTRIES FOUNDATION AND ISSUANCE OF BONDS BY THE KENDALL COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION TO FINANCE SUCH IMPROVEMENTS.

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AN ORDINANCE 96433

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES IN CONTRACT WITH GOODE, CASSEB, JONES, RIKLIN, CHOATE & WATSON, P.C. FOR LEGAL SERVICES IN CONNECTION WITH LITIGATION RELATING TO OWNERSHIP OF THE SAN ANTONIO RIVER ALONG THE DOWNTOWN RIVERWALK IN ORDER TO PROVIDE FOR THE PAYMENT OF AN ADDITIONAL SUM OF \$150,000.00 FOR LEGAL SERVICES AND EXPERT EXPENSES INCURRED ON THE CASE; AND RATIFYING THE PROVISION OF ADDITIONAL LEGAL SERVICES FROM SAID FIRM AND

SURVEYING SERVICES RENDERED BY VICKERY & ASSOCIATES AS WELL AS THE ASSOCIATED PAYMENTS MADE IN THE AMOUNT OF \$141,190.59.

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AN ORDINANCE 96434

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BIGELOW COMPANIES, INC., TO PROVIDE CONCESSION CONSULTING SERVICES TO THE ALAMODOME WHICH WOULD EXTEND THE TERMINATION DATE FROM OCTOBER 1, 2002 TO SEPTEMBER 30, 2003. (AMENDS ORDINANCE NO. 95016, DECEMBER 13, 2001.)

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AN ORDINANCE 96435

RATIFYING SUBMISSION OF A CONTINUATION GRANT APPLICATION AND AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$101,500.00 FROM THE TEXAS EDUCATION AGENCY FOR CONTINUATION OF THE ENGLISH LITERACY - CIVICS EDUCATION PROJECT AT THE MARGARITA HUANTES AND THE WILLIE VELASQUEZ LEARNING AND LEADERSHIP DEVELOPMENT CENTERS (LLDC) FOR THE PERIOD OF JULY 1, 2002 THROUGH JUNE 30, 2003; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

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AN ORDINANCE 96436

AUTHORIZING THE TRANSFER OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$60,000.00 TO THE MIDTOWN ON BLANCO NEIGHBORHOOD COMMERCIAL REVITALIZATION PROJECT PREVIOUSLY FUNDED WITH GENERAL FUNDS; AUTHORIZING THE AMENDMENT OF A REVITALIZATION PROJECT CONTRACT WITH MIDTOWN ON BLANCO; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET;

AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 90143, JULY 22, 1999.)

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AN ORDINANCE 96437

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH INNOVATIVE STRATEGIES IN AN AMOUNT NOT TO EXCEED \$35,157.00 TO DEVELOP AND CONDUCT A SERIES OF OUTREACH WORKSHOPS FOR SAN ANTONIO'S FEDERAL EMPOWERMENT ZONE.

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AN ORDINANCE 96438

AUTHORIZING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA ON SATURDAY, OCTOBER 12, 2002 FROM 7:00 A.M. UNTIL 12:00 NOON IN CONNECTION WITH THE WALK TO CURE JUVENILE DIABETES, SPONSORED BY THE JUVENILE DIABETES FOUNDATION.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96439

AUTHORIZING A LEASE AGREEMENT WITH SAN ANTONIO FIGHTING BACK (SAFB) FOR USE OF THE BARBARA JORDAN COMMUNITY CENTER LOCATED AT 2803 EAST COMMERCE STREET, SAN ANTONIO, TEXAS FOR THE PURPOSE OF MAKING ITS SERVICES AVAILABLE TO PROGRAM PARTICIPANTS AND FOR PROVIDING ADMINISTRATIVE AND SUPERVISORY SUPPORT IN FURTHERANCE THEREOF, AT AN ANNUAL RENTAL RATE OF \$1 PER YEAR FOR A FIVE-YEAR TERM FROM OCTOBER 1, 2002 THROUGH

SEPTEMBER 30, 2007; AND AUTHORIZING THE EXECUTION OF THE LEASE AGREEMENT AND ANY OTHER DOCUMENTS IN CONNECTION THEREWITH.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

Mr. Henry Ross, III, Assistant Director of Community Initiatives, explained the proposed Ordinance, which authorized the lease agreement with San Antonio Fighting Back (SAFB), a copy of which is on file with the papers of this meeting. He further expounded on the term of the lease and the services to be provided by San Antonio Fighting Back.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **ABSTAIN:** Sanders. **NAYS:** None. **ABSENT:** Conner.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96440

AUTHORIZING THE EXECUTION OF A SALES CONTRACT WITH THE UNITED METHODIST CHURCH, ACTING BY AND THROUGH THE TRUSTEES OF BETHEL UNITED METHODIST CHURCH, FOR THE SALE OF APPROXIMATELY 76.57 ACRES OF CITY OWNED PROPERTY AT THE SOUTHWEST BUSINESS AND TECHNOLOGY PARK (FORMER VAN DE WALLE PROPERTY), LOCATED IN CITY COUNCIL DISTRICT 6, AT A PRICE OF \$8,500.00 PER ACRE FOR A TOTAL PURCHASE PRICE OF \$650,000.00; AND AUTHORIZING PAYMENT OF \$32,500.00 FROM THE SALES PROCEEDS FOR THE PAYMENT OF REAL ESTATE BROKER'S FEES AND \$4,446.00 FOR THE PURCHASE OF A TITLE INSURANCE POLICY.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Councilman Barrera introduced Rev. Douglas, who was accompanied by a delegation, and spoke of the efforts which, began two years ago.

Rev. Douglas spoke of the use for that facility which would benefit the City of San Antonio and bring aid to those people who have needs. He further recognized members of the congregation for their assistance in this effort.

Councilman Sanders recognized Councilman Barrera and members of the congregation for their service to God and the community, and stated that he looked forward to the fruition of this project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Conner.

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2002-36 **INDIVIDUAL ITEMS – CITIZEN COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to various items, specifically citing the public hearings for the proposed annexation area, Lumbermen's tracts, and spoke to the ordinance for the financial underwriters, noting backup documents, and stated that some of the firms listed were involved in lawsuits.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96441

CARRYING FORWARD CERTAIN FUNDS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; CARRYING FORWARD CERTAIN FUNDS; AMENDING PRIOR APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

Mr. Lou Lendman, Director of Management and Budget, narrated a slide presentation on the 2002-closing Ordinance, a copy of which presentation is on file with the papers of this meeting. He explained that this Ordinance would serve to close accounting records on completed capital and grant projects, carries forward that are planned but unencumbered, and appropriate funds for requirements in grant and capital projects, and departments.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2002-36 At this time, reference was made to Item 32.

The Clerk then read a proposed ordinance upholding and accepting the recommendation and the opinion of the Ethics Review Board in the matter of David R. Fernandez; notifying Mr. Fernandez that his complaint was frivolous under the standards of the Ethics Code Part H, Section 4, and imposing sanctions in the amount of \$200.00 and a letter of reprimand from board chairman Arthur Downey.

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Councilman Garcia made a motion to approve the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

At this time the presentation was held off until the arrival of the Ethics Review Board, Chair, Mr. Arthur Downey.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96442

AUTHORIZING THE ACCEPTANCE OF AN AIRPORT IMPROVEMENT PROGRAM GRANT, IN THE AMOUNT OF \$3,225,000.00 FROM THE FEDERAL AVIATION ADMINISTRATION IN SUPPORT OF THE AIRFIELD SECURITY

ENHANCEMENTS AND THE ENVIRONMENTAL IMPACT STATEMENT AT SAN ANTONIO INTERNATIONAL AIRPORT.

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Councilman Carpenter made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Mr. Kevin Dolliole, Director of Aviation, narrated a slide presentation on the Airport Improvement Program Grant for the Airfield Security Enhancement and Environmental Impact Statement, a copy of which presentation is on file with the papers of this meeting. He outlined the phases of the airfield security enhancement project, the study to be conducted of environmental impacts and mitigation alternative associates with the extension of runway 3/21 and 12L/30R, and other projects defined by the master plan, along with budgets for the respective programs.

Mayor Garza spoke of the significant improvements at the airport, and the importance of each, citing the impact they would each have to the City.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96443

AUTHORIZING THE EXECUTION OF TWELVE CONTRACTS WITH ARTISTS OR ARTIST MANAGEMENT ENTITIES FOR A TOTAL AMOUNT NOT TO EXCEED \$182,680.00 FOR PERFORMANCES RELATED TO THE CARVER COMMUNITY CULTURAL CENTER'S 2002-2003 SEASON OF EVENTS; AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS FOR RELATED TECHNICAL SERVICES, AND THEATRE RENTALS AGREEMENTS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF AGREEMENTS WITH COMPARABLE CONTRACTORS IN THE EVENT OF NON-PERFORMANCE OF SERVICES BY AN INTENDED CONTRACTOR; AUTHORIZING THE EXECUTION OF LETTERS OF INTENT TO RESERVE, SUBJECT TO CITY COUNCIL APPROVAL, PERFORMANCES FOR THE 2003-2004 SEASON; AUTHORIZING

THE TRANSFER OF REVENUE FUND ACCOUNTS FROM THE HOTEL/MOTEL TAX FUND, THE CARVER CULTURAL CENTER ENDOWMENT FUND, AND THE CARVER COMMUNITY CULTURAL CENTER TRUST FUND, TO THE CARVER ORGANIZATIONAL SUPPORT PROJECT, IN THE AGGREGATE AMOUNT OF \$237,398.00; ESTABLISHING THE BUDGET; AND AUTHORIZING A PERSONNEL COMPLEMENT.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Sanders seconded the motion.

(At this point, Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Carpenter presided.)

Mr. Henry Ross, Assistant Director of Community Initiatives, narrated a slide presentation on the 2002-2003 Carver Season of Events and Operational Support, a copy of which presentation is on file with the papers of this meeting. He outlined the background, citing the various accounts which would support the revenue, also noting the project funds, which would support staff, administrative, marketing, and productions costs for the season. He highlighted the performance artists' schedule, fiscal impact and accountability measures.

Mr. Ross then introduced members of the Carver Board, and recognized Executive Director, Mr. William Lewis, and spoke of the experience of the new Director.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Conner, Garza.

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(Mayor Garza returned to the meeting and presided.)

2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96444

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH VAUGHN CONSTRUCTION COMPANY IN THE AMOUNT OF \$98,156.00 IN

CONNECTION WITH THE CARVER COMMUNITY CULTURAL CENTER, PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; AUTHORIZING THE CITY OF SAN ANTONIO'S ACCEPTANCE OF A KRONKOWSKY FOUNDATION AWARD FROM THE CARVER DEVELOPMENT BOARD IN THE AMOUNT OF \$250,000.00; AUTHORIZING THE EXPENDITURE OF SAID FOUNDATION AWARD FOR FUTURE PHASES OF THE PROJECT; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Carpenter seconded the motion.

Ms. Jelynn LeBlanc Burley, Assistant City Manager, narrated a slide presentation on the Carver Community Cultural Center Building stabilization and repair, a copy of which presentation is on file with the papers of this meeting. She also outlined the project history, the scope of work for Phase I, the project phases, and the funding sources.

Councilman Sanders congratulated the staff's due diligence and work on this project.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2002-36 At this time, reference was made back to Item 32.

The City Clerk then re-read the caption, while noting for the record the abstention of Councilman Enrique Martin.

AN ORDINANCE 96445

UPHOLDING AND ACCEPTING THE RECOMMENDATION AND THE OPINION OF THE ETHICS REVIEW BOARD IN THE MATTER OF DAVID R. FERNANDEZ; NOTIFYING MR. FERNANDEZ THAT HIS COMPLAINT WAS FRIVOLOUS UNDER THE STANDARDS OF THE ETHICS CODE PART H, SECTION 4 AND

IMPOSING SANCTIONS IN THE AMOUNT OF \$500.00 AND A LETTER OF REPRIMAND FROM BOARD CHAIRMAN ARTHUR DOWNEY.

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City Attorney, Andrew Martin then introduced Mr. Arthur Downey, Chair of the Ethics Review Board, who would be making the presentation.

Mr. Arthur Downey, Chair of the Ethics Review Board (ERB), explained the findings by the Ethics Review Board with regard to the complaint brought forward by Mr. David Fernandez against Councilman Enrique Martin. Mr. Downey, presented a history of the actions which began after a sworn ethics complaint was filed by Mr. Fernandez on March 25, 2002. He stated that a panel of the Ethics Review Board found that the allegations failed to state a violation of the Ethics Code. He further noted that the Ethics Review Board requested that Mr. Fernandez show cause as to why it should not find his complaint as frivolous. He stated that a hearing was scheduled on July 23, 2002 to have Mr. Fernandez appear and show cause, but Mr. Fernandez failed to appear. Mr. Downey concluded that the Board decided to recommend to the City Council that a sanction in the amount of \$200 be made against Mr. Fernandez.

In response to Councilman Carpenter with regard to the amount of fines, City Attorney Martin, stated that the fine could be increased to \$500.00.

The following citizen(s) appeared to speak:

Mr. David R. Fernandez, stated that he hoped that the Board deliberated in an honest manner, further noting that the recommendations of the Ethics Review Board were biased and discriminatory and had no merit nor offered any facts or findings of a frivolous complaint. He cited certain sections of the Ethics Code, noting that he was not properly notified of the scheduled meetings. He spoke of evidence, which has not been heard by the Board, reiterating the lack of meeting notification. He spoke of the process, the obligations of the panel, he also cited transcript, adding that he was not afforded a voice or an opportunity to present pertinent information in regards to stating his case. He cited a letter from Mr. Eddie Metz and read the prepared statement. He further presented an affidavit from Yolanda Chapa regarding the contribution of a check in the amount of \$1,000 to Councilman Enrique Martin, adding that Ms. Chapa had never signed any such check.

In response to Councilman Sanders, Mr. Downey, explained that the complaint consisted of 10 elements, 9 of those 10 did not fall under jurisdiction of the Ethics Code or the Ethics Review Board, therefore, there was no investigation. He added that Mr.

Fernandez was correct in that regard nor could there have been one because it was not in the Board's jurisdiction.

Councilman Sanders stated that based upon what was said at the meeting, the City Council has the obligation to send the message out that persons with motive, will from here on out file complaints with the Ethics Commission, and the responsibility of the Council will be to see that those who have complaints filed against public officials, should also do so in a judicial fashion.

Councilman Carpenter stated that this individual ran for City Council in District 4, and the voters of District 4 made their own decision, but it was obvious that he could not live with this decision. He added that this action taken with frivolous complaints was a waste of time and taxpayers money, and made a motion to amend the Ordinance by increasing the fine to \$500.00. Councilman Sanders seconded the motion.

Councilman Castro concurred with Councilman Carpenter, with regard to penalizing certain individuals who made this type of frivolous complaints. He reiterated the statement regarding the 9 of the 10 elements of the complaint, which had no basis, and the reason the Ethics Review Board determined it was a frivolous complaint.

In response to Councilman Castro regarding whether the Ethics Review Board had fined anybody before, Mr. Downey stated no, and explained how the ERB arrived at the amount of the fine. He added that the Ethics Board can only recommend the fines, and that the City Council has the final authority. He further noted that Mr. Fernandez was not a stranger to City government nor to the Ethics Code, and that he knew it was not under their purview, and that that was the sole reason that there was no investigation.

The amendment to the motion as presented by Councilman Carpenter was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **ABSTAIN:** Martin. **NAYS:** None. **ABSENT:** Conner.

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **ABSTAIN:** Martin. **NAYS:** None. **ABSENT:** Conner.

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2002-36 **ZONING HEARINGS – CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke to various items on the agenda.

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2002-36 ZONING HEARINGS

4A.) CASE NUMBER #Z2001223-2A - The request of City of San Antonio, Applicant, for Borden Park LP, Owner(s), for a change in zoning to designate those properties as part of the River Overlay Districts on LOT 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053 being 815, 825, 835, 837, 841, 875 East Ashby Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Perez made a motion to continue this rezoning case until the City Council meeting of October 10, 2002. Councilman Sanders seconded the motion.

After consideration, the motion to continue this case until October 10, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Castro, Conner, Garza.

Zoning Case #Z2001223-2A was continued to the Council meeting of October 10, 2002.

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4B.) CASE NUMBER #Z2002076 E - The request of City of San Antonio, Applicant, for Sunbelt Lufkin Properties, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-3" Commercial District on Parcel 2 and Parcel 5, NCB 16568, IH 10 East Corridor. Staff's recommendation was for approval.

Zoning Commission has recommended forwarding without recommendation to City Council. (Council District 2)

The City Council stated that the aforementioned zoning case (#4B) would be considered later in the meeting.

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4C.) CASE NUMBER #Z2002157 - The request of Standage Partnership, Applicant, for Standage Partnership, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-3 S" Commercial District with specific use authorization for a mini-warehouse site over 2.5 acres on Lots 1B thru 13B, Block 6B, NCB 10614, East Houston Street at W.W. White Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Sanders made a motion to continue this rezoning case until the City Council meeting of October 24, 2002. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until October 24, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Conner, Garza.

Zoning Case #Z2002157 was continued to the Council meeting of October 24, 2002.

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2002-36 **At this time, reference was made back to Case Number 4B.**

4B.) CASE NUMBER #Z2002076 E - The request of City of San Antonio, Applicant, for Sunbelt Lufkin Properties, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-3" Commercial District on Parcel 2 and Parcel 5, NCB 16568, IH 10 East Corridor. Staff's recommendation was for approval.

Zoning Commission has recommended forwarding without recommendation to City Council. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Sanders made a motion to deny the requested rezoning. Councilman Garcia seconded the motion.

The following citizen(s) appeared to speak:

Ms. Janice Gangawer, President of I10E, expressed concern on another trucking center to be located in this area, citing the traffic problems, in particular for the residents to travel through this area.

Mr. Louis Vetter, property owner on 1604 and Green Road, expressed concern with the street damages, and the safety of children with additional traffic.

Mr. Ernest Tousley, urged that more time be taken to develop the right plan.

Mr. Bill Kaufman, Kaufman and Associates, stated that he represented property owner in 1999, and that the owner wanted to build a trucking center, noting that he had agreed to various restrictions already. He stated that the owner had started negotiating with former Councilman Mario Salas, adding that the corridor plan had been developed after the zoning was adopted.

Mr. Tom Gaffney, spoke to the Committee's work on developing the plan, and urged the City Council to support staff's recommendation.

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Councilman Sanders spoke to the need of developing the plan to preclude inappropriate development on this side of town, noting that the proposed zoning would provide future development and enhance the area. He urged City Council to support the staff's recommendation.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Sanders, Garcia, Garza. **NAYS:** Perez, Moorhouse, Martin, Barrera, Schubert, Carpenter. **ABSENT:** Castro, Conner.

Zoning Case #Z2002076 E was denied.

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2002-36 At this time, reference was made to Case Number 4D.

4D.) CASE NUMBER #Z2002162 S - The request of Pamela A. Erskine Brown/Shirley A. Erskine, Applicant, for Florida C Thompson, Owner(s), for a change in zoning from "R-4" Residential Single Family District to "R-4 S" Residential Single Family District with a specific use authorization for a group day care on Lot 5, Block 6, NCB 6005, 1318 Nolan Street. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Sanders made a motion to reject the recommendation of the Zoning Commission and to approve the requested rezoning. Councilwoman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Conner.

AN ORDINANCE 96446

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, BLOCK 6, NCB 6005, 1318 NOLAN STREET, FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4 S" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A GROUP DAY CARE.

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4E.) CASE NUMBER #Z2002112 C S - The request of The Lothry-Nostrum-Pfeifer House, Applicant, for the Lothry-Nostrum-Pfeifer House, Owner(s), for

a change in zoning from "R-5" Residential Single Family District to "C-2 NA C S" Commercial Non Alcoholic Sales District with a conditional use for parking of vehicles, recreational vehicles and boats and a specific use authorization for a mini warehouse on 20.30 acres of land out of Tract A, NCB 10835 on Roland Ave., north of E. Southcross. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. Ray Lozano, Land Development Services, explained that the applicant withdrew the requested zoning.

Councilwoman Moorhouse acknowledged the leadership of Ms. Vivian Olivarri in the community.

The following citizen(s) appeared to speak:

Ms. Vivian Olivarri, extended her appreciation to Councilwoman Moorhouse for attending the neighborhood association meeting after a City Council meeting which had ended late in the evening. She added that all parties sat down and resolved the matter, and further thanked the City Council.

Zoning Case #Z2002112 C S was withdrawn by the applicant.

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4F.) CASE NUMBER #Z2002120 - The request of Sulieman D. Ismail, Applicant, for Sulieman D. Ismail, Owner(s), for a change in zoning from "C-3 NA" Commercial Non Alcoholic Sales District to "C-3" Commercial District on Lots 1 & 2, Block 1, NCB 11156, 1225 & 1217 Chavaneaux E. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Moorhouse made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Conner.

AN ORDINANCE 96447

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 & 2, BLOCK 1, NCB 11156, 1225 & 1217 CHAVANEAU E., FROM "C-3 NA" COMMERCIAL NON ALCOHOLIC SALES DISTRICT TO "C-3" COMMERCIAL DISTRICT.

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4G.) CASE NUMBER #Z2001244 - The request of Barrett Construction Co., c/o Denton Development Co., Applicant, for Barrett Construction Co., Owner(s), for a change in zoning from "I-1" Light Industry District to "R-5" Residential Single-Family District on 58.38 acres out of NCB 11186, Hutchins Place at Marek Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Martin made a motion to continue this rezoning case until the City Council meeting of October 10, 2002. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until October 10, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Conner.

Zoning Case #Z2001244 was continued to the Council meeting of October 10, 2002.

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4H.) CASE NUMBER #Z2002107 - The request of Jerry Arredondo, Applicant, for Ellthree, Inc., Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 S" Commercial District with a specific use authorization for a car wash on 1.64 acres out of P-15, NCB 15850, South on Potranco Rd., east of Dugas Dr. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Martin thanked the neighborhood association and Ms. Nancy Englebert for the work expended on this zoning case.

Councilman Martin made a motion to deny the requested rezoning. Councilman Garcia seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jerry Arredondo, explained the proposed zoning, and clarified issues with regard to the petition. He further outlined the proposed use of the subject property, and presented views of the car wash, noting that they had met with the neighborhood association to clarify issues of the petition utilized.

Mr. John Crone, spoke to the proposed use of the property, and presented the benefits of having the car wash.

Ms. Rita Ybarra, spoke in support of the proposed zoning case, adding that many of the area residents were also in support.

Ms. Nancy Englebert, stated that there were 529 members in the neighborhood association, and cited the misinformation provided to some of the residents.

A member of the Heritage Neighborhood Association, spoke in opposition to the car wash.

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Councilman Martin noted that there were several meetings held and more than sufficient time to express concerns on the impending car wash. He added that the neighborhood association sent out information in their monthly newsletter and that there was ample opportunity to attend and express their concerns. He also noted the process utilized to handle zoning cases in his district, and the requirements of developers to meet with the residents involved. He reiterated his motion to deny the zoning case.

The motion to deny the rezoning request prevailed by the following vote: **AYES:** Sanders, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Castro, Conner.

Zoning Case Z2002107 was denied.

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4I.) CASE NUMBER #Z2002114 - The request of Kaufman and Associates, Applicant, for BJ McCombs, Owner(s), for a change in zoning from "I-1" General Industrial District to "R-5" Residential Single Family District on 94.718 acres out of NCB 15248, Old Pearsall Rd. at S.W. Loop 410. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Martin made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Schubert, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Conner, Carpenter.

AN ORDINANCE 96448

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

CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 94.718 ACRES OUT OF NCB 15248, OLD PEARSALL RD. AT S.W. LOOP 410, FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

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4J.) CASE NUMBER #Z2002141 - The request of Mary C. Lopez c/o Domingo Villafranca, Applicant, for Mary C. Lopez c/o Domingo Villafranca, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3" Commercial District on Lot 142, Block 1, NCB 11252, 3222/3226 Southwest Military Drive & 7119 Somerset Road. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Martin made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Conner.

AN ORDINANCE 96449

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 142, BLOCK 1, NCB 11252, 3222/3226 SOUTHWEST MILITARY DRIVE & 7119 SOMERSET ROAD, FROM "C-2" COMMERCIAL DISTRICT TO "C-3" COMMERCIAL DISTRICT.

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4K.) CASE NUMBER #Z2002160-S - The request of Carmen Arredondo, Applicant, for Carmen Arredondo, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with specific use authorization for a group day care home on the West 42.2 feet of Lot 23 and the East 17.8 feet of Lot 24, Block 57, NCB 8956, 438 Southcross W. Blvd. Staff's recommendation was for denial.

Zoning Commission has recommended forwarding to City Council without recommendation. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Joe Arredondo, spoke on behalf of Carmen Arredondo, stating that the request was for a special permit to increase the number of children cared for to 12.

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Councilman Martin made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Garcia, Conner, Carpenter.

AN ORDINANCE 96450

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 42.2 FEET OF LOT 23 AND THE EAST 17.8 FEET OF LOT 24, BLOCK 57, NCB 8956, 438 SOUTHCROSS W. BLVD., FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE-FAMILY DISTRICT SPECIFIC USE AUTHORIZATION FOR A GROUP DAY CARE HOME.

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4L.) CASE NUMBER #Z2002126 - The request of Westover Hills Development, Inc., Applicant, for Westover Hills Development, Inc., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-4 PUD" Residential Single Family Planned Unit Development District on 15.762 acre tract of land out of NCB 34393, southwest corner of Military Drive West and North Ellison. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Garcia, Conner, Carpenter.

AN ORDINANCE 96451

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 15.762 ACRE TRACT OF LAND OUT OF NCB 34393, SOUTHWEST CORNER OF MILITARY DRIVE WEST AND NORTH ELLISON, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4 PUD" RESIDENTIAL SINGLE FAMILY PLANNED UNIT DEVELOPMENT DISTRICT.

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4M.) CASE NUMBER #Z2002149 - The request of Lancaster Development Co., Applicant, for William W. Robbins D.O., P.A./Profit Sharing & Trust-Trustee, Owner(s), for a change in zoning from "O-2" Office to "R-4" Residential Single-

Family District on Lots P-10A and P-169, NCB 18792, northwest corner of Timber Path at Timberwilde. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Garcia, Conner.

AN ORDINANCE 96452

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS P-10A AND P-169, NCB 18792, NORTHWEST CORNER OF TIMBER PATH AT TIMBERWILDE, FROM "O-2" OFFICE TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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4N.) CASE NUMBER #Z2002097 C - The request of Jerry Arredondo, Applicant, for Unicor, Inc., Carl Gamboa, President, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2 NA C" Commercial Non Alcoholic Sales District with a conditional use for auto sales on Parcel 7, NCB 15664, N.W. Loop 1604 and Addersly Dr. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Schubert made a motion to continue this rezoning case until the City Council meeting of November 14, 2002. Councilman Carpenter seconded the motion.

After consideration, the motion to continue this case until November 14, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Garcia, Conner.

Zoning Case #Z2002097C was continued to the Council meeting of November 14, 2002.

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40.) CASE NUMBER #Z2002159 - The request of DFGG of Texas, LTD., Applicant, for DFGG of Texas, LTD., Owner(s), for a change in zoning from "C-3" Commercial District and "MF-33" Multi-Family District to "R-5" Residential Single-Family District on Parcels P-10A, P-23A, P-23C, P-23D, NCB 14049, 12854 Judson Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Carpenter made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Garcia, Barrera, Conner.

AN ORDINANCE 96453

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS PARCELS P-10A, P-23A, P-23C, P-23D, NCB 14049, 12854 JUDSON ROAD, FROM "C-3" COMMERCIAL DISTRICT AND "MF-33"

MULTI-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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2002-36 At this time, reference was made back to Case Number 4H.

Councilman Perez made a motion to reconsider Zoning Case Z2002107, 4H to allow opportunity for rebuttal. Councilman Sanders seconded the motion.

The motion to reconsider the zoning case was approved by the following vote: **AYES:** Perez, Sanders, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Garcia, Barrera, Conner.

The following citizen(s) appeared to speak:

Mr. Jerry Arredondo stated he would not present a rebuttal to the zoning case.

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Councilman Perez made a motion to deny the requested rezoning. Councilman Sanders seconded the motion.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Perez, Sanders, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Garcia, Barrera, Conner.

Zoning Case Z2002107 was denied.

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2002-36 **PUBLIC HEARING AND ORDINANCE: CLOSING, VACATING AND ABANDONING A FIFTY (50) FOOT WIDE UNIMPROVED PUBLIC RIGHT OF WAY KNOWN AS PLAYGROUND STREET IN NCB 16631 LOCATED BETWEEN UTSA BOULEVARD AND ROADRUNNER WAY.**

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

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation on the proposed closure of the unimproved public right of way known as Playground Street, a copy of which presentation is on file with the papers of this meeting. She outlined the proposed area involved, view of the proposed closure, coordination efforts, and financial impact.

Councilman Sanders stated he would like to have it approved, with specific conditions as cited in the Ordinance.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated that there had been a fee waiver, cited campaign contributions received by members of the City Council.

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There being no further citizens signed to speak to this matter, Mayor Pro Tem Carpenter declared the Public Hearing to be closed.

The Clerk then read the following Ordinance:

AN ORDINANCE 96454

CLOSING, VACATING AND ABANDONING A FIFTY (50) FOOT WIDE UNIMPROVED PUBLIC RIGHT OF WAY KNOWN AS PLAYGROUND STREET IN NCB 16631 LOCATED BETWEEN UTSA BOULEVARD AND ROADRUNNER WAY AS REQUESTED BY THE PETITIONER, TEXAS HOME IMPROVEMENT, INC., FOR THE CONSIDERATION OF \$225.00.

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Councilman Garcia made a motion to approve the proposed Ordinance. Councilman Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Conner, Garza.

2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96456

AMENDING THE LAND USE PLAN CONTAINED IN THE NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 11.603 ACRE TRACT OF LAND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF TIMBER PATH AND TIMBERWILDE FROM COMMERCIAL USE TO MULTI-FAMILY RESIDENTIAL AND OFFICE USE.

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Councilman Barrera made a motion to approve the proposed Ordinance. Councilman Moorhouse seconded the motion.

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the master plan amendment for the Northwest Community Plan, a copy of which presentation is on file with the papers of this meeting. He delineated the boundaries, population, the master plan amendment 02008, evaluation criteria on land use intensity and compatibility, transportation network, noting that there was no significant impact on existing or proposed community facilities.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Martin, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Garcia, Castro, Conner.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96457

AUTHORIZING AN AMENDMENT AND THE EXECUTION OF THE RENEWAL OPTION INCLUDED IN THE CURRENT CONTRACT WITH BUSINESS AND PROFESSIONAL SERVICE (B&P) TO PROVIDE BILLING AND COLLECTION SERVICES FOR EMERGENCY MEDICAL SERVICES (EMS) FEES FOR A TWO (2) YEAR PERIOD, BEGINNING OCTOBER 1, 2002, AND ENDING SEPTEMBER 30,

2004, AT A FIXED FEE OF ELEVEN AND TWO-TENTHS PERCENT (11.2%) OF NET COLLECTIONS.

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Councilman Garcia made a motion to approve the proposed Ordinance. Councilman Schubert seconded the motion.

Mr. Milo Nitschke, Director of Finance, narrated a slide presentation on the renewal of a contract to provide billing and collection services for EMS fees, a copy of which presentation is on file with the papers of this meeting. He outlined the background, policy analysis, financial impact, and staff recommendation to exercise the renewal option to extend the current contract for a period of two years with certain provisions, and the comparison of gross EMS collection rates of major Texas cities.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Conner, Garza.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96458

AUTHORIZING THE EXECUTION OF CONTRACTS AND APPROVING THE FIRMS OF KPMG L.L.P., LEAL AND CARTER, P.C., AND ROBERT J. WILLIAMS, CPA, TO PROVIDE THE CITY INDEPENDENT AUDIT SERVICES FOR FISCAL YEARS 2002, 2003, AND 2004 AT A TOTAL FEE FOR AUDIT SERVICES RANGING FROM \$315,288.00 FOR YEAR ONE, \$315,288.00 FOR YEAR TWO AND \$330,740.00 FOR YEAR THREE WITH 1,500 HOURS OF AUDIT ASSISTANCE PROVIDED BY THE CITY'S OFFICE OF INTERNAL AUDIT TO A MAXIMUM FEE OF \$446,267.00 FOR YEAR ONE, \$446,267.00 FOR YEAR TWO AND \$468,134.00 FOR YEAR THREE WITH ZERO HOURS OF AUDIT ASSISTANCE PROVIDED BY THE CITY'S OFFICE OF INTERNAL AUDIT WITH TWO ONE-YEAR OPTIONS TO EXTEND THE CONTRACT, WITH CITY COUNCIL APPROVAL, FOR FISCAL YEARS 2005 AND 2006.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Carpenter seconded the motion.

Mr. Milo Nitschke, Director of Finance, narrated a slide presentation on the independent audit services contracts, a copy of which presentation is on file with the papers of this meeting. He outlined the selection process, the evaluation criteria, the evaluation process, attributes of the senior audit firms and the co-audit firms, the proposed audit team with role and percentage, and the fees for these services.

In response to Councilman Schubert with regard to the percentage drop to KPMG, Mr. Nitschke stated that they will be assuming more responsibility, that there were City auditors in 1980's, and that one of the reasons for the change was because they would be involved with training hours. He further expounded upon the three-year contract, and the fees set for each of those years, along with the standard termination clauses for convenience.

Ms. Grace Luna, Economic Development Department, explained the definition for disadvantaged business enterprises, in addition to small and minority owned businesses.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Martin, Conner, Carpenter.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96459

APPROVING THE SELECTION OF TWO FINANCIAL UNDERWRITER SYNDICATES CONSISTING OF: (1) RAMIREZ & COMPANY, SOUTHWEST SECURITIES, SOUTHWESTERN CAPITAL MARKETS, UBS PAINWEBBER AND A.G. EDWARDS & SONS FOR THE POTENTIAL UNDERWRITING AND SALE OF GENERAL IMPROVEMENT AND REFUNDING BONDS AND COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION; AND (2) SIEBERT

BRANDFORD SHANK, RBC DAIN RAUSCHER, FIRST SOUTHWEST AND JP MORGAN FOR THE POTENTIAL UNDERWRITING AND SALE OF STORM WATER REVENUE BONDS.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

Mr. Milo Nitschke, Director of Finance, narrated a slide presentation on the underwriter selection for general obligation refunding and new money obligations along with storm water revenue bonds, a copy of which presentation is on file with the papers of this meeting. He outlined the selection process, members of the selection committee, timeline request for proposal submission, proposed underwriter syndication for the general obligation refunding and new money obligations, in addition to the storm water bonds.

Mayor Garza, noted that this was a big step for San Antonio, with one of our underwriters being a minority DBE, as well as having the local presence. He noted that staff had been working to monitor their progress, and looked forward to their underwriting team. He also noted that the City is moving with a senior manager, and that the City has as a co-senior manager a regional and local firm, Southwest Securities, and then as co-manager two national firms with a regional local office as well as a minority business enterprise. He stated that he would prefer to have one of the national firms be a co-senior manager under Ramirez and Company.

In response to the Mayor regarding the selection, Mr. Nitschke, stated that one of the reasons for selecting Southwest Securities was for their performance in handling the Airport bonds last March. He noted that in one transaction, there was aggressive buying by Morgan Stanley, and one of the firms that stepped up with respect to moving aggressively with the pricing was Southwest Securities. He added that he felt comfortable in placing them in that role.

Mayor Garza noted that this was a solid team overall, and that just defining their roles in how they can interact with the staff is going to be critical.

Councilman Garcia stated that this was a monumental step, and spoke in support of having a minority and local business enterprise as the senior manager in this major transaction. He added that this was something that was long overdue. He further commended Mr. Ramirez, Mr. Frank Reed, financial advisors and staff for opening the doors to local minority businesses.

Councilman Perez congratulated Ramirez and Company noting that this was a testament for their work in the community and in the state, which is an enormous accomplishment for their role as senior manager. He also recognized their efforts to raise minority participation in these types of transactions, something which has been discussed many times before. He stated also that he appreciated the staff's recommendation, however he echoed the Mayor's sentiments in having a national firm as the City's co-senior manager.

Councilman Perez then made a motion to amend the Ordinance to add UBS Paine Webber as co-senior manager, but to also have Southwest Securities as co-manager, which would be a good compliment to Ramirez and Company. Councilman Carpenter seconded the motion.

Councilman Sanders stated that he would support this motion and congratulated the staff for their outstanding work, the process, and all of the firms involved, especially recognizing the City Manager's efforts.

The amendment to the motion as presented by Councilman Perez was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96460

AMENDING ORDINANCE NO. 96309, TO SET THE FOLLOWING DATES, TIMES AND PLACES FOR THE PUBLIC HEARINGS ON A PROPOSED ANNEXATION OF LAND IN NORTH BEXAR COUNTY OWNED BY LUMBERMEN'S INVESTMENT CORPORATION AND REFERENCED IN THE LETTER OF INTENT ENCLOSED WITH THE AUGUST 12, 2002 LETTER FROM MAYOR EDWARD D. GARZA TO JIM L. AWTREY, CEO OF THE PROFESSIONAL GOLFER'S ASSOCIATION OF AMERICA (PGA): 7 P.M. MONDAY, SEPTEMBER 30, 2002 AT TEJEDA MIDDLE SCHOOL, 2909 EAST EVANS ROAD; AND 6:30 P.M.

THURSDAY, OCTOBER 3, 2002 IN CITY COUNCIL CHAMBERS. (AMENDS ORDINANCE NO. 96309, SEPTEMBER 5, 2002.)

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Councilman Carpenter made a motion to approve the proposed Ordinance. Councilman Perez seconded the motion.

Mr. Chris Brady, Assistant City Manager, explained the public hearing schedule, and elaborated on the locations as well.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, expressed concern on the water quality in the northeast area.

Ms. Leticia Vela, Save Our Aquifer, spoke to a couple of zoning cases, where Mr. Bill Kaufman represented the developer, and the City Council again supported Mr. Kaufman, and spoke to the zoning case where a car wash was being proposed. She further addressed environmental justice, the guarantee of equal access for meaningful community participation with government and industry policy makers. She stated that there should be a right to ethical and balanced uses, and demanded that public policy be based, as equal partners in all decision making. She announced to the public, the locations of the public hearings, the direction to these locations, and the telephone numbers that the citizens could call for assistance in transportation.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the public hearing being held at a convenient time to allow citizen input.

Ms. Maria Dominguez, spoke to various items on the consent agenda, citing the various funding being approved.

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After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96461

AUTHORIZING THE EXPENDITURE OF \$100.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE ESCONDIDA APARTMENTS, TO BE USED TO HELP DEFRAY THE COSTS OF MISCELLANEOUS ITEMS FOR THE COMMUNITY ROOM FOR THE SENIOR RESIDENTS AT THE ESCONDIDA APARTMENTS; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

* * * *

Councilman Carpenter a motion to approve the proposed Ordinance. Councilman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96462

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, TO THE PARKS AND RECREATION DEPARTMENT, FOR THE USE OF ONE (1) SHOWMOBILE, WITH SOUND SYSTEM, BY THE BETHESDA CHRISTIAN INSTITUTE ORGANIZATION FOR ITS CITY-WIDE HEALTH FAIR ENTITLED "STRAIGHT FROM THE HEART", THAT WAS HELD ON SEPTEMBER 14, 2002; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

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Councilman Carpenter made a motion to approve the proposed Ordinance. Councilman Sanders seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

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2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96463

AUTHORIZING THE TRANSFER OF \$750.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND TO THE CONVENTION CENTER DEPARTMENT FOR THE COST OF RENTING THE CONVENTION CENTER BALLROOM A FOR THE BRACKENRIDGE HIGH SCHOOL 1962 STATE FOOTBALL CHAMPIONSHIP 40TH ANNIVERSARY DANCE TO BE HELD ON SATURDAY, DECEMBER 21, 2002, WHICH WILL RAISE FUNDS FOR SCHOLARSHIPS FOR STUDENTS; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

* * * *

Councilman Sanders made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

— — —
2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96464

AUTHORIZING THE EXPENDITURE OF \$480.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SAN ANTONIO BRANCH OF THE NAACP, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED

WITH THE FREEDOM FUND DINNER TO BE HELD ON TUESDAY, OCTOBER 29, 2002; AS REQUESTED BY COUNCILMAN JOHN H. SANDERS.

* * * *

Councilman Sanders made a motion to approve the proposed Ordinance. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

— — —
2002-36 The Clerk read the following Ordinance:

AN ORDINANCE 96465

AUTHORIZING THE EXPENDITURE OF \$300.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE 60+ MARDI GRAS PARADE, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH THE ANNUAL KING & QUEEN AWARDS BANQUET AND THE 60+ MARDI GRAS PARADE; AS REQUESTED BY COUNCILMAN JOHN H. SANDERS.

* * * *

Councilman Sanders made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Conner.

AND APPROVED BY ORDINANCE NO. 95761 ON MAY 16, 2002, TO ALLOW GFU TO USE THE CITY RIGHTS-OF-WAY TO OPERATE A GAS DISTRIBUTION SYSTEM WITHIN AN INTERIM LICENSED AREA IN CONSIDERATION OF 3% OF GROSS REVENUES THAT ARE DERIVED FROM GFU'S SYSTEM WITHIN THE INTERIM AREA AND TO BE PAID TO THE CITY OF SAN ANTONIO.

* * * *

Councilman Sanders made a motion to approve the proposed Ordinance. Councilman Martin seconded the motion.

Mr. Ben Gorzell, Public Utilities Supervisor, explained the proposed Ordinance, which authorized a four-month extension of the interim license agreement with the City of Grey Forest Utilities (GFU), and highlighted on the key terms of the agreement, a copy of which is on file with the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Conner.

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2002-36

CITIZENS TO BE HEARD

MS. LUCILLE DYESS

Ms. Lucille Dyess, expressed concern on the utility bill which included an extra 15 day period, which made her bill much higher than usual.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to various items on the agenda, citing in particular Items 18, 22, and 42, stating that these were in violation of state law.

2002-36 There being no further business to come before the City Council, the meeting was adjourned at 6:00 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk