

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, NOVEMBER 14, 2002.

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2002-42 The regular meeting was called to order at 1:13 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2002-42 Invocation by Rev. R. L. Archield, Sr., Friendship Baptist Church.

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2002-42 Pledge of Allegiance to the flag of the United States.

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2002-42 **PRESENTATION OF ALCALDE TO THE MAYOR OF OAXACA, MEXICO**

Mayor Garza welcomed the Honorable Gabino Cue Monteagudo, Mayor of Oaxaca, Mexico, and presented him with an Alcalde certificate. Mayor Garza stated that their visit will help to strengthen the relationship between San Antonio and Oaxaca, Mexico.

Mr. Monteagudo expressed his pleasure in visiting San Antonio. He also stated his appreciation and gratitude to a group of physicians who helped those in need of medical attention in Oaxaca.

The Council members welcomed the delegation to the City of San Antonio.

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

AN ORDINANCE 96697

ACCEPTING THE LOW BID SUBMITTED BY LAWRENCE MARSHALL FORD-MERCURY, L.P. TO PROVIDE THE CITY OF SAN ANTONIO POLICE AND FIRE DEPARTMENTS WITH TWO HUNDRED AND THIRTY (230) PATROL SEDANS FOR A TOTAL COST OF \$4,610,596.00.

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AN ORDINANCE 96698

ACCEPTING THE LOW QUALIFIED BID OF FORD AUDIO-VIDEO SYSTEMS, INC. IN THE AMOUNT OF \$765,394.00 FOR THE INSTALLATION OF A NEW PUBLIC ADDRESS SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$76,540.00 FOR CONSTRUCTION CONTINGENCIES; APPROVING ARCHITECTURAL AND ENGINEERING DESIGN FEES PURSUANT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DURAND-HOLLIS RUPE ARCHITECTS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96699

SELECTING ALDERSON & ASSOCIATES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MUNICIPAL PLAZA BUILDING ELEVATOR IMPROVEMENTS PROJECT, LOCATED AT 114 W. COMMERCE IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT NOT TO EXCEED \$76,000.00; AUTHORIZING \$7,600.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES AND \$800.00 FOR ADVERTISING EXPENSES, FOR AN OVERALL TOTAL OF \$84,400.00 FROM 2001 CERTIFICATES OF OBLIGATION FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96700

APPROVING FIELD ALTERATION NO. 3 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$28,039.69 FROM 1987 AND 1999 GENERAL OBLIGATION DRAINAGE BOND FUNDS TO DAYCO CONSTRUCTION CO., FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE CULEBRA DRAINAGE #58F, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 7; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94979, DECEMBER 13, 2001.)

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AN ORDINANCE 96701

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$241,000.00 PAYABLE TO MACINA, BOSE, COPELAND AND ASSOCIATES, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE CULEBRA DRAINAGE #58F PHASE II COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 6; AUTHORIZING \$24,100.00 FOR ENGINEERING CONTINGENCY EXPENSES; APPROPRIATING FUNDS, REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 67649, AUGUST 4, 1988.)

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AN ORDINANCE 96702

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$22,354.00 FROM 2000 PARKING REVENUE BOND FUNDS TO BEATY AND PARTNERS, INC. IN CONNECTION WITH THE MID-CITY GARAGE PROJECT, LOCATED AT 240 E. HOUSTON IN COUNCIL DISTRICT 1; AUTHORIZING \$2,236.00 FOR MISCELLANEOUS ARCHITECTURAL CONTINGENCY EXPENSES AND \$800.00 FOR ADVERTISING EXPENSES; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 94826, NOVEMBER 1, 2001.)

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AN ORDINANCE 96703

SELECTING THE FOLLOWING FOUR (4) FIRMS TO PROVIDE ON-CALL CONSTRUCTION MATERIALS TESTING IN CONNECTION WITH CITY CAPITAL IMPROVEMENT PROJECTS FOR A ONE-YEAR TERM, WITH AN OPTION FOR TWO ADDITIONAL ONE (1) YEAR PERIODS, FOR THE TOTAL AMOUNT OF \$340,599.00; RABA-KISTNER CONSULTANTS, INC. IN AN AMOUNT NOT TO EXCEED \$77,613.00; FUGRO SOUTH, INC. IN AN AMOUNT NOT TO EXCEED \$72,516.00; DRASH CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$76,445.00; PROFESSIONAL SERVICES INDUSTRIES, INC., IN AN AMOUNT NOT TO EXCEED \$83,060.00; AUTHORIZING THE NEGOTIATION AND EXECUTION OF PROFESSIONAL SERVICES CONTRACTS WITH THE FOREGOING FIRMS AUTHORIZING \$30,965.00 FOR CONTINGENCY EXPENSES TO BE ALLOCATED AMONG THE AFORESAID CONTRACTS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96704

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT FOR TEN YEARS AND 150 DAYS WITH JMR DEVELOPMENT, INC., D/B/A QUIZNO'S CLASSIC SUBS, ET AL, AS TENANT, FOR THE USE OF APPROXIMATELY 1,742 SQUARE FEET OF RETAIL/OFFICE SPACE AND TWO (2) ASSIGNED PARKING SPACES IN THE ST. MARY'S STREET PARKING GARAGE, LOCATED AT TRAVIS AND NORTH ST. MARY'S STREETS, AT A MONTHLY RENT OF \$2,613.00 FOR YEARS 1 THROUGH 5, INCREASING TO \$2,903.33 FOR YEARS 6 THROUGH 10, MONTHLY COMMON AREA MAINTENANCE (CAM) CHARGES OF \$137.91 FOR YEARS 1 THROUGH 5, INCREASING TO \$152.43 FOR YEARS 6 THROUGH 10, AND \$125.00 PER MONTH PER PARKING SPACE FOR THE ENTIRE TERM, WITH RENT ABATED FOR THE FIRST 150 DAYS, AND TWO (2) FIVE (5) YEAR OPTIONS TO RENEW, SUBJECT TO CITY COUNCIL APPROVAL; AUTHORIZING PAYMENT OF \$26,130.00 TO TENANT FOR LEASEHOLD IMPROVEMENTS; AND AUTHORIZING PAYMENT OF REAL ESTATE BROKERAGE COMMISSIONS TO PROVIDENCE COMMERCIAL REAL ESTATE SERVICES, INC. AND THE WEITZMAN GROUP OF \$16,374.80.

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AN ORDINANCE 96705

AUTHORIZING THE EXPENDITURE OF \$900.00 PAYABLE TO ECKMANN GROLL, INCORPORATED FOR APPRAISAL SERVICES IN CONNECTION WITH THE HILLSIDE ACRES DRAINAGE OUTFALL PHASE II COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96706

AUTHORIZING THE EXPENDITURE OF \$150.00 PAYABLE TO LAWYERS TITLE COMPANY OF SAN ANTONIO FOR TITLE SERVICES IN CONNECTION WITH THE SOUTHCROSS SIDEWALKS - ZARZAMORA TO SHELBY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96707

AUTHORIZING 1999 CERTIFICATES OF OBLIGATION FUNDS IN THE AMOUNT OF \$1,118.00 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE FEES IN CONNECTION WITH THE FIRE STATION NO. 25 PROJECT LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96708

AUTHORIZING 2000A STREETS CERTIFICATES OF OBLIGATION IN THE AMOUNT OF \$19,212.22 PAYABLE TO NATIONAL CONVENIENCE STORES INCORPORATED FOR SIGN RELOCATION EXPENSES IN CONNECTION WITH THE BITTERS ROAD - WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT LOCATED IN COUNCIL DISTRICT 9; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96709

AUTHORIZING THE EXPENDITURE OF \$9,100.00 PAYABLE TO THE LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR MIGUEL SEGOVIA A/K/A MIKE SEGOVIA, AND WIFE, GLORIA C. SEGOVIA FOR THE ACQUISITION OF TITLE TO ONE (1) PARCEL AND AUTHORIZING \$100.00 FOR A RIGHT OF ENTRY AGREEMENT; AUTHORIZING THE EXPENDITURE OF \$7,387.60 PAYABLE TO THE LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR JOEL PEDROZA TALINGO, AND WIFE, ADRIANA PEDROZA FOR THE ACQUISITION OF TITLE TO ONE (1) PARCEL AND \$100.00 FOR A RIGHT OF ENTRY; AUTHORIZING \$1,000.00 FOR RELATED TITLE FEES, FOR A TOTAL AMOUNT OF \$17,687.60, IN CONNECTION WITH THE EMMETT ST.: BLOCK #500 TO BLOCK #700 (DEADEND TO DEADEND) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96710

AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,205.78 TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE ALAMO STREET - DURANGO TO CEDAR PROJECT (\$13.00), BASSE ROAD AT SAN PEDRO INTERSECTION MPO PROJECT (\$54.00), BITTERS ROAD - WEST AVENUE AT HEIMER MPO PROJECT (\$3,900.64), CULEBRA DRAINAGE NO. 58F PROJECT (\$9.20), FIRE STATION NO. 25 PROJECT (\$14.00), HIGGINS - NACOGDOCHES TO STAHL PROJECT (\$14.00), HOUSTON - BOWIE TO PINE MPO PROJECT (\$13.00), LOCKHILL SELMA - GEORGE ROAD TO WHISPER PATH MPO PROJECT (\$20.00), MISSION TRAILS PARKWAY, PACKAGE II MPO PROJECT (\$9.20), MISSION TRAILS PARKWAY, PACKAGE IV MPO PROJECT (\$9.20), PECAN VALLEY - I.H. 10 TO J STREET MPO PROJECT (\$9.20), SALADO CREEK GREENWAY (HIKE AND BIKE) PROJECT (\$492.95), SOUTHCROSS BLVD. - NEW BRAUNFELS TO PRESA METROPOLITAN PLANNING ORGANIZATION PROJECT (\$64.10), AND THE THOUSAND OAKS INTERSECTIONS MPO PROJECT (\$583.29); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96711

AUTHORIZING 1999 GENERAL OBLIGATION STREET BOND FUNDS IN THE AMOUNT OF \$1,500.00 BE MADE PAYABLE TO ECKMANN GROLL, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE NACOGDOCHES - I.H. 10 TO DANBURY PROJECT LOCATED IN COUNCIL DISTRICT 10, FOR A TOTAL SUM OF \$1,500.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96712

RATIFYING THE SUBMISSION OF AN APPLICATION FOR AND AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN THE AMOUNT OF \$19,036.00 TO AUGMENT THE SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT (SSEP) ADMINISTERED BY THE DEPARTMENT OF COMMUNITY INITIATIVES, ELDERLY AND DISABLED SERVICES DIVISION; APPROVING A REVISED FY 2002-2003 SSEP BUDGET AND APPROPRIATING FUNDS.

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AN ORDINANCE 96713

AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$20,000.00 FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE TRAINING, TECHNICAL ASSISTANCE, AND CAPACITY BUILDING PROGRAM FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH ANTIOCH COMMUNITY TRANSPORTATION NETWORK; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

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AN ORDINANCE 96714

RATIFYING SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$6,500.00 FROM THE ANNIE E. CASEY FOUNDATION FOR THE PERIOD OF OCTOBER 1, 2002

THROUGH DECEMBER 31, 2003 IN CONNECTION WITH THE SAVINGS FOR SCHOOL PROGRAM; AND APPROVING A BUDGET IN CONNECTION WITH SAID GRANT.

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AN ORDINANCE 96715

RATIFYING THE RENEWAL AND EXTENSION OF A CONTRACT WITH ALCOHOL AND DRUG TESTS, INC., TO PROVIDE RANDOM AND REASONABLE SUSPICION DRUG TESTING SERVICES FOR THE CITY'S POLICE DEPARTMENT, FOR A ONE YEAR PERIOD FROM OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003.

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AN ORDINANCE 96716

AUTHORIZING THE CITY MANAGER, OR HER DESIGNATED REPRESENTATIVE, TO ACCEPT A \$16,023.00 SUPPLEMENTAL GRANT FROM THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY ("ATPA") FOR THE PURCHASE OF EQUIPMENT AND TRAVEL FOR USE IN THE SAN ANTONIO POLICE DEPARTMENT'S EFFORT IN REDUCING AUTO THEFT. (AMENDS ORDINANCE NO. 96198, AUGUST 15, 2002.)

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AN ORDINANCE 96717

ACCEPTING A \$136,997 GRANT FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) UNDER THE VIOLENCE AGAINST WOMEN ACT TO CONTINUE THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROJECT FOR THE NINE-MONTH PERIOD DECEMBER 1, 2002, THROUGH AUGUST 31, 2003; ESTABLISHING A FUND; ADOPTING A BUDGET; AND APPROVING PERSONNEL COMPLEMENTS.

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AN ORDINANCE 96718

CHANGING THE STREET NAME OF DOLORES TO GABRIELLE WAY.

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AN ORDINANCE 96719

CHANGING THE STREET NAME OF PARKWAY 35 DR. TO WAYLAND WAY.

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AN ORDINANCE 96720

AUTHORIZING THE TEMPORARY CLOSURE OF ALAMO STREET BETWEEN HOUSTON AND COMMERCE, FROM 5:00 P.M. TO 7:00 P.M. ON FRIDAY NOVEMBER 29, 2002, SO THAT THE CITY OF SAN ANTONIO AND HEB MAY CONDUCT THE ANNUAL CHRISTMAS TREE LIGHTING CEREMONY IN ALAMO PLAZA.

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AN ORDINANCE 96721

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN DOWNTOWN STREETS IN CONNECTION WITH THE CITY'S NEW YEAR'S EVE CELEBRATION TO BE HELD IN HEMISFAIR PARK ON DECEMBER 31, 2002; PROHIBITING "LIQUID STRING", SILLY STRING, SUPER STRING, SNAPPERS, THROWDOWNS, POPPING MATCH STICKS, POP POPS, AND GLASS BEVERAGE CONTAINERS IN LA VILLITA, HEMISFAIR PARK AND ON CERTAIN DOWNTOWN STREETS NEAR THE HEMISFAIR PARK AREA IN CONNECTION WITH SAID EVENT; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS PROVISION.

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AN ORDINANCE 96722

REAPPOINTING SCOTT FARRIMOND (COMMUNITY REPRESENTATIVE CATEGORY - DISTRICT 9) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 2003.

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AN ORDINANCE 96723

REAPPOINTING ARTHUR DOWNEY (DISTRICT 9) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2004.

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AN ORDINANCE 96724

APPOINTING DR. BEN D. CRAVER (DISTRICT 8) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2004.

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AN ORDINANCE 96725

APPOINTING ROY R. BOTELLO (DISTRICT 5) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2004.

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AN ORDINANCE 96726

DESIGNATING A CHAIRPERSON, GILBERTO TOBIAS, FOR THE MUNICIPAL CIVIL SERVICE COMMISSION, IN ACCORDANCE WITH PARAGRAPH 1 OF SECTION 70 OF THE CITY CHARTER OF THE CITY OF SAN ANTONIO.

2002-42 STAFF BRIEFING ON THE ALAMO FOREST PARTNERSHIP

Mr. Florencio Pena, Director of Development Services presented a staff briefing regarding the Alamo Forest Partnership. He then introduced Ms. Jenna V. Terrez for further insight.

Ms. Jenna V. Terrez, Environmental Analyst with City Public Service, narrated a presentation outlining the tree planting and preservation program, a copy of which is on file with the papers of this meeting. She further delineated the City's commitment, tree canopy benefits, the developing program, urban ecosystem analysis, Alamo Forest Partnership, and study results.

Mr. Gary Mall, Vice President of Alamo Forest, presented information gathered from the scientific, and the ecological study, which shows that by doing the science of ecology of trees that this would help to add to the dollar benefits of managing a city or urban area. He stated the study showed that Bexar County has a 23% tree canopy coverage. (A copy of the study is on file with the papers of this meeting.)

Mayor Garza thanked the staff and City Public Service (CPS) for the briefing and urged the team to continue their aggressive, environmentally sensitive programs, which are so vital to the quality of life of the City. Mayor Garza spoke to the loss of canopy tree coverage due to the rapid growth of the City, and noted he looks forward to seeing San Antonio moving in the right direction with this issue.

Councilwoman Conner expressed her appreciation to the work done by CPS on this issue and stated that this presentation was conducted with a scientific approach to accurately report on the canopy coverage. She stated that she approves of the good timing in relation to energy savings by working with tree preservation.

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

The following citizen(s) appeared to speak:

Ms. Julie Iris Oldham, P.O. Box 40263, spoke to the importance of tree preservation during neighborhood development. She spoke in favor of preserving and managing trees.

Mr. Faris Hodge, Jr., 140 Dora, applauded Councilman Garcia as Mayor Pro Tem, and then discussed a previous ordinance pertaining to the preservation of trees in the City. He concurred with the positive effect of trees for the protection of the environment.

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2002-42 ITEMS FOR INDIVIDUAL CONSIDERATION

The following citizen(s) appeared to speak:

Mr. Jack Finger, P. O. Box 12048, spoke regarding item #40 involving a contract with five different firms on bond election projects. He discussed the various campaign contributions to Council members. He also spoke regarding Item #34, and noted that no citizens from the area of Loop 1604 and Addersly Lane were in the audience to speak on this item.

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2002-43 The Clerk read the following Ordinance:

AN ORDINANCE 96728

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 9.828 ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF LOOP 1604 AND ADDERSLEY DRIVE FROM SINGLE-FAMILY RESIDENTIAL USE TO COMMERCIAL USE.

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

Mr. Emil Moncivais, Director of the Planning Department narrated a presentation on the Master Plan Amendment 02010 Northwest Community Plan, a copy of which is on file with the papers of this meeting. He spoke to the background, analysis, significance of Master Plan Component, Amendment 02010, evaluation criteria, and the Northwest Community Plan Goals. He stated that staff recommended denial of the Master Plan Amendment.

In response to a question by Councilwoman Conner, Mr. Moncivais noted that the subject area is zoned R-6 Residential, and not commercial.

Councilwoman Conner stated that she will seek alternatives on this area, and made a motion to approve as proposed.

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, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garza.

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2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96729

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH COWPARADE HOLDINGS, INC. ("COWPARADE"), THE AMERICAN CANCER SOCIETY, INC. ("ACS"), AND THE DAISY DREAM FOUNDATION ("DAISY"); PROVIDING FOR THE USE OF CERTAIN CITY PROPERTY FOR THE COWPARADE SAN ANTONIO EVENT ("EVENT"); PROVIDING THAT TEN PERCENT (10%) OF THE TOTAL NET REVENUE FROM THE EVENT GO TO THE CITY'S OFFICE OF CULTURAL AFFAIRS; GRANTING THE CITY AN EXCLUSIVE LICENSE TO RETAIL AND WHOLESALE SPECIFIC MERCHANDISE RELATED TO THE EVENT; PROVIDING THAT SEVEN AND A HALF PERCENT (7.5%) OF THE FIRST \$20,000 IN GROSS RETAIL REVENUE AND TEN PERCENT (10%) OF ALL GROSS RETAIL REVENUE OVER \$20,000 DERIVED FROM SUCH RETAIL SALES OF EVENT-SPECIFIC SAN ANTONIO COWPARADE MERCHANDISE PRODUCED BY THE CITY UNDER THIS LICENSE AND BEARING THE SAN ANTONIO COWPARADE LOGO TO BE PAID TO ACS WITH ACS TO RECEIVE TEN PERCENT (10%) OF THE GROSS WHOLESALE REVENUE WHEN THE CITY ACTS AS A WHOLESALER; AND CONSIDERATION OF A WAIVER OF ANY AND ALL FEES ASSOCIATED WITH CITY RIGHT-OF-WAY MANAGEMENT PERMITS AND LICENSES.

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

Mr. Felix Padron, Director of the Office of Cultural Affairs, conducted a presentation on the Cowparade, a public art event scheduled to take place in San Antonio on May 15, 2003, a copy of which is on file with the papers of this meeting. His presentation

included the background, Cowparade SA Agreement, and a sneak preview. Mr. Padron further outlined the terms of the agreement.

Mr. Padron then introduced Ms. Janice Darling, Director of the American Cancer Society, and Ms. Shannon Steves, CowParade Chairperson, who invited Council members to a herd preview at the Alamo Quarry Market on November 22, 2002, at 10:00 AM.

Councilman Perez thanked Mr. Padron and the CowParade organization for their efforts in promoting public art.

In response to a question raised by Councilman Garcia, Mr. Padron explained that he has a portfolio of 400 artists who are reviewed and commissioned to paint cows for the sponsors. Discussion continued with information on the cost of each cow totaling \$7,500 to include artist fees and materials.

In response to Councilwoman Moorhouse's inquiry, Mr. Padron stated that the City Store plans to sell miniature cows that will be specific to San Antonio.

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

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2002-42 **ZONING HEARINGS – CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, gave a synopsis of each zoning case.

Ms. Julie Oldham, Citizens Advisory Council, spoke to her concerns about the San Antonio River and the River Commission. She stated she would contact the State Ethics Commission regarding possible ethics violations.

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2002-42 **ZONING HEARINGS**

4A.) CASE NUMBER #Z2002197- The request of City of San Antonio for Multiple Owners - See Attachment, Owner(s), for a change in zoning to Designate

Historic District on Lots 1 thru 9, NCB 3003 and Lots 1 thru 9, NCB 3006, 100 block of Delaware Street. 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.

The following citizen(s) appeared to speak:

Mr. Joseph Kulhadk, 111 Delaware, spoke in favor of this zoning initiation.

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

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

AN ORDINANCE 96730

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 THRU 9, NCB 3003 AND LOTS 1 THRU 9, NCB 3006, 100 BLOCK OF DELAWARE STREET, TO DESIGNATE HISTORIC DISTRICT.

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4B.) CASE NUMBER #Z2002201 - The request of James F. Nelson, Applicant, for James F Nelson, Owner(s), for a change in zoning from Historic "(H) C-3" Commercial District to Historic "(H) IDZ" Infill Development Zone with those uses permitted in "C-2" Commercial District and "RM-6" Residential Mixed District on Lots 4 and 5, Block 1, NCB 932, 104 Adams Street. 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.

The following citizen(s) appeared to speak:

Mr. Curt Pfannsteil, 119 Adams, discussed his approval of the proposed zoning change that will result in increased value and prestige of the neighborhood.

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

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

AN ORDINANCE 96731

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 4 AND 5, BLOCK 1, NCB 932, 104 ADAMS STREET, FROM HISTORIC "(H) C-3" COMMERCIAL DISTRICT TO HISTORIC "(H) IDZ" INFILL DEVELOPMENT ZONE WITH THOSE USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "RM-6" RESIDENTIAL MIXED DISTRICT.

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4C.) CASE NUMBER #Z2002209 - The request of City of San Antonio, Applicant, for Multiple property owners, Owner(s), for a change in zoning to designate the area as "NCD-1" Neighborhood Conservation Overlay District 1- as per exhibit map. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

Mr. Emil Moncivais, Director, Planning Department, made a presentation on the South Presa/ South St. Mary's Street Neighborhood Conservation District, a copy of which is on file with the papers of this meeting.

The following citizen(s) appeared to speak:

Ms. Loretta Huddleston, 107 King William, President of the San Antonio Conservation Society, spoke in favor of the zoning change. She read a brief statement from the Conservation Society, which commended the City for providing the first neighborhood conservation district for zoning consideration. Ms. Huddleston added that the guidance for future development would enhance this district for compatible development.

Ms. Mary Jane Alvarado, 120 Camargo Street, spoke in support of the zoning change. She also expressed her concern about her properties being near an automotive repair business and a truck business.

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

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

AN ORDINANCE 96732

AMENDING CHAPTER THIRTY FIVE OF THE CITY CODE BY AMENDING SECTION 35-304 PERTAINING TO "OFFICIAL ZONING MAP" TO ESTABLISH NEIGHBORHOOD CONSERVATION DISTRICT 1 (NCD-1) OVERLAY DISTRICT LOCATED ALONG SOUTH PRESA AND SOUTH ST. MARY'S STREETS AS DESCRIBED HEREIN AND TO PROVIDE FOR A NEIGHBORHOOD CONSERVATION PLAN.

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THE REZONING AND RECLASSIFICATION OF PROPERTY TO DESIGNATE THOSE PROPERTIES AS "NEIGHBORHOOD CONSERVATION DISTRICT 1

(NCD-1)" THOSE PROPERTIES LOCATED WITH THE BOUNDARY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF SOUTH PRESA STREET AND THE MKT RAILROAD RIGHT-OF-WAY;

THENCE, FOLLOWING THE CENTERLINE OF THE MKT RAILROAD RIGHT-OF-WAY NORTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF ROOSEVELT AVENUE;

THENCE, FOLLOWING THE CENTERLINE OF ROOSEVELT AVENUE NORTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF SOUTH ST. MARY'S STREET;

THENCE, FOLLOWING THE CENTERLINE OF SOUTH OF ST. MARY'S STREET NORTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF SOUTH ALAMO STREET;

THENCE, FOLLOWING THE CENTERLINE OF SOUTH ALAMO STREET NORTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF SOUTH PRESA STREET;

THENCE, FOLLOWING THE CENTERLINE OF SOUTH PRESA STREET SOUTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF LEIGH STREET;

THENCE, FOLLOWING THE CENTERLINE OF LEIGH STREET SOUTHEAST TO ITS INTERSECTION WITH THE NORTHERNMOST NORTHEAST CORNER OF LOTS 15, 16 AND 24, 25, SOUTHWEST IRREGULAR 65.6 FEET OF 14ARB LOT A14, NORTH IRREGULAR 134 FEET OF EAST IRREGULAR 12.1 FEET OF LOT 4 AND SOUTH IRREGULAR 87 FEET OF LOT 5, NCB 723;

THENCE FOLLOWING THE MEANDERING SOUTHEAST PROPERTY LINE OF LOTS 15, 16 AND 24, 25, SOUTHWEST IRREGULAR 65.5 FEET OF 14ARB LOT A14, NORTH IRREGULAR 134 FEET OF EAST IRREGULAR 12.1 FEET OF LOT 4 AND SOUTH IRREGULAR 87 FEET OF LOT 5, NCB 723 SOUTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF DEVINE STREET;

THENCE, FOLLOWING THE CENTERLINE OF DEVINE STREET SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOTS 1 AND 2, NCB 726;

THENCE, FOLLOWING THE SOUTHEAST PROPERTY LINE OF LOT 1 AND 2, NCB 726 SOUTHWEST TO ITS INTERSECTION WITH THE NORTHEAST PROPERTY LINE OF LOT 1, NCB 731;

THENCE, FOLLOWING THE NORTHEAST PROPERTY LINE OF LOTS 1, 2 AND 3, NCB 731 SOUTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF EAGER STREET;

THENCE, FOLLOWING THE CENTERLINE OF EAGER STREET SOUTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF SADIE STREET;

THENCE, FOLLOWING THE CENTERLINE OF SADIE STREET SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE NORTH 92.5 FEET OF LOTS 1, 2 AND 3, NCB 732;

THENCE, FOLLOWING THE MEANDERING SOUTHEAST PROPERTY LINE OF THE NORTH 92.5 FEET OF LOTS 1, 2 AND 3, AND THE SOUTH 45.96 FEET OF LOTS 1, 2 AND 3, AND LOTS 9, 10 AND THE SOUTHWEST 134.98 FEET OF LOT 11, NCB 732 SOUTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF VANCE STREET;

THENCE, FOLLOWING THE CENTERLINE OF VANCE STREET SOUTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF LABOR STREET;

THENCE, FOLLOWING THE CENTERLINE OF LABOR STREET SOUTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF EAST CAROLINA STREET;
THENCE, FOLLOWING THE CENTERLINE OF EAST CAROLINA STREET SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE WEST IRREGULAR 99.9 FEET OF LOT 1, NCB 2956;

THENCE, FOLLOWING THE SOUTHEAST PROPERTY LINE OF THE WEST IRREGULAR 99.9 FEET OF LOT 1 SOUTHWEST TO ITS INTERSECTION WITH THE NORTHEAST PROPERTY LINE OF THE WEST IRREGULAR 145 FEET OF LOT 2, NCB 2956 AND THE NORTH TRIANGULAR 33.8 FEET OF LOT A1, NCB 990;

THENCE, FOLLOWING THE NORTH AND EAST PROPERTY LINES OF THE WEST IRREGULAR 145 FEET OF LOT 2, NCB 2956 AND THE NORTH TRIANGULAR 33.8 FEET OF LOT A1, NCB 990 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE SOUTH IRREGULAR 124.4 FEET OF LOT A1;

THENCE, FOLLOWING THE NORTHEAST PROPERTY LINE OF THE SOUTH IRREGULAR 124.4 FEET OF LOT A1, AND A2, NCB 990 TO THE SOUTHEAST CORNER OF LOT A2, NCB 990;

THENCE, FOLLOWING THE SOUTHEASTERN PROPERTY LINE OF LOT A2, NCB 990 SOUTHWEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE WEST 83.3 FEET OF LOT 1, NCB 3035;

THENCE, FOLLOWING THE MEANDERING NORTHEASTERN PROPERTY LINE OF THE WEST 83.3 FEET OF LOT 1 AND THE WEST IRREGULAR 83.2 OF LOT 2; BLOCK 1, NCB 3035, AND THE WEST 79 FEET OF LOT 1; BLOCK 2, NCB 3035 TO ITS INTERSECTION WITH THE NORTH PROPERTY LINE OF LOT 2, BLOCK 2, NCB 3035;

THENCE, FOLLOWING THE NORTH, EAST AND SOUTH PROPERTY LINE OF LOT 2, BLOCK 2, NCB 3035 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOR A28, BLOCK 30, NCB 3036;

THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT A28, BLOCK 30, NCB 3036 AND THE EAST PROPERTY LINE OF LOTS 1, 2 AND 3, BLOCK 30, NCB 3036; SOUTH TO ITS INTERSECTION WITH THE CENTERLINE OF THE ALLEY LOCATED BETWEEN NCB 3036 AND NCB 2959;

THENCE, FOLLOWING THE CENTERLINE OF THE ALLEY LOCATED BETWEEN NCB 3036 AND NCB 2959 NORTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 1, BLOCK 1, NCB 2959;

THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOTS 1, 2, 3 AND 4, BLOCK 1, NCB 2959 AND EAST PROPERTY LINE OF LOTS 1, 2 AND 3, BLOCK 2, NCB 2960 AND THE SOUTH PROPERTY LINE OF LOT 3, BLOCK 2, NCB 2960 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 2, BLOCK 3, NCB 3555;

THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOTS 1 AND 2, BLOCK 3, NCB 3555 AND EAST PROPERTY LINE OF LOTS 1 AND 2, BLOCK 4, NCB 3556 TO ITS INTERSECTION WITH THE NORTH PROPERTY LINE OF LOT 1, BLOCK 1, NCB 3840;

THENCE, FOLLOWING THE NORTH AND EAST PROPERTY LINE OF LOT 1, BLOCK 1, NCB 3840 AND THE EAST PROPERTY LINE OF LOT 2, BLOCK 1, NCB 3840 TO ITS INTERSECTIN WITH THE CENTERLINE OF CONRAD STREET;

THENCE, FOLLOWING THE CENTERLINE OF CONRAD STREET NORTHEAST TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 37;

THENCE, FOLLOWING THE WEST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 37 TO ITS INTERSECTION WITH THE CENTERLINE OF THE MKT RAILROAD RIGHT-OF-WAY;

THENCE FOLLOWING THE CENTERLINE OF THE MKT RAILROAD RIGHT-OF-WAY WEST TO THE POINT OF BEGINNING;

SAVE AND EXCEPT THE NORTH 55.7 FEET OF THE WEST 17.6 FEET OF LOT 3 AND THE EAST 35 FEET OF THE NORTH 73 FEET OF LOT 3, LOT 5, THE NORTH 104 FEET OF LOT 6, LOT A17 AND LOT A18, BLOCK 7, NCB 734.

SUCH TRACT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

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4D.) CASE NUMBER #Z2002076 A - The request of City of San Antonio, Applicant, for Theissen Family LTD. Partnership, Rosillo Creek Inc., Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District on Lot 6, P-32B, P-32D, P-34 save and except the northwest 100 feet and all of Lot P-32, Block 1, NCB 17322 and Lot P-32A save and except the northwest 100 feet and all of Lot P-33, NCB 17992, and Lots P-32C, P-34, P-34B, P-34C, P-63 save and except the northwest 100 feet, NCB 17993; from "I-1" General Industrial District to "R-6" Residential Single Family District on Lots P-38, P-38B and P-36B, NCB 12867 on I.H. 10 East Expressway. Staff's recommendation was for approval.

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 continue this rezoning case until the City Council meeting of December 12, 2002. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until December 12, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Castro, Garza.

Zoning Case #Z2002076A was continued to the Council meeting of December 12, 2002.

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4E.) CASE NUMBER #Z2002186 - The request of Roberto P. Espinoza, Jr., Applicant, for Roberto P. Espinoza, Jr., Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "NC" Neighborhood Commercial District on south 75 feet of Lots 48 and 49, Block 27, NCB 1610. 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 approve the proposed rezoning. Councilman Carpenter seconded the motion.

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

AN ORDINANCE 96733

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 SOUTH 75 FEET OF LOTS 48 AND 49, BLOCK 27, NCB 1610, FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

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4F.) CASE NUMBER #Z2002027 - The request of Mohammed Ali Rafati, Applicant, for Mohammed Ali Rafati, Owner(s), for a change in zoning from "C-3 R" Commercial Restrictive Alcoholic Sales District to "MF-25" Multi-Family District on 15.00 acres out of NCB 14491, 10400 block of Old Pearsall Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 4)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

The following citizen(s) appeared to speak:

Mr. David Fernandez, P O. Box 242216, spoke in opposition of this case and expressed his desire to persuade Council members to vote again this zoning change. Mr. Fernandez discussed background information pertaining to various neighborhood meetings where the consensus was in opposition to the proposed rezoning. He noted that the area has a dense population of low-income homes, manufactured homes, and clusters of public housing, which reflects low economic conditions within District 4 all within a five-mile radius of each other. Mr. Fernandez continued discussion on how this situation may be a contributing factor to the crime level in these neighborhoods. He concluded by stating that today's decision can change the complexion of this area.

Mr. John Adams, 5947 Bowsprit, spoke in opposition of changing the current zoning designation. He cited some prime issues that include taxing the Southwest Independent School District. Mr. Adams stated that, while this change may have possibilities, proper communications were lax relating to this issue.

Ms. Carole Abitz, 8903 Island View, Vice Chair of the Southwest Community Association, noted that she is in favor of a postponement of this proposed rezoning.

Mr. Luis Cisneros, Southwest Independent School District, stated that the District is not in a position to support the change at this time. Mr. Cisneros explained about a lack of school facilities and an abrupt increase in enrollment in this area, which will greatly hinder the ability of the school district to deliver education services to the children of that community. He concluded by urging the City Council to consider the best interests of the children in the area.

(Mayor Garza returned to the meeting and presided.)

Mr. Jack M. Finger, P.O. Box 12048, supports denial of this zoning change due to the poor housing conditions in this area.

* * * *

In response to Councilman Martin, Mr. Ken Brown, representing the applicant for this case, requested a postponement of this item.

In response to a question by Councilman Sanders, Mr. Brown noted that there is a tax exemption with a pilot agreement to pay pro rate share for taxes with either the Bexar Appraisal District or the school district. Mr. Brown also stated that state funding is included.

Councilman Martin made a motion to continue this rezoning case until the City Council meeting of December 12, 2002. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until December 12, 2002, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse.

Zoning Case #Z2002027 was continued to the Council meeting of December 12, 2002.

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4G.) CASE NUMBER #Z2002187 - The request of Manuel R. Negrete, Applicant, for Manuel R. Negrete, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2 NA C" Commercial Non-alcoholic Sales with conditions for an auto body shop on the south 129 feet of the east 61.03 feet of Lot 320 in Block 4 out of NCB 8607, 618 West Mayfield. Staff's recommendation was for approval with conditions as set out in the recommendation.

Zoning Commission has recommended approval on the south 129 feet of the east 61.03 feet of Lot 320 with conditions. (Council District 4)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

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

AN ORDINANCE 96734

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 SOUTH 129 FEET OF THE EAST 61.03 FEET OF LOT 320 IN BLOCK 4 OUT OF NCB 8607, 618 WEST MAYFIELD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA C" COMMERCIAL NON-ALCOHOLIC SALES WITH CONDITIONS FOR AN AUTO BODY SHOP.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: The City Council approves this Special Use Permit so long as the following conditions are met:

- ◆ Business or office hours of operation shall not be permitted before 7:00 a.m. or after 6:00 p.m.
- ◆ Lighting shall be erected and pointed downward away from any residential zoning or uses.
- ◆ Vehicles shall be completely screened with a six-foot privacy fence.

SECTION 4: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

SECTION 5: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 6: This ordinance is not severable.

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4H.) CASE NUMBER #Z2002194 - The request of Seda Consulting Engineers, Inc., Applicant, for Mohammed Ali Fafati, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-5" Residential Single Family District on 29.503 acres of land out of NCB 15173 and from "R-6" Residential Single Family District to "C-2" Commercial District on 8.363 acres of land out of NCB 15173 and from "R-6" Residential Single Family District to "C-3" Commercial District on 2.373 acres of land out of NCB 15173 on 40.239 acres of land out of NCB 15173, 6600 block of SW Loop 410. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

Councilman Martin thanked the staff and PACE Civil Engineering for their efforts on this request.

In response to a question by Councilman Martin, Mr. Ken Brown, representing the applicant, discussed details of the amendments to the application. He discussed the amendments as requested by Mr. Jim Myers of PACE Civil Engineering, which included: 1) from the single family residential designation, a pedestrian access to the school site is requested; and, 2) request to prohibit certain uses. Mr. Brown concluded with his support for the zoning change.

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

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

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

AN ORDINANCE 96735

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 40.239 ACRES OF LAND OUT OF NCB 15173, 6600 BLOCK OF SW LOOP 410, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT ON 29.503 ACRES OF LAND OUT OF NCB 15173 AND FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON 8.363 ACRES OF LAND OUT OF NCB 15173 AND FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT ON 2.373 ACRES OF LAND OUT OF NCB 15173 ON THE PROPERTY.

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4I.) CASE NUMBER #Z2002192 - The request of Santos Adames and Eva D. Adames, Applicant, for Santos Adames and Eva D. Adames, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2 NA" Commercial Nonalcoholic Sales District, on Lot 1, Block 4, NCB 7654, 867 Division Avenue. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 5)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

The following citizen(s) appeared to speak:

Mr. Allen Thounsend, 143 Walton, representing himself and the property owner, spoke in favor of the proposed zoning.

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

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

AN ORDINANCE 96736

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 1, BLOCK 4, NCB 7654, 867 DIVISION AVENUE, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

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(Mayor Garza returned to the meeting and presided.)

4J.) CASE NUMBER #Z2002202C - The request of Rebecca M. Ramirez, Applicant, for Rebecca M. Ramirez, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-6 C" Residential Single Family District with a conditional use for a day care center on Lot 4, Block 3, NCB 6721, 102 Octavia Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

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

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

AN ORDINANCE 96737

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 4, BLOCK 3, NCB 6721, 102 OCTAVIA PLACE, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6 C" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE CENTER.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: The City Council approves this Special Use Permit so long as the following conditions are met:

- 1.) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood.

SECTION 4: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 - 491.

SECTION 5: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 6: This ordinance is not severable.

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4K.) CASE NUMBER #Z2002097C - The request of Jerry Arredondo, Applicant, for Unicorn, 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 Drive. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

Councilwoman Conner proposed that a median be installed on Addersly to the end of this property. She also read additional restrictions pertaining to this zoning case which are listed below. Councilwoman Conner made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

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

AN ORDINANCE 96738

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 PARCEL 7, NCB 15664, N.W. LOOP 1604 AND ADDERSLY DRIVE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA C" COMMERCIAL NON ALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES.

* * * *

With the following Deed Restrictions:

The owner hereby encumbers the property with the following restrictions:

1. A 30' landscape buffer between the residential area and the commercial property. No existing trees within this 30' buffer area will be removed.
2. No outdoor intercom systems will be allowed on the commercial property.
3. Lighting must be directed downward and away from the rear of the property sufficiently to avoid illumination of the properties to the rear of the property.
4. A 8' masonry fence (or similar material that will offer reduced noise levels).

5. Monument signs for permanent signage - signs that are directly supported by the earth for the full width of the sign face area.
6. Display of pennants is prohibited outside the property line.

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4L.) CASE NUMBER #Z2002180C - The request of Oak Hills Properties, Applicant, for Oak Hills Properties, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with a conditional use for an automobile repair shop on Lot 13, Block 1, NCB 13914, 6502 Callaghan Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

The following citizen(s) appeared to speak:

Mr. Chris Warren, 6322 Sovereign, stated he recently purchased that property and is opposed to an automobile repair shop on this site.

Mr. Russell Maddox, commercial real estate broker, spoke about the current prosperous retail area and is concerned about a repair shop being brought in to this site. He also stated that eighteen business owners within the area are in opposition of the proposed zoning.

In response to a question by Councilwoman Conner, Mr. Maddox stated that he was asked to act as a conduit for a number of business owners in the area who are against the proposal.

Discussion followed with respect to the surrounding buildings and existing situations in the area.

After discussing the building materials to be used on the proposed building, Councilwoman Conner concluded by stating that she considers the proposed building an improvement to the neighborhood.

Mr. John Maldonado, 7214 Callaghan Road, described details on the proposed building.

Mr. Lozano noted that due to the opposition and that there is 20% of land area on this site, a minimum of nine Council members are required to vote in favor of this proposal.

Mr. Miles Wilson, P.O. Box 78279, a local property owner in that area for 25 years, spoke to his initial concern, but noted that after meeting with Mr. Maldonado, he considered the proposed building would be a plus to the neighborhood.

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

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

AN ORDINANCE 96739

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 13, BLOCK 1, NCB 13914, 6502 CALLAGHAN ROAD, FROM "C-2" COMMERCIAL DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN AUTOMOBILE REPAIR SHOP.

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4M.) CASE NUMBER #Z2002188 - The request of Harry Jewett, Applicant, for Sallie Woodul Turner c/o NBS Paine Webber Trust Co., Owner(s), for a change in zoning from "C-3 ERZD" Commercial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District on Parcel P-3, NCB 14867, 12503 NW FM 1604. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

In response to Councilwoman Conner's concerns regarding drainage, Mr. Harry Jewett, applicant, stated that there are two drainage systems that affect this property. Mr. Jewett noted that they will have on-site detention to take care of the increase in run-off water, resulting in no impact on this building by the impervious cover of the project.

Councilwoman Conner added she will plan on a meeting with Mr. Jewett regarding curb cuts.

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

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

AN ORDINANCE 96740

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 PARCEL P-3, NCB 14867, 12503 NW FM 1604, FROM "C-3 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-25 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

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Provided that the following recommendations of the Aquifer Protection & Evaluation Division of the San Antonio Water System are adhered to:

1. The following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
 - A. A Water Pollution Abatement Plan (WPWP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Natural Resource Conservation Commission approving each WPAP,
 - D. A copy of the approved WPAP.
2. All stormwater run off from commercial or residential development shall be directed to a stormwater abatement system that shall be approved by the Resource Protection &

Compliance Department of the San Antonio Water System prior to the release of any building permits.

3. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department (210) 704-1103 to schedule a site inspection.

4. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department (210) 704-7392.

5. If applicable, floodplain buffering zones shall be established parallel to all flood plain areas as established in Section 34-913 of the Aquifer Protection Ordinance 81491.

6. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.

7. According to the provisions contained in the Edward Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP'S after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.

8. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Natural Resource Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

9. The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.

10. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal Law.

11. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

12. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

13. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after the construction project.

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

SECTION 3: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4: This ordinance is not severable.

* * * *

4N.) CASE NUMBER #Z2002193CS - The request of RYR Ltd., Applicant, for RYR Ltd., Owner(s), for a change in zoning from "C-3" Commercial District to "C-3 C S" Commercial District with conditional use for the outside storage of recreation vehicles, boats and with specific use authorization for a mini-warehouse site over 2.5 acres on Lot 6, Block 1, NCB 16363, 5900 Eckhert Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Development Services Department, explained the proposed rezoning request.

The following citizen(s) appeared to speak:

Mr. Harry Botkin, 150 Paintbrush Path, identified himself as the buyer of this lot. Mr. Botkin discussed his plans on developing the property to include using a wrought iron fence on Eckert Road.

* * * *

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

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

AN ORDINANCE 96741

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 6, BLOCK 1, NCB 16363, 5900 ECKHERT ROAD, FROM "C-3" COMMERCIAL DISTRICT TO "C-3 C S" COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR THE OUTSIDE STORAGE OF RECREATION VEHICLES, BOATS AND WITH SPECIFIC USE AUTHORIZATION FOR A MINI-WAREHOUSE SITE OVER 2.5 ACRES ON THE PROPERTY.

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2002-42 EXECUTIVE SESSION

The City Council recessed its regular session at 3:32 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.

The City Council adjourned the Executive Session at 4:15 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

— — —
2002-42 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-42-42

EXPRESSING THE CITY COUNCIL'S INTENT TO CREATE A TAX INCREMENT FINANCING (TIF) REINVESTMENT ZONE FOR MISSION CREEK BOUNDED ON THE NORTH BY BROOKS AIR FORCE BASE, TO THE WEST BY THE TEXAS A&M EXTENSION SERVICE AND TO THE SOUTH BY S. PRESA STREET FOR

THE PURPOSE OF SUPPORTING AFFORDABLE HOUSING AND OTHER AMENITIES FOR THE AREAS.

* * * *

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

Mr. David Garza, Director, Neighborhood Action Department, conducted a presentation to include the resolution of intent to use tax increment financing (TIF) for Mission Creek (a copy of which is on file with the papers of this meeting). He outlined the summary, review of TIF application, other information, Mission Creek Project, proposed public improvements, and boundaries of the proposed project.

Mr. Garza also discussed the Rainbow Hills Project, (Item 36C) and outlined the background, public improvements, and boundaries. (Copies of these project presentations are also on file with these papers.)

Mr. Garza noted that, at the applicant's request, Item 36B, Patton Heights Project, will be pulled until after a meeting with developers at a future time.

The following citizen(s) appeared to speak:

Mr. Fred Magee, Rainbow Hills N.A., president of the Far West Coalition, spoke on behalf of Ms. Nancy Englebert. He discussed at length his concerns regarding the TIF projects that are being built more regularly, and then sold to charities who pay no school or hospital taxes. He stated that the neighborhood association should be given advance notice of these types of projects since they have a strong impact on the make-up of the neighborhood.

Mr. Magee requested additional speaking time as president of the Far West Coalition.

Discussion continued regarding Mr. Magee's concerns that these types of project may be a contributing factor of the crime rate in the neighborhoods, which ultimately reduces the value of the surrounding properties.

Councilman Martin thanked Mr. Magee and Ms. Englebert about their concerns on this issue. He recommended the developer meet with the neighborhood associations to discuss project plans.

Councilman Martin stated that he would like to visit with Mr. Magee and Mr. Ray Lozano, Land Development Services, to develop a solution for this problem.

* * * *

In response to Councilwoman Conner's question, Mr. Garza explained that school districts do not participate in TIFs, and added that this Resolution does not bind the City, but rather enables staff to continue with the process.

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

— — —
2002-42 Item 35 being a proposed resolution expressing the City Council's intent to create a Tax Increment Financing (TIF) Reinvestment Zone for Patton Heights bounded on the north by I.H. 35 South and to the west by Marek Street for the purpose of supporting affordable housing and other amenities for the areas, was pulled from consideration by the City Manager.

— — —
2002-42 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-42-43

EXPRESSING THE CITY COUNCIL'S INTENT TO CREATE A TAX INCREMENT FINANCING (TIF) REINVESTMENT ZONE FOR RAINBOW HILLS LOCATED AT THE INTERSECTION OF HORAL DRIVE AND FLINT VALLEY, WEST OF LOOP 410 AND NORTH OF HIGHWAY 90, FOR THE PURPOSE OF SUPPORTING AFFORDABLE HOUSING AND OTHER AMENITIES FOR THE AREA.

* * * *

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

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

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96742

APPROVING A POLICY ESTABLISHING SITE SELECTION CRITERIA FOR THE AFFORDABLE SHOWCASE OF HOMES PROGRAM.

* * * *

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

Mr. David Garza, Director, Neighborhood Action Department, narrated a presentation on the Affordable Showcase of Homes Site Selection Criteria, (a copy of which is on file with the papers of this meeting). He outlined the purpose, program goals, benefit of the program, and program benefits summary.

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

Mr. Garza continued his explanation on the site selection criteria, evaluation process, site acquisition, approval process, implementation process, post development, coordination, and staff recommendation.

Councilman Bobby Perez thanked the staff for all their efforts on this Urban Affairs project.

In response to Councilman Barrera regarding criteria selection, Mr. Garza explained that with the adoption of this Ordinance, staff would be able to move through the process of site acquisition. He stated that an appraisal would be requested, and added that the proposed site does meet the criteria.

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

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96743

AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT TO PURCHASE FROM THE SAN ANTONIO SPURS, L.L.C., CERTAIN ASSETS, IMPROVEMENTS AND EQUIPMENT LOCATED AND INSTALLED AT THE ALAMODOME, FOR A SUM TOTAL OF \$800,000.00; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Michael Abington, Alamodome Director, discussed the Equipment Purchase Agreement and outlined the summary, background, policy analysis, miscellaneous equipment, sports club and the Top of the Dome restaurants. He outlined the financial impact of this agreement, (a copy of which is on file with the papers of this meeting).

In response to Councilwoman Conner regarding equipment replacement costs, Mr. Abington stated that the street value is taken into consideration and a certified appraisal is conducted in determining these costs.

In response to Councilman Garcia regarding the actual value of these items, Mr. Abington noted that they are worth less than \$1 million because they are used items. He added that the replacement cost is just under \$10 million, which makes the \$800,000 figure a fair amount for these items.

In response to Councilman Schubert, Mr. Abington stated that all video walls, ad panels, display systems, electronics, and outdoor marquee shutter lights could be removed without damage and sold at the fair market value.

Discussion continued regarding the resale value as opposed to buying this equipment brand new.

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

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96744

APPROVING AND AUTHORIZING THE EXECUTION OF A FIELD ALTERATION IN AN AMOUNT NOT TO EXCEED \$47,500.00 TO THE MAJESTIC COURTYARD PROJECT MANAGEMENT AGREEMENT WITH STREET RETAIL SAN ANTONIO, L.P. (S.R.S.A.) THAT PROVIDES FOR THE DESIGN AND FUNDING OF A VEHICULAR PULL-OFF SPACE IN THE 200 BLOCK OF EAST HOUSTON STREET.

* * * *

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

Mr. Trey Jacobson, Director of Economic Development Department, discussed the Field Alteration to the Majestic Courtyard Project Management Agreement, a copy of which is on file with the papers of this meeting. He presented the summary, background, public improvements, proposed improvements, location of pull-out, policy analysis, and fiscal analysis.

Councilman Perez thanked the staff for the presentation, and noted previous issues with the Historic and Design Review Commission (HDRC). He discussed a policy for curb cuts in the downtown area, and suggested identifying the downtown master plans with respect to these types of pull-outs, and to also identify goals in order to work through these issues.

Mr. Chris Brady, Assistant City Manager, stated that he was working with the Children's Museum for bus stops noting the challenges were the same, which will include utilities. He also outlined the plans to work with all involved.

Discussion took place regarding downtown traffic and traffic management.

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

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96745

SELECTING THE FOLLOWING FIVE (5) FIRMS TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH THE 2003 BOND ELECTION: PROJECT SCOPING AND ESTIMATING FOR A TOTAL AMOUNT OF \$715,000.00 AS FOLLOWS: PBS&J, INC. IN AN AMOUNT NOT TO EXCEED \$100,000.00; CIVIL ENGINEERING CONSULTANTS, DON DURDEN, INC. IN AN AMOUNT NOT TO EXCEED \$100,000.00; LOCKWOOD, ANDREWS & NEWNAM, INC. IN AN AMOUNT NOT TO EXCEED \$100,000.00; PAPE-DAWSON ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$150,000.00; AND HNTB CORPORATION IN AN AMOUNT NOT TO EXCEED \$200,000.00; AUTHORIZING THE NEGOTIATION AND EXECUTION OF PROFESSIONAL SERVICES CONTRACTS WITH THE FOREGOING FIRMS; AUTHORIZING \$65,000.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES TO BE ALLOCATED AMONG THE AFORESAID CONTRACTS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Tom Wendorf, Director of Public Works Department, presented the Scope Cost Consultants for 2003 Bond Election, and delineated the summary, firms selected, benefits, program organization, categories of bond projects for consideration. (A copy of the presentation is on file with these papers.)

In response to Councilwoman Conner, Mr. Wendorf stated that his department will utilize information from a \$3 million drainage study on the Salado Creek, Leon Creek and Olmos Dam.

In response to Councilwoman Conner regarding the process, Mr. Wendorf reported the Public Works Department compiles a list of projects that are generated by blue blazer requests, City Council requests, citizen input, other requests from drainage and traffic

studies, and medical center studies, all of which are included in a cumulative Public Works lists.

Mr. Wendorf continued to explain the process in more detail.

In response to Councilman Schubert regarding who is going to give the charge to this group, and the reporting process, Mr. Wendorf stated that a couple of processes will be utilized once the projects have been solidified. Mr. Wendorf added that periodic progress reports would be available 24 hours a day, seven days a week, using possible internet technology.

Councilman Garcia concurred with the holistic approach, but prefers that the inner city not be neglected in an effort to develop new areas.

In response to Councilman Garcia regarding minority participation, Mr. Wendorf noted how the top five candidates were selected to include a fair minority representation. He added that his presentation displayed a section where this issue described their efforts to maximum participation.

Councilman Sanders also stated his interest in maintaining the inner city.

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

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2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96746

RATIFYING THE SUBMISSION OF A PERFORMANCE STATEMENT AND PLANNING BUDGET FOR THE FISCAL YEAR 2003 COMMUNITY SERVICES BLOCK GRANT (CSBG) IN THE AMOUNT OF \$1,843,950.00 TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE PERIOD OF JANUARY 1, 2003 TO DECEMBER 31, 2003; ACCEPTING RECOMMENDATIONS BY THE COMMUNITY ACTION ADVISORY BOARD TO ALLOCATE FUNDS; AS FOLLOWS: GUADALUPE COMMUNITY CENTER, \$15,000.00; AVANCE, \$85,000.00; BOYS AND GIRLS CLUB OF SAN ANTONIO, \$40,000.00; JOVEN, \$55,000.00; AND YOUNG WOMEN'S CHRISTIAN ASSOCIATION, \$55,000.00; AND AUTHORIZING THE EXECUTION OF A LEASE

WITH THE MEXICAN AMERICAN UNITY COUNCIL (MAUC) FOR LEASING APPROXIMATELY 2,918 SQUARE FEET OF OFFICE SPACE AT A RATE OF \$2,918.00 A MONTH FOR THE OPERATION OF THE COMMUNITY ACTION PROGRAM WEST.

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

Mr. Henry Ross, Assistant Director of Community Initiatives Department, conducted a presentation on the Community Action Division FY 2003 Community Services Block Grant (CSBG) Submission, (a copy of which is on file with the papers of this meeting). He furthered the purpose, background information, proposed action, accountability measures and summary.

In response to Councilman Barrera, Mr. Ross explained the process by which he is informed of proposed funding. He added that he is anticipating receiving a notice in January, 2003. Mr. Ross also informed the Council that these are Federal funds.

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

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2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96747

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DELEGATE AGENCY CONTRACT WITH HELPING HANDS LIFELINE FOUNDATION IN THE AMOUNT OF \$5,200.00 FOR THE PROVISION OF FOOD, CLOTHING, RENTAL, UTILITY BILL ASSISTANCE AND MEDICAL ASSISTANCE TO FAMILIES AND INDIVIDUALS THROUGHOUT SAN ANTONIO; AND AUTHORIZING ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICE FUNDS IN THE AMOUNTS OF \$100.00 FROM DISTRICT 1, \$500.00 FROM DISTRICT 2, \$500.00 FROM DISTRICT 3, \$500.00 FROM DISTRICT 4, \$600.00 FROM DISTRICT 5, \$1,000.00 FROM DISTRICT 6, \$500.00 FROM DISTRICT 7, \$500.00 FROM DISTRICT 8, \$500.00 FROM DISTRICT 9, AND \$500.00 FROM

DISTRICT 10 IN CONNECTION THEREWITH; AS REQUESTED BY COUNCILMAN ENRIQUE BARRERA.

* * * *

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

Mr. Henry Ross, Assistant Director of Community Initiatives Department, gave a presentation on the Human Development Services Fund Helping Hands Lifeline Foundation, outlining the purpose, background information, program information, accountability, and fiscal impact. (A copy of this presentation 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, Conner, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Schubert, Garza.

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96748

AUTHORIZING EXECUTION OF A RENEWAL AND EXTENSION OF A LEASE AGREEMENT ORIGINALLY APPROVED BY ORDINANCE NO. 95161 ON JANUARY 10, 2002, BETWEEN THE CITY OF SAN ANTONIO, AS TENANT, AND C.A.N. INDUSTRIES, INC., AS LANDLORD, FOR RENTAL OF APPROXIMATELY 1,310 GROSS SQUARE FEET AT 1344 SOUTH FLORES STREET FOR USE AS A CONSTITUENT OFFICE, WITH A RENEWAL TERM WHICH COMMENCED OCTOBER 1, 2002 AND ENDS JUNE 30, 2003, AT A RENTAL OF \$1,500.00 PER MONTH, AND RATIFYING PAYMENT BY CITY STAFF OF THE OCTOBER, 2002 RENT; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Martin 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, Conner, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Castro, Schubert, Garza.

— — — — —
2002-42 The Clerk read a proposed ordinance authorizing the expenditure of \$1,000.00 from the Mayor's Contingency Account Fund, payable to the San Antonio Children's Museum, to be used to further support the museum's operating fund; as requested by Mayor Edward D. Garza.

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

Councilwoman Conner requested an amendment with additional funds from District 8 - \$1,000.00 towards to the San Antonio Children's Museum.

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

— — — — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96750

AUTHORIZING THE EXPENDITURE OF \$2,000.00 FROM VARIOUS CITY COUNCIL CONTINGENCY ACCOUNT FUNDS, PAYABLE TO THE SAN ANTONIO AREA HOMELESS ACTION COALITION, TO BE USED TO PROVIDE FOOD, CLOTHING AND OTHER PERSONAL ITEMS FOR THE HOMELESS DURING THE CHRISTMAS UNDER THE BRIDGE EVENT TO BE HELD DECEMBER 12-15, 2002; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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

Councilman Sanders requested an amendment to the main motion by including additional funds to the San Antonio Area Homeless Action Coalition from the following districts: District 2 - \$500.00; District 8 - \$500.00.

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

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96751

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PARKS AND RECREATION DEPARTMENT, FOR THE USE OF ONE (1) SHOWMOBILE, WITH SOUND SYSTEM, FOR A PROGRAM TO BE HELD ON SATURDAY, DECEMBER 14, 2002 IN CONNECTION WITH SAN ANTONIO AREA HOMELESS ACTION COALITION'S CHRISTMAS UNDER THE BRIDGE EVENT TO BE HELD OVER THE COURSE OF DECEMBER 12-15, 2002; AS REQUESTED BY COUNCILMAN DAVID A. GARCIA.

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

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, opted to discuss Item #46 and agreed with its intent to help the underprivileged. However, he asked that the word "Christmas" for this event be deleted in the future since it reflects a religious connotation.

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Councilman Garcia commented on the benefit of the program.

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

— — —
2002-42 At this time, reference was made to back to a previous Item, (#44).

At this point, Councilman Barrera made a motion to recall Item #44.

The Clerk then re-read the following Ordinance:

AN ORDINANCE 96749

AUTHORIZING THE TOTAL EXPENDITURE OF \$2,500.00 FROM VARIOUS CITY COUNCIL CONTINGENCY ACCOUNT FUNDS, PAYABLE TO THE SAN ANTONIO CHILDREN'S MUSEUM, TO BE USED TO FURTHER SUPPORT THE MUSEUM'S OPERATING FUND; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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Councilman Barrera made a motion to approve the proposed Ordinance with combined additional funds from the following districts: District 6 - \$500; District 8 - \$1,000; District 11 - \$1,000. Councilman Perez seconded the motion.

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

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96752

AUTHORIZING THE EXPENDITURE OF \$125.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE COLLINS GARDEN ELEMENTARY PTA, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH THE PTA'S SCHOOL CARNIVAL THAT WAS HELD ON NOVEMBER 8, 2002; AS REQUESTED BY COUNCILMAN DAVID A. GARCIA.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilwoman Carpenter 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, Conner, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Castro, Schubert, Garza.

— — —
2002-42 The Clerk read the following Ordinance:

AN ORDINANCE 96753

AUTHORIZING THE EXPENDITURE OF \$1,100.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE BENITIA FAMILY CENTER, TO BE USED TO HELP DEFRAY EXPENSES ASSOCIATED WITH THE CENTER'S 8TH ANNIVERSARY WESTSIDE HEALTHFEST THAT WAS HELD ON NOVEMBER 2, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

Councilman Barrera made a motion to change the \$500.00 amount to \$600.00 payable to the Benitia Family Center.

Councilman Sanders made a motion to approve the proposed Ordinance with additional from the following districts: District 6 - \$600; District 7 - \$500. Councilman Carpenter seconded the motion.

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

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, referred to articles in the Express-
Newspaper of November 13, 2002, regarding homeland security, and the San Antonio
Health District.

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MR. GILBERT MURILLO

Mr. Gilbert Murillo, 306 Braun, complained about the format for citizens to be heard, and
stated that it was an unproductive ritual. He then suggested townhall meetings to
improve citizen input. Mr. Murillo brought up the fact that he had previously been a City
Council appointed board member.

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MS. DIANA SMILGIN

Ms. Diana Smilgin, 750 Grayson, spoke regarding the need for security at South Fort
Sam Houston and the News Braunfels Street closure. Ms. Smilgin produced a letter to
Congressman Gonzales that discussed citizens' concerns about closing New Braunfels
Street.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the Veterans Day Holiday and his dissatisfaction
that his trash was not picked up. Mr. Hodge also discussed his previous correspondence
with various Council members on various issues, including a request to reduce taxes.

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MR. AUGUST CUREL

Mr. August Curel, 1917 N. New Braunfels, spoke on his concerns about the businesses
surrounding Fort Sam Houston and how the City has not contacted the residents in that
area concerning the Ft. Sam Houston Gate.

Discussion between Councilman Sanders and Mr. Curel continued and agreed to meet in the future to discuss this matter.

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MR. JESUS D. HERNANDEZ

Mr. Jesus D. Hernandez, 427 Waring, spoke regarding his complaint concerning the complexity of applying for a permit to conduct sewer repair work. Mr. Hernandez requested that the City Council amend the permit for a two-tier bracket of insurance required for contractors.

In response to Councilman Garcia, Mr. Hernandez stated that he had not submitted an appeal process through City staff.

Councilman Garcia addressed Mr. Chris Brady regarding the permit process.

Mr. Brady recommended meeting with Mr. Hernandez to come to a resolution.

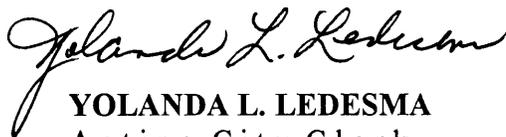
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2002-42 There being no further business to come before the City Council, the meeting was adjourned at 6:11 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk