

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MARCH 27, 2003.**

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2003-12 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A) **Staff presentation on Streets and Drainage Improvements Bond Projects.**  
(Presented by Thomas G. Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager.)

The Council members present were: Sanders, Martin, Herrera, Barrera, Conner, Schubert, Carpenter, Garza. ABSENT: Perez, Moorhouse, Castro.

The "B" Session adjourned at 11:20 A.M.

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2003-12 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2003-12 Invocation by Rev. Thomas McClung, St. John's Methodist Church.

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2003-12 Pledge of Allegiance to the flag of the United States.





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

AN ORDINANCE 97253

RATIFYING THE SOLE SOURCE CONTRACT WITH PERKIN ELMER LIFE SCIENCES, INC. TO PROVIDE A TOXIN ANALYZER FOR THE CITY OF SAN ANTONIO HEALTH DEPARTMENT FOR A TOTAL SUM OF \$47,686.04.

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AN ORDINANCE 97354

RATIFYING THE CONTRACTS WITH BIO-RAD LABORATORIES AND BIOMERIEUX, INC., TO PROVIDE LABORATORY IDENTIFICATION SYSTEMS EQUIPMENT FOR THE CITY OF SAN ANTONIO HEALTH DEPARTMENT FOR A TOTAL OF \$95,514.00.

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AN ORDINANCE 97355

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 2 IN THE DEDUCTIVE AMOUNT OF \$40,394.50, TO THE CONTRACT WITH SERVICE STATION CONSTRUCTORS & FUEL SYSTEMS, INC. FOR PHASE I OF THE GROUND RUN UP ENCLOSURE AT SAN ANTONIO INTERNATIONAL AIRPORT; AND REVISING THE BUDGET.

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AN ORDINANCE 97356

SELECTING DURAND-HOLLIS RUPE ARCHITECTS, INC. TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE SUNKEN GARDEN THEATER ADA MODIFICATIONS PROJECT IN COUNCIL DISTRICT 9; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$31,607.00; ALLOCATING \$39,428.00 FROM CERTIFICATES OF OBLIGATION; AUTHORIZING \$6,321.00

FOR ENGINEERING CONTINGENCY EXPENSES AND \$1,500.00 FOR BID/ADVERTISING/PRINTING EXPENSES; ESTABLISHING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97357

SELECTING BENDER WELLS CLARK DESIGN TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE CROWNRIDGE CANYON NATURE AREA IMPROVEMENTS PROJECT LOCATED IN COUNCIL DISTRICT 8; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$38,750.00; AUTHORIZING \$5,800.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES, \$9,000.00 FOR SURVEYING/DRAINAGE REPORT FEE AND \$1,500.00 FOR BID ADVERTISING/PRINTING EXPENSES; ALLOCATING \$55,050.00 FROM PROPOSITION 3 EDWARDS AQUIFER PROJECT FUND; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97358

SELECTING LOCKWOOD, ANDREWS AND NEWNAM, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SALADO CREEK BICYCLE PATHS (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$20,000.00; AUTHORIZING \$2,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL OF \$22,000.00 FROM 2002 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97359

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID OF MANGOLD ROOFING & SHEET METAL, INC. IN THE AMOUNT OF \$41,096.00 IN CONNECTION WITH THE SAN PEDRO BRANCH LIBRARY IMPROVEMENTS

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$8,904.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING THE APPROPRIATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF \$25,000.00 AND AUTHORIZING THE ACCEPTANCE AND APPROPRIATION OF HISTORIC NEIGHBORHOOD PRESERVATION PROJECT FUNDS IN THE AMOUNT OF \$25,000.00 FROM THE SAN ANTONIO CONSERVATION SOCIETY, FOR A TOTAL AMOUNT OF \$50,000.00; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97360

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$1,716,565.45 FROM SAN ANTONIO CONSTRUCTORS, LTD. (MBE) FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE PLEASANTON ROAD FROM GILLETTE TO LOOP 410 PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT; AUTHORIZING \$155,215.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL OF \$1,871,780.45, OF WHICH \$1,707,365.85 WILL BE FUNDED BY GENERAL OBLIGATIONS OF THE CITY AND \$164,414.60 WILL BE FUNDED BY SAN ANTONIO WATER SYSTEM FOR SEWER AND WATER WORK; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97361

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$105,145.70 FROM TOM PAGE & COMPANY, INCORPORATED FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE NORTH TOWER ENCLOSURE-LEVEL 6 OF THE ST. MARY'S PARKING GARAGE AT 400 N. ST. MARY'S, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$10,815.00 FOR CONSTRUCTION CONTINGENCY EXPENSES AND \$685.00 FOR ADVERTISING EXPENSES; FOR

AN OVERALL TOTAL AMOUNT OF \$116,645.70 FROM 2000 PARKING REVENUE BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97362

AUTHORIZING THE TRANSFER OF \$25,635.00 FROM 2000 PARKING REVENUE BOND FUNDS TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT; ESTABLISHING A FORCE ACCOUNT; AND AUTHORIZING THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES IN CONNECTION WITH THE ALLEY AT THE ST. MARY'S STREET PARKING GARAGE AT 400 N. ST. MARY'S STREET, LOCATED IN COUNCIL DISTRICT 1.

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AN ORDINANCE 97363

AUTHORIZING PAYMENT IN THE AMOUNT OF \$53,000.00 FROM 1994 G.O. DRAINAGE IMPROVEMENT BOND FUNDS TO SOUTHWESTERN BELL TELEPHONE CO. (SBC COMMUNICATIONS, INC.) FOR THE RELOCATION OF THEIR UNDERGROUND FACILITIES IN CONNECTION WITH THE W.W. WHITE FROM RIGSBY TO LORD PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97364

AUTHORIZING CITY PUBLIC SERVICE (CPS) TO APPROPRIATE FUNDS IN THE AMOUNT OF \$497,664.88 FROM THE CPS OVERHEAD CONVERSION FUND FOR THE CONSTRUCTION OF CPS INFRASTRUCTURE WITHIN THE LIMITS OF THE MEDICAL DRIVE AND EWING HALSELL ROAD INTERSECTION PROJECT, LOCATED IN COUNCIL DISTRICT 8.

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AN ORDINANCE 97365

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) RAILROAD LICENSE & FORCE ACCOUNT AGREEMENT WITH TXDOT AND THE UNION PACIFIC RAILROAD COMPANY (UPRR) IN THE AMOUNT OF \$67,767.40 PAYABLE TO TXDOT IN CONNECTION WITH THE SUNSET ROAD FROM JONES MALTSBERGER TO TEAK (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$6,776.74 FOR ENGINEERING CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL AMOUNT OF \$74,544.14 FUNDED WITH 2001 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97366

ACCEPTING THE LOW, QUALIFIED BID OF R.L. JONES, L.P., IN THE AMOUNT OF \$382,227.85 IN CONNECTION WITH THE FAY PHASE I - QUINTANA TO CREIGHTON COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$38,222.79 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$6,678.86 FOR CONSTRUCTION ENGINEERING EXPENSES PAYABLE TO GARCIA & WRIGHT CONSULTING ENGINEERS, INC.; AUTHORIZING \$26,755.95 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$5,205.00 FOR SEWER AND WATER EXPENSES, FOR AN OVERALL TOTAL AMOUNT OF \$453,885.45; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97367

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID OF SAN ANTONIO CONSTRUCTORS, LTD. IN THE AMOUNT OF \$294,886.38 IN CONNECTION WITH THE EMMETT STREET BLOCK #500 TO BLOCK #700 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A

CONSTRUCTION CONTRACT; AUTHORIZING \$28,223.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$21,732.00 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$12,650.41 FOR SEWER AND WATER EXPENSES, FOR A TOTAL AMOUNT OF \$344,841.38; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97368

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT NOT TO EXCEED \$22,686.10 FROM 2001 CERTIFICATES OF OBLIGATION PAYABLE TO CALLE & ASSOCIATES, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE LARKSPUR FROM WEST AVENUE TO BALTIC PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING \$2,269.00 FOR ENGINEERING CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL AMOUNT OF \$24,955.10; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97369

AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,926.81 TO ECKMANN GROLL, INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE BITTERS ROAD - WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT (\$2,665.00), FAY/ST. JOSEPH: CREIGHTON TO NEW LAREDO HIGHWAY, PART 1 PROJECT (\$1,811.81), AND THE LANARK DRAINAGE #92A, PHASE I PROJECT (\$450.00); APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97370

AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT ("NISD"), BY WHICH THE CITY OF SAN ANTONIO GRANTS NISD A 0.076 ACRE (±3,311 SQUARE FEET) CITY-REQUIRED ACCESS EASEMENT FOR A FIRE

LANE OUT OF A 0.468 ACRE PARCEL OF LAND CONVEYED BY NISD TO THE CITY, AND ACCEPTED BY THE CITY PURSUANT TO ORDINANCE NO. 46922 DATED JULY 22, 1976 FOR CONSTRUCTION OF A RECREATION BUILDING, AND THE CITY ACCEPTS A PERPETUAL EASEMENT FROM NISD TO CONTINUE TO USE THE DRIVEWAYS OF ANSON JONES MIDDLE SCHOOL FOR VEHICULAR AND PEDESTRIAN ACCESS TO PINN ROAD AND TO CONTINUE TO HAVE JOINT USE OF THE ANSON MIDDLE SCHOOL PLAYGROUND LOCATED WITHIN NEW CITY BLOCK 15332, AS ORIGINALLY PROVIDED UNDER A 25 YEAR AGREEMENT AUTHORIZED BY THE 1976 ORDINANCE.

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AN ORDINANCE 97371

ESTABLISHING THE BUDGET FOR ADMINISTRATIVE EXPENSES IN CONNECTION WITH THE PURCHASE OF A NEW AIR RESCUE AND FIRE FIGHTING VEHICLE FOR SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING \$10,000.00 FOR ADMINISTRATIVE EXPENSES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 97372

AUTHORIZING THE EXECUTION OF A CONTRACT WITH HEADQUARTERS, FIFTH UNITED STATES ARMY, G8, (ARMY) FOR PARTICIPANTS OF THE YOUTH OPPORTUNITY PROGRAM TO PERFORM ADMINISTRATIVE SUPPORT SERVICES FOR THE ARMY IN AN AMOUNT UP TO \$5,500.00 FOR THE PERIOD OF APRIL 7, 2003 THROUGH SEPTEMBER 30, 2003; ESTABLISHING A FUND AND ADOPTING A BUDGET.

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AN ORDINANCE 97373

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE 1999 SUPPORTIVE HOUSING PROGRAM GRANT AMENDING THE TARGET POPULATION TO BE SERVED BY JEWISH FAMILY & CHILDREN'S SERVICES THROUGH THEIR CARE FOR HOMELESS

TEENS PROGRAM; AND AUTHORIZING THE EXECUTION OF A DELEGATE AGENCY CONTRACT AMENDMENT WITH JEWISH FAMILY & CHILDREN'S SERVICES WHICH REVISES THE AGENCY'S PERFORMANCE IMPACT PLAN TO REFLECT THE CHANGE IN TARGET POPULATION TO BE SERVED.

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AN ORDINANCE 97374

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR THE 2000 SUPPORTIVE HOUSING PROGRAM GRANT ADJUSTING THE OPERATING AND SUPPORTIVE SERVICES BUDGETS FOR THE CENTER FOR HEALTH CARE SERVICES; AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE CENTER FOR HEALTH CARE SERVICES REFLECTING AN AMENDED PERFORMANCE IMPACT PLAN AND BUDGET.

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AN ORDINANCE 97375

AUTHORIZING A FIVE (5) YEAR ANTENNA LICENSE AGREEMENT IN THE AMOUNT OF \$12,500.00 PER YEAR WITH BELO CORPORATION, INC. FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF TELEVISION ANTENNA EQUIPMENT ON THE TOWER OF THE AMERICAS FOR THE PERIOD FEBRUARY 1, 2003 THROUGH JANUARY 31, 2008.

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AN ORDINANCE 97376

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO PURCHASE AIRPORT OWNERS AND OPERATORS GENERAL LIABILITY INSURANCE FOR THE CITY OF SAN ANTONIO WITH ACE USA GROUP (WESTCHESTER FIRE INSURANCE COMPANY) THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, AT AN ANNUAL PREMIUM

OF \$62,370.00, FOR A ONE (1) YEAR TERM BEGINNING AT 12:01 A.M. ON MARCH 31, 2003 THROUGH 12:01 A.M. MARCH 31, 2004.

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AN ORDINANCE 97377

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO PURCHASE AIRCRAFT HULL AND LIABILITY INSURANCE FOR THE CITY OF SAN ANTONIO WITH ACE USA GROUP (WESTCHESTER FIRE INSURANCE COMPANY) THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, AT AN ANNUAL PREMIUM OF \$150,442.00, FOR A ONE (1) YEAR TERM BEGINNING AT 12:01 A.M. ON MARCH 31, 2003 THROUGH 12:01 A.M. MARCH 31, 2004.

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AN ORDINANCE 97378

AUTHORIZING THE CITY MANAGER, OR HER DESIGNEE, TO SUBMIT A \$525,000.00 GRANT APPLICATION TO THE U.S. FIRE ADMINISTRATION/FEDERAL EMERGENCY MANAGEMENT AGENCY (USFA/FEMA), WHICH, IF AWARDED, WILL ALLOW FOR THE PURCHASE OF AN AERIAL FIRE TRUCK, ASSOCIATED ACCESSORIES AND EQUIPMENT FOR FIREFIGHTING AND RESCUE OPERATIONS; WHICH PROGRAM REQUIRES A CITY MATCH IN THE AMOUNT OF \$225,000.00, OR 30% OF THE FUNDING REQUEST, FOR A TOTAL FUNDING AMOUNT OF \$750,000.00.

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AN ORDINANCE 97379

AUTHORIZING A FIREWORKS DISPLAY FOR THE SAN ANTONIO MISSIONS BASEBALL GAMES AT AN OPEN AREA ACROSS FROM WOLFF MUNICIPAL STADIUM AT APPROXIMATELY 9:00 P.M. OR AT GAME'S CONCLUSION ON APRIL 5, 12, MAY 10, 17, JULY 26, AUGUST 2 AND 16, 2003; AND PROVIDING

FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES.

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AN ORDINANCE 97380

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE 2003 FIESTA SAN ANTONIO CELEBRATION; APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FIESTA CARNIVAL AND OFFICIAL FIESTA EVENTS, AND RELATED REQUIREMENTS AND CONDITIONS; APPROVING THE FIESTA PARADE ROUTES; AND AMENDING ORDINANCE NO. 95561, PASSED ON APRIL 4, 2002 TO REFLECT SUCH CHANGES; PROVIDING FOR A FINE OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR VIOLATION OF THIS ORDINANCE, ORDINANCE NO. 88270, AND ORDINANCE NO. 95561. (AMENDING ORDINANCE NO. 95561, APRIL 4, 2002.)

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AN ORDINANCE 97381

REAPPOINTING PAUL P. GARCIA (PLUMBING CONTRACTOR REPRESENTATIVE - DISTRICT 4) TO THE PLUMBING APPEALS AND ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 2004.

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2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97382

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$2,595,287.35 FROM TEXAS STERLING CONSTRUCTION, L.P., FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE NAVAJO AREA STREETS PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$249,643.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$26,385.00 PAYABLE TO CDS/MUERY SERVICES, INC. FOR ENGINEERING

CONSTRUCTION SERVICES; AUTHORIZING \$9,482.00 FOR ENGINEERING CONSTRUCTION CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$2,880,797.35; ALLOCATING AND APPROPRIATING \$2,781,949.65 FROM 2002 CERTIFICATES OF OBLIGATION FOR THE PROJECT; \$47,672.10 WILL BE FUNDED FROM SAN ANTONIO WATER SYSTEM FOR SEWER AND WATER WORK; AND \$51,175.60 WILL BE FUNDED BY CITY PUBLIC SERVICE FOR GAS LINE REPLACEMENT; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director, Public Works Department, narrated the presentation, of which a copy is on file with the papers of this meeting. He spoke on project scope of work, construction costs and the proposed schedule.

In response to Councilman Martin regarding delays in the project timeline, Mr. Wendorf explained that coordination with the business development and with the Texas Department of Transportation (TxDOT) caused delays, but that the City was prepared to begin the project before the delays occurred. He stated that the project is scheduled to start in April, 2003 and to be completed by August, 2004.

In response to Councilman Martin regarding the reputation of Texas Sterling Construction Company, Mr. Wendorf stated that it has a good working history. Mr. Wendorf also noted that he is coordinating with the City Attorney's office on the number of working days for the contract required to complete the project.

Councilman Martin reiterated his concern about adhering to the working day time schedule.

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

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2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97383

ACCEPTING THE LOW, QUALIFIED BID OF R.L. JONES, L.P., IN THE AMOUNT OF \$304,604.25 IN CONNECTION WITH THE GRANDVIEW NEIGHBORHOOD STREETS PHASE III E ("J" STREET FROM AMANDA TO HAMPTON) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$30,460.43 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$4,625.00 FOR CONSTRUCTION ENGINEERING EXPENSES PAYABLE TO GRANT ENGINEERING, INC.; AUTHORIZING \$537.08 FOR ADVERTISING EXPENSES; AUTHORIZING \$15,000.53 FOR EXPENSE RECOVERY; AUTHORIZING THE REIMBURSEMENT FROM SAN ANTONIO WATER SYSTEM (SAWS) IN THE AMOUNT OF \$90,311.00 FOR SEWER AND WATER EXPENSES, FOR A TOTAL AMOUNT OF \$355,227.29; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

Mr. Tom Wendorf, Director, Public Works, presented a briefing on the Grandview Neighborhood Street project, a copy of which is on file with the papers of this meeting. He defined the boundaries of the project within District 2, and noted that the projects consist of the reconstruction of curbs, sidewalks and drainage improvements. Mr. Wendorf noted that the contract also provides for compensation to Grant Engineering for additional services in regards to the scope of the project.

Councilman Sanders commented that the community is looking forward to the improvements that the project will provide to the neighborhood, and thanked Mr. Wendorf for working on this item.

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

2003-12      At this time, reference was made to Item #44.

At this time, Councilman Sanders asked that Item #44 be brought forward. Councilman Perez seconded the motion.

The motion, to consider this Item, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

The Clerk then read the following Resolution:

A RESOLUTION  
NO. 2003-12-13

DECLARING CITY OF SAN ANTONIO'S SUPPORT AND AFFIRMATION OF HEAD START, A NATIONAL COMPREHENSIVE CHILD DEVELOPMENT PROGRAM, AS IT IS CURRENTLY OPERATED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES.

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

Mr. Dennis Campa , Director, Community Initiatives Department, gave a presentation on the Head Start program's purpose, background, accountability measure and funding levels, investment and support, future challenges and proposed action, a copy of which is on file with the papers of this meeting.

Members of the audience in support of this item included mothers and their children who presented t-shirts to the City Council on behalf of those served by this program.

The following citizen(s) appeared to speak:

Ms. Blanche Glover, Chief Executive Officer for the Parent/Child, Inc., thanked the City Council for their support of the Head Start Program.

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Councilman Sanders expressed his gratitude to all those involved in the success of the Head Start Program, especially to his colleagues for their support to the child

development system. He spoke to the program as being the largest in the south with over 7,000 children who are provided the necessary tools to become the future's work force. He reiterated his appreciation to the City Council for their support.

Councilman Barrera applauded the work and success of the Head Start Program.

Councilman Castro commended the success of Head Start, and for the efforts of everyone involved with the program.

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

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

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2003-12      ZONING CASES

4A.)                      CASE NUMBER #Z2003009 S - The request of Maria D. Maldonado, Applicant, for Jose A. and Maria D. Maldonado, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a specific use authorization for a day care center on Lot 6, Block 20, NCB 18159, 9410 Adams Hill Drive. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 4)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Martin spoke regarding a change in leadership among the Adams Hill Neighborhood Association, who initially were in favor of the zoning change. He stated that new leadership in the association has been addressing this issue, and noted that there are still some questions from some of those members. He made a motion for continuance for one month at which time those issues will be resolved. Councilwoman Herrera seconded the motion.

After consideration, the motion to continue this case until May 24, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

Zoning Case #Z2003009 S was continued to the Council meeting of May 24, 2003.

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4B.) CASE NUMBER #Z2003016 S - The request of Louise E. Galm, Estate, Applicant, for Harold F. Galm, Jr., Executor, Owner(s), for a change in zoning from "C-3 NA" Commercial Non-alcoholic Sales District to "C-3 NA S" Commercial Non-Alcoholic Sales District with a specific use authorization for a mini-storage facility exceeding 2.5 acres on Parcel 106, NCB 15880, save and except the southeast 50 feet, 9580 Potranco Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, President, Heritage Neighborhood Association, spoke regarding the association's initial approval of the zoning change, but noted that the applicant is not agreeable to the proposed conditions, and therefore, now recommends denial on behalf of the neighborhood association.

Ms. Lee Buettner, Zoning Chair of the Heritage Neighborhood Association, stated that their approval was predicated on the following conditions: that the hours of operation be from 7:00 a.m. to 7:00 p.m.; that a masonry fence be installed along the perimeter and an iron wrought fence across the front of the property; that no doors to these units be visible to Potranco Road; that the building be painted in an earth tone color as the other buildings in the vicinity; that efforts be made to save the existing trees; that a retaining pool be installed to reduce drainage problems; that a live-in security manager and camera-type security system be implemented; and that, if and when Mr. Galm sells the property, that the zoning be reverted to the original zoning designation. Ms. Buettner also stated that the applicant has indicated that he plans to build in phases based on the level of profit,

and that he has not agreed to all of these conditions. She also noted that the association is willing to discuss these conditions further with Mr. Galm, and requested a continuance.

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Councilman Martin made a motion for continuance of this rezoning case until the City Council meeting of May 24, 2003, at which time, a determination will be made. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until May 24, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Garza.

Zoning Case #Z2003016 S was continued to the Council meeting of May 24, 2003.

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4C.) CASE NUMBER #Z2003001 - The request of Jerry Arredondo, Applicant, for We-Callaghan, LP, Owner(s), for a change in zoning from "C-3 NA MAOZ-2" Commercial Nonalcoholic Sales Military Airport Overlay Zone District and "I-1 MAOZ-2" General Industrial Military Airport Overlay Zone District to "MF-25 MAOZ-2" Residential Multi-Family Military Airport Overlay Zone District on the northern 12 acres of Lot 11, Block 7, NCB 12007, 12 acres situated between Callaghan Road and Western Park, north of Commerce Street. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 6)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Allan Kramer, Greater San Antonio Chamber of Commerce, 602 E. Commerce, spoke to Item #4C noting that it can adversely affect the City's rally for base closures. He stated that this zoning change would approve a housing development close to Lackland Air Force Base (AFB), which could result in a long-term negative impact for the citizens of San Antonio. He encouraged the City Council to consider the longer-term implications facing the local military installations.

(Mayor Garza returned to the meeting and presided.)

Mr. Jerry Arredondo, 9901 IH 10 West, applicant, spoke in support of the zoning change noting that his request is amended to zoning approval that is subject to the modification of the Military Airport Overlay Zone (MAOZ) which will be presented to the City Council prior to August, 2003.

Mr. Burton Magill, Magill Development, spoke to the specifications on the proposed development and noted that they have applied for low income housing tax credit for this project, of which 150 units will be restricted to families who are 60% below the median income level. He stated that they are seeking approval from the City Council for the MF 25 zoning change, after which he will contact the Air Force for final approval with the MAOZ. He distributed copies of a letter from Congressman Charles A. Gonzales in support for the proposed development.

Mr. Bruce Miller, Chief Executive Officer for the Greater Kelly Development Authority (GKDA), spoke in opposition to the zoning change. He described the joint-use agreement between the GKDA and the U.S. Air Force for the operation and use for the airfield in Lackland AFB. He noted that it is San Antonio's connection for business, manufacturing and international business purposes to the rest of the world, and that it is the only facility in this area that can handle intercontinental air cargo flights. Mr. Miller expounded on the importance of the use of the airfield in the future, and added that airplane accidents are more likely to happen in the close vicinity of the arrival and departure zones. In conclusion, Mr. Miller stated, as a City, San Antonio would not want to put its citizens in harm's way.

Mr. Tom Rohde, Commercial Realtor, 85 Loop 410 N.E., spoke in favor of this zone change, and cited his background and experience with this type of fly-over zones. Mr. Rohde noted that this property is currently zoned and platted for retail use, and provided the retail possibilities under the MOAZ 2. He stated the reasons in choosing to build a multi-family apartment project over a large retail complex. He further stated comparisons in relation to the upcoming Toyota Manufacturing Plant on the south side of San Antonio. Mr. Rohde noted that the request is for City Council approval for a lower density population apartment project, as opposed to what is currently zoned for. He explained that there are no major issues to contemplate such as tree preservation or drainage problems, and that they have received support from the Edgewood Independent School District, various City officials, and a U.S. Congressman. Mr. Rhode requested that the City Council support the zoning change.

Lt. Col. Spencer Patterson, Civil Engineer at Lackland AFB, 19515 Camino Ridge, expressed his concern with the zoning change as a negative impact on Lackland AFB

operations and on citizens' safety. He spoke on how the Air Force acquired the airfield and discussed land use capability. Col. Patterson also provided a presentation on the Air Installation Compatible Use Zone (AICUZ) that is designed to provide reasonable solutions to the delicate balance between the Air Force mission and future land use developments around the base. Col. Patterson added that Kelly Field is a busy operation and training missions base, and that the Air Force and the GKDA seek additional missions. He further added that encroachments on the airfield would serve as a disincentive for organizations considering use of Kelly Field.

Mr. Joseph Lengyel, airplane and fighter jet operator for over 20 years, 148 Hensley, spoke on the noise created by flying military aircraft that are flown at altitudes of 600 to 1,000 feet over this area. He stated that if residential complexes are built over this area, he anticipates an increase of complaints about the noise, which would negatively impact the military's mission. Mr. Lengyel noted that human error has been the cause of many recent air craft crashes.

Mr. Del Lewis, Vice Wing Commander of the 433<sup>rd</sup> Battalion, Kelly Field, spoke to the C5 Aircraft, and how occasionally these aircrafts do lose their engines. He explained the extensive fire hazards and potential litigation in this proposed site should it be necessary for a pilot, as a survival tactic, to resort to dumping fuel in a flight take off. Mr. Lewis noted that the economic impact the Air Mobility Command will make on the community if a training school for C5 pilots is selected for this area. He also noted any potential litigation would cause the training school to dismantle a potential mission. Mr. Lewis requested the City Council to consider their decision for all involved.

Mr. Jack M. Finger, P.O. Box 12048, spoke to the backup documents provided by staff on this issue and to his concurrence on that information provided. He stated that he is in agreement with the noise and safety issues discussed by the previous speakers on this item. Mr. Finger asked Council members to disclose if they have received campaign contributions from Mr. Arredondo.

Mr. Magill noted the site's location in relation to the MAOZ. He also noted that he is not seeking to get final approval at this time, but is hoping to meet with the Air Force and come to a common ground for safety. He reiterated the development is affordable housing and community based, and requested the City Council to confer with the Air Force to develop a final decision in August, 2003.

\* \* \* \*

Councilman Barrera thanked those who took time to speak to this issue. He spoke to the benefits and needs of affordable housing in this area, but to also consider that the MAOZ

does not allow residential areas aside from the one residence per one-acre requirement. He made a motion to accept the zoning and staff's recommendations for denial. Councilman Carpenter seconded the motion.

Mayor Garza stated that in consideration of this item as a quality of life issue, and with the current strategies to preserve the military installations, he supports keeping the current zoning in place in an effort to not jeopardize the economic status of the City.

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

Zoning Case Z2003001 was denied.

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2003-12 For the record, Ordinance #97384 is declared void:  
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4D.) CASE NUMBER #Z2003021 C - The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "MF-33" Multi-Family District, "C-2" Commercial District, and "I-1" General Industrial District to "R-4" Residential Single-Family, "R-4 C" Residential Single-Family with a conditional use for a Duplex, "R-5" Residential Single-Family, "R-5 C" Residential Single-Family with a conditional use for a Duplex, "R-5 C" Residential Single-Family with a conditional use for a Fourplex, and "R-6" Residential Single-Family on an area bound by Culebra Road to the north, 24th Street to the east, Commerce Street to the south, and San Joaquin to the west as per Exhibit Map. Staff's recommendation was for approval.

Zoning Commission has recommended approval except NCB 9260, Blk. 10, Lt. 2 and 643 Blueridge. (Council District 7)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

The following citizen(s) appeared to speak:

Mr. Homer Cadena, 1231 Waverly, spoke in favor of the zoning change, citing a history of the neighborhood's successful growth. He requested that the City Council take serious thought to protecting the neighborhood by voting to approve this zoning change.

Ms. Elois Moran, 2654 Lombrano Street, spoke in favor of the zoning change that will help the quality of life for the residents in her neighborhood.

Mr. Jesse Alcala, 156 N. San Joaquin, spoke in opposition of the zoning change and requested the City Council keep the commercial and multi-family zone which is necessary to the economic growth of the neighborhood.

\* \* \* \*

Councilman Castro thanked the members of the community for their input. He explained that the Zoning Commission has recommended two properties be exempted for the time being, but noted that those properties will be discussed at the upcoming April 1, 2003 Zoning Commission meeting. Councilman Castro made a motion for approval with the deletion of the property at 474 N. San Joaquin, Lots 75 & 76, Block 5, NCB 8861 to be reconsidered with the other properties on May 6, 2003.

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

#### AN ORDINANCE 97385

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 FROM "MF-33" MULTI-FAMILY DISTRICT, "C-2" COMMERCIAL DISTRICT, AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY, "R-4 C" RESIDENTIAL SINGLE-FAMILY WITH A CONDITIONAL USE FOR A DUPLEX, "R-5" RESIDENTIAL SINGLE-FAMILY, "R-5 C" RESIDENTIAL SINGLE-FAMILY WITH A CONDITIONAL USE FOR A DUPLEX, "R-5 C" RESIDENTIAL SINGLE-FAMILY WITH A CONDITIONAL USE FOR A FOURPLEX, AND "R-6" RESIDENTIAL SINGLE-FAMILY ON AN AREA BOUND BY CULEBRA ROAD TO THE NORTH, 24<sup>TH</sup>

STREET TO THE EAST, COMMERCE STREET TO THE SOUTH, AND SAN JOAQUIN TO THE WEST AS PER EXHIBIT MAP.

\* \* \* \*

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 18 THROUGH 40 AND LOTS 45 THROUGH 69, BLOCK 19, NCB 8307  
LOTS 11 THROUGH 21, 25 THROUGH 42, 45, 46, AND 51 THROUGH 73, BLOCK 17, NCB 8305  
ALL OF NCB 8303, SAVE AND EXCEPT LOTS 1 THROUGH 12, BLOCK 15  
ALL OF NCB 8301, SAVE AND EXCEPT LOTS 1 THROUGH 10, BLOCK 13  
ALL OF NCB 8299, SAVE AND EXCEPT LOTS 1 THROUGH 10, BLOCK 11  
ALL OF NCB 8297, SAVE AND EXCEPT LOTS 7 THROUGH 10 AND LOT 77, BLOCK 9  
ALL OF NCB 8295, SAVE AND EXCEPT LOTS 1 THROUGH 10, BLOCK 7  
ALL OF NCB 8293, SAVE AND EXCEPT LOTS 1 THROUGH 10 AND LOTS 51 THROUGH 52, BLOCK 5  
ALL OF NCB 8291, SAVE AND EXCEPT LOTS 1 THROUGH 10, BLOCK 3  
ALL OF NCB 8292  
ALL OF NCB 8294  
ALL OF NCB 8296  
ALL OF NCB 8298, SAVE AND EXCEPT LOTS 63 THROUGH 64, BLOCK 10  
ALL OF NCB 8300  
ALL OF NCB 8302  
ALL OF NCB 8304, SAVE AND EXCEPT LOTS 56 THROUGH 57, BLOCK 16  
ALL OF NCB 8306  
ALL OF NCB 8308, SAVE AND EXCEPT LOTS 75 THROUGH 76, BLOCK 20  
ALL OF NCB 8861, SAVE AND EXCEPT LOTS 75 THROUGH 76, BLOCK 5  
ALL OF NCB 8860  
ALL OF NCB 8859, SAVE AND EXCEPT LOTS 21 THROUGH 23, BLOCK 3  
ALL OF NCB 8858, SAVE AND EXCEPT LOTS 28 THROUGH 32, BLOCK 2  
LOTS 1 THROUGH 7 AND LOTS 11 THROUGH 15, BLOCK 1, NCB 8857  
LOTS 1 THROUGH 20 AND LOTS 23 THROUGH 34, BLOCK 12, NCB 8868  
ALL OF NCB 8867  
ALL OF NCB 8866  
ALL OF NCB 8865  
ALL OF NCB 8864  
ALL OF NCB 8873, SAVE AND EXCEPT LOTS 79 THROUGH 80, BLOCK 17

ALL OF NCB 8872  
ALL OF NCB 8871  
ALL OF NCB 8870  
ALL OF NCB 8869  
LOTS 1 THROUGH 9, BLOCK 1, NCB 9024  
ALL OF NCB 8880, SAVE AND EXCEPT LOTS 29 THROUGH 40, BLOCK 24  
ALL OF NCB 8879, SAVE AND EXCEPT LOTS 29 THROUGH 52, BLOCK 23  
ALL OF NCB 8878, SAVE AND EXCEPT LOTS 29 THROUGH 52, BLOCK 22  
ALL OF NCB 8877, SAVE AND EXCEPT LOTS 29 THROUGH 52, BLOCK 21  
ALL OF NCB 8876, SAVE AND EXCEPT LOTS 29 THROUGH 52, BLOCK 20  
ALL OF NCB 8288, SAVE AND EXCEPT LOTS 29 THROUGH 35, BLOCK 5  
ALL OF NCB 8281, SAVE AND EXCEPT LOTS 22 THROUGH 28, BLOCK 4  
ALL OF NCB 8277  
ALL OF NCB 8276  
ALL OF NCB 8269, SAVE AND EXCEPT LOTS 1 THROUGH 5, BLOCK 1

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-5 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A TWO-FAMILY DWELLING (DUPLEX) ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 75 THROUGH 76, BLOCK 20, NCB 8308  
LOTS 63 THROUGH 64, BLOCK 10, NCB 8298  
LOTS 21 THROUGH 23, BLOCK 3, NCB 8859  
LOTS 79 THROUGH 80, BLOCK 17, NCB 8873  
LOTS 29 THROUGH 35, BLOCK 5, NCB 8288  
LOTS 22 THROUGH 28, BLOCK 4, NCB 8281

The City Council finds as follows:

- (1). The conditional use will not be contrary to the public interest.
- (2). The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- (3). The conditional 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 conditional 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 conditional use will not adversely affect the public health, safety and welfare.

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-5 C" RESIDENTIAL SINGLE-FAMILY**

**DISTRICT WITH A CONDITIONAL USE TO ALLOW A FOUR-FAMILY DWELLING (QUADRAPLEX) ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 56 AND 57, BLOCK 16, NCB 8304

The City Council finds as follows:

- (1). The conditional use will not be contrary to the public interest.
- (2). The conditional use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district.
- (3). The conditional 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 conditional 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 conditional use will not adversely affect the public health, safety and welfare.

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "C-2" COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 28 THROUGH 32, BLOCK 2, NCB 8858

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "I-1" INDUSTRIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 29 THROUGH 35 AND LOTS 46 THROUGH 52, BLOCK 20, NCB 8876  
LOTS 29 THROUGH 35 AND LOTS 46 THROUGH 52, BLOCK 21, NCB 8877  
LOTS 29 THROUGH 35 AND LOT 52, BLOCK 22, NCB 8878  
LOTS 29 THROUGH 35 AND LOTS 46 THROUGH 52, BLOCK 23, NCB 8879  
LOTS 29 THROUGH 33, BLOCK 24, NCB 8880  
LOTS 11 THROUGH 24, BLOCK 1, NCB 9024

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT AND "I-1" INDUSTRIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

ALL OF NCB 9024, BLOCK 2  
LOT 10, BLOCK 1, NCB 9024

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

ALL OF NCB 8264, SAVE AND EXCEPT LOTS 1 THROUGH 6, BLOCK 1  
ALL OF NCB 8265, SAVE AND EXCEPT LOTS 1 THROUGH 5 AND 14 THROUGH 16, BLOCK 2  
LOTS 1 THROUGH 20, BLOCK 3, NCB 8266  
ALL OF NCB 8261  
ALL OF NCB 8262, SAVE AND EXCEPT LOTS 36 THROUGH 40 AND THE EASTERN 12.25 FEET OF LOT 41, BLOCK 5  
ALL OF NCB 8263, SAVE AND EXCEPT LOTS 44 THROUGH 50, BLOCK 6  
ALL OF NCB 8258, SAVE AND EXCEPT LOTS 1 THROUGH 7 AND 44 THROUGH 50, BLOCK 7  
ALL OF NCB 8259  
ALL OF NCB 8260  
ALL OF NCB 8255, SAVE AND EXCEPT LOTS 1 THROUGH 4, BLOCK 10  
ALL OF NCB 8256  
ALL OF NCB 8257, SAVE AND EXCEPT LOTS 1 THROUGH 11 AND 44 THROUGH 50, BLOCK 12  
ALL OF NCB 8888, SAVE AND EXCEPT LOTS 1 THROUGH 14 AND 27, BLOCK 9  
LOTS 2 THROUGH 14 AND LOT 27, BLOCK 9, NCB 8888

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "I-1" INDUSTRIAL DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 3 THROUGH 6 AND THE EASTERN 12.5 FEET OF LOT 2, BLOCK 1, NCB 8264  
LOT 44, BLOCK 6, NCB 8263  
LOTS 1 THROUGH 4, BLOCK 10, NCB 8255  
LOTS 44 AND 45, BLOCK 12, NCB 8257  
LOTS 10 THROUGH 12, LOTS 20 THROUGH 25, AND THE EASTERN 12.5 FEET OF LOT 9, BLOCK 13,  
NCB 8252  
LOTS 1 THROUGH 6 AND LOTS 16 THROUGH 21, BLOCK 14, NCB 8253  
LOTS 13 THROUGH 21, BLOCK 15, NCB 8254

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-4 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A DUPLEX ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 36 THROUGH 40 AND THE EASTERN 12.25 FEET OF LOT 41, BLOCK 5,  
NCB 8262

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33"  
MULTI-FAMILY DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY  
DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 17 THROUGH 26, BLOCK 1, NCB 9251  
LOTS 13 THROUGH 23, BLOCK 2, NCB 9252  
LOTS 14 THROUGH 26, BLOCK 1, NCB 8881  
LOTS 19 THROUGH 28, BLOCK 2, NCB 8882  
ALL OF NCB 8884, SAVE AND EXCEPT LOTS 11 THROUGH 18, BLOCK 4  
ALL OF NCB 8883  
ALL OF NCB 9254  
ALL OF NCB 9253, SAVE AND EXCEPT LOTS 1, 2, 14, AND 15, BLOCK 3  
ALL OF NCB 9255, SAVE AND EXCEPT LOTS 1, 2, 14, AND 16, BLOCK 5  
ALL OF NCB 9256  
ALL OF NCB 8885  
ALL OF NCB 8886, SAVE AND EXCEPT LOTS 12 THROUGH 14  
ALL OF NCB 8887  
ALL OF NCB 9258  
ALL OF NCB 9257, SAVE AND EXCEPT LOTS 1 THROUGH 3 AND LOTS 14  
THROUGH 16, BLOCK 7  
ALL OF NCB 9259, SAVE AND EXCEPT LOTS 1 THROUGH 3, BLOCK 9  
ALL OF NCB 13632  
ALL OF NCB 9260, SAVE AND EXCEPT LOT 2, BLOCK 10  
ALL OF NCB 8889, SAVE AND EXCEPT LOTS 14 AND 15, BLOCK 9  
ALL OF NCB 8892, SAVE AND EXCEPT LOTS 9 AND 10, AND LOTS 14  
THROUGH 20, BLOCK 12  
ALL OF NCB 8891, SAVE AND EXCEPT LOTS 21 AND 23, BLOCK 11  
ALL OF NCB 11398  
ALL OF NCB 13633  
ALL OF NCB 11399  
ALL OF NCB 8893  
ALL OF NCB 8894, SAVE AND EXCEPT LOTS 26 THROUGH 28, BLOCK 14  
ALL OF NCB 8896  
ALL OF NCB 8895  
ALL OF NCB 11400  
ALL OF NCB 9250  
ALL OF NCB 8897  
ALL OF NCB 8898

LOT 16, BLOCK 28, NCB 3627  
LOTS 11, 12, 16 AND 17, NCB 3628  
LOTS 1, 2, 11, AND 12, BLOCK 42, NCB 3641  
LOTS 1 THROUGH 3 AND LOTS 10 THROUGH 12, BLOCK 43, NCB 3642  
LOTS 1 THROUGH 3 AND LOTS 9 THROUGH 12, BLOCK 56, NCB 3655  
LOTS 1 THROUGH 4 AND LOTS 8 THROUGH 12, BLOCK 57, NCB 3656  
ALL OF NCB 3667, SAVE AND EXCEPT LOT 6, BLOCK 70  
ALL OF NCB 3668

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "MF-33" MULTI-FAMILY DISTRICT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 11 AND 18, BLOCK 4, NCB 8884  
LOT 12, NCB 8886  
LOT 14, BLOCK 12, NCB 8892  
LOTS 28 AND 29, BLOCK 15, NCB 3614  
LOTS 17 AND 40, BLOCK 28, NCB 3627  
LOT 18, SAVE AND EXCEPT A TRIANGULAR PORTION CONTAINING APPROXIMATELY 50 SQUARE FEET LOCATED AT THE NORTHEAST CORNER, NCB 3628  
LOTS 3 AND 10, BLOCK 42, NCB 3641  
LOTS 4 AND 9, BLOCK 43, NCB 3642  
LOT 4, BLOCK 56, NCB 3655  
LOT 5, BLOCK 57, NCB 3656  
LOT 6, BLOCK 70, NCB 3667

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOT 17, BLOCK 4, NCB 8884  
LOTS 13 THROUGH 14, NCB 8886  
LOT 18 AND THE WESTERN EIGHT FEET OF LOT 19, BLOCK 28, NCB 3627

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "I-1" INDUSTRIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 3 AND 16, BLOCK 7, NCB 9257

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "C-2" COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOT 21, BLOCK 11, NCB 8891

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "I-1" INDUSTRIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOTS 1 THROUGH 6, BLOCK 83, NCB 3679

**THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "C-3" COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:**

LOT 7, BLOCK 83, NCB 3679

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4E.) CASE NUMBER #Z2003007 C - The request of City of San Antonio, Applicant, for Multiple owners, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3 NA ERZD C" Non-Alcoholic Commercial Sales Edwards Recharge Zone District with a conditional use for outside storage with screening on Lots 2, 3, 8, 9, Block 1, NCB 17615, Lots 19, 21, 23, 25, 26, 28, Block 2 NCB 17616, Lot 18, Block 3, NCB 17616, 13000 Block of Western Oak. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner made a motion to approve the proposed rezoning and submitted documentation regarding this zoning change for the record. Councilman Sanders seconded the motion.

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

AN ORDINANCE 97386

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 2, 3, 8, 9, BLOCK 1, NCB 17615, LOTS 19, 21, 23, 25, 26, 28, BLOCK 2 NCB 17616, LOT 18, BLOCK 3, NCB 17616, 13000 BLOCK OF WESTERN OAK, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA ERZD C" NON-ALCOHOLIC COMMERCIAL SALES EDWARDS RECHARGE ZONE DISTRICT CONDITIONAL USE FOR OUTSIDE STORAGE WITH SCREENING ON THE PROPERTY.

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

1. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.
2. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System. Should the property be designated as a Category 2 property, all buffering of flood plains and sensitive recharge features shall be in accordance with Ordinance No. 81491.
3. The land uses within the development shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
4. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:

- A. A copy of the Water Pollution Abatement Plan (WPAP) 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 a signed Engineers Seal from the State of Texas,
- C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
- D. A copy of the approved Water Pollution Abatement Plan.

5. 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.

6. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within 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 Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

7. 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.

8. 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.

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4F.) CASE NUMBER #Z2003015 - The request of Earl & Brown, P.C. on behalf of Continental Homes, Inc., Applicant, for Vise Oaks, Ltd., Attn: Hugo Gutierrez, Jr., Owner(s), for a change in zoning from "C-3" Commercial District to "R-4

PUD" Residential Single-Family Planned Unit Development District for 19.559 acre tract of land out of NCB 15824 and NCB 15823, Prue Road and Springtime Drive. Staff recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner 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:** Sanders, Moorhouse, Martin, Herrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Barrera.

AN ORDINANCE 97387

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 19.559 ACRE TRACT OF LAND OUT OF NCB 15824 AND NCB 15823, PRUE ROAD AND SPRINGTIME DRIVE, FROM "C-3" COMMERCIAL DISTRICT TO "R-4 PUD" RESIDENTIAL SINGLE-FAMILY PLANNED UNIT DEVELOPMENT DISTRICT.

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4G.) CASE NUMBER #Z2003020 - The request of Gordon Hartman-Hartman Homes, Applicant, for Rogers Shavano Ranch, LTD, Owner(s), for a change in zoning from "BP ERZD" Business Park Edwards Recharge Zone District to "R-4 ERZD" Residential Single-Family Edwards Recharge Zone District on 15.6440 acres out of NCB 17627. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner made a motion to approve the proposed rezoning, and requested that documentation from Ms. Pat Kingshot, Vice President of the Shavano Ridge Homeowner's Association be added to the record. Councilwoman Conner noted that Ms. Kingshot voiced the Homeowners Association's approval for the development. Councilman Schubert seconded the motion.

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

#### AN ORDINANCE 97388

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 15.6440 ACRES OUT OF NCB 17627, FROM "BP ERZD" BUSINESS PARK EDWARDS RECHARGE ZONE DISTRICT TO "R-4 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

\* \* \* \*

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

1. Development within the floodplain and floodplain buffer zones must be in accordance with Ordinance No. 81491 governing development on the Edwards Aquifer Recharge Zone in the Floodplain Preservation Area(s).
2. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.
3. The land uses within the development shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
4. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:

- A. A copy of the Water Pollution Abatement Plan (WPAP) 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 a signed Engineers Seal from the State of Texas,
- C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
- D. A copy of the approved Water Pollution Abatement Plan.

5. 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.

6. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within 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 Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

7. 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.

8. 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.

\* \* \* \*

4H.) CASE NUMBER #Z2003024 S - The request of Roy Horn III, Applicant, for A.J. Weatherford, Jr., Owner(s), for a change in zoning from "C-3 NA"

Commercial Non-Alcoholic Sales District to "C-3 NA S" Commercial Non-Alcoholic Sales District with a specific use authorization for a mini-storage facility exceeding 2.5 acres on Parcel 5, NCB 18199, 10480 Loop 1604 N.W. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilwoman Conner recommended a 30-day continuance for May 24, 2003 and requested the Planning Department to amend the neighborhood plan. Councilman Castro seconded the motion.

After consideration, the motion to continue this case until May 24, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

Zoning Case #Z2003024 S was continued to the Council meeting of May 24, 2003.

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4I.) CASE NUMBER #Z2003018 C - The request of San Antonio Genealogical and Historical Society, Applicant, for Fourth Church of Christ Scientist, Owner(s), for a change in zoning from: "R-5" Residential Single-Family District to "R-5 C" Residential Single-Family District with a conditional use to allow a library on Lot 36, Block 13, NCB 13162, 903 Melissa Drive. Staff's recommendation was for approval, with conditions.

Zoning Commission has recommended approval of staff's recommendations, with an additional condition that the hours of operation may go beyond 6:00 p.m. to 9:00 p.m. on Wednesdays only. (Council District 9)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Schubert 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:** Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

AN ORDINANCE 97389

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 36, BLOCK 13, NCB 13162, 903 MELISSA DRIVE, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A LIBRARY ON THE PROPERTY.

\* \* \* \*

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. That all off-street parking shall be maintained at the rear of the principle structure.
2. That a 6-foot tall, opaque privacy fence shall be constructed along the north and west property lines beginning at a point that is in line with the front face of the house, so as to screen the parking area from adjacent residences.
3. That the hours of operation may extend to 9:00 p.m. on Wednesdays only.

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.

\* \* \* \*

4J.) CASE NUMBER #Z2003022 C S - The request of Veterinary Development Groups, S.A., L.P., Applicant, for Concord Corporation, Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 ERZD CS" Commercial Edwards Recharge Zone District with a conditional & specific use authorization for a veterinary hospital, small animal on 1.556 acre tract out of Lot 2, New City Block 15669, 300 block of Sonterra Blvd. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman Perez 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

#### AN ORDINANCE 97390

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 1.556 ACRE TRACT OUT OF LOT 2, NEW CITY BLOCK 15669, 300 BLOCK OF SONTERRA BLVD., FROM "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD CS" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL & SPECIFIC USE AUTHORIZATION FOR A VETERINARY HOSPITAL, SMALL ANIMAL ON THE PROPERTY.

\* \* \* \*

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

1. Deceased animals, animal waste, and hazardous and contaminated material shall be placed in properly labeled containers and disposed of by a licensed waste hauler. All medical waste shipping documents shall be available for inspection, upon request by the Aquifer Protection and Evaluation Section of SAWS. Incineration on site, of any waste, in any quantity shall be strictly prohibited.

2. If any significant geologic features such as, but not limited to, solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Resource Protection Division of the San Antonio Water System at (210) 704-7305.

3. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.

4. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:

A. A copy of the Water Pollution Abatement Plan (WPAP) 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 a signed Engineers Seal from the State of Texas,

C. A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),

D. A copy of the approved Water Pollution Abatement Plan.

5. The storage, handling and use of all 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.

9. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within 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 Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

10. The City of San Antonio shall inspect all future construction of sewage collection system to include service laterals and sewage mains for proper construction according to State and City Regulations and Code.

11. 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 construction of the 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.

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**2003-12 PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON A PROPOSED ORDINANCE RESTRICTING TRUCKS WITH THREE OR MORE AXLES OR ONE OR MORE TRUCK TRACTORS FROM TRAVELING IN THE LEFT LANE OF UNITED STATES HIGHWAY 90 WEST, BETWEEN THE HOURS OF 6 A.M. AND 9 P.M., MONDAY THROUGH FRIDAY.**

Mayor Garza declared the Public Hearing to be open.

Mr. Tom Wendorf, Director of Public Works, gave a presentation, a copy of which is on file with the papers of this meeting. He discussed the purpose, process, background, freeways selected for pilot program and reasons for selection. He outlined the proposed pilot program location, restricted and unrestricted trucks/vehicles, traffic statistics, 2002 traffic crash data, evaluation measures, outreach efforts, original timeline, and financial impact.

The following citizen(s) appeared to speak:

Mr. John Williams, 13723 Wilderness Creek, spoke in opposition to the proposed ordinance in that it would create congestion on the highways. He also stated his objection to the state requirement that there be three lanes of traffic on this portion of the highway. He spoke to his concerns regarding the extended commutes created by this ordinance, the elevated levels of emissions, and the disruption to the trucking industry. Mr. Williams suggested amending the ordinance by considering a different area of highway to be used in the pilot program.

Mr. Nicholas Winger, Vice President and Director of Safety with the San Antonio owned and based Bee Trucking Company, voiced his concern that this ordinance is unnecessary. Mr. Winger discussed an analysis of truck/car accident ratios and statistics, and cited that studies show car drivers are at fault in 70% of accidents between trucks and cars.

\* \* \* \*

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

Mayor Garza stated that this pilot program will give the City an opportunity to consider data from a safety standpoint, as well as the challenges as a community to better organize the circulation of our highways. He also stated that with the increase in truck traffic because of our location, and as manufacturing becomes a large component, the City needs to find a solution to an organized flow in our community. Mayor Garza noted that the program would provide an opportunity for implementation to monitor the flow of truck traffic, and to study accidents and sources of accidents.

Councilman Sanders reiterated the points made concerning possibly moving the program to eastern Bexar County. He noted a restriction stating that all trucks going to the right hand lane will cause congestion and tremendous problems.

Councilwoman Conner noted that the route was selected by staff, but expressed her preference for the program to have been implemented on I.H. 10. She pointed out that the program is not anti-truck, but rather that it has been proven to be highly successful in a variety of cities. Councilwoman Conner stated that she is vice chair of the Metropolitan Planning Organization and on the executive board of the San Antonio Mobility Coalition whose task is to increase capacity on the highways. She stated that due to lack of funding, many of their projects would be postponed. She stated that this program is one way that San Antonio can help with the safety issues, improve the traffic flow and increase highway capacity. Councilwoman Conner asked for support from her colleagues on this issue.

Discussion continued between Councilman Castro and Mr. Wendorf on the issue of exemptions for trucks that are using the left-hand lane to pass. Mr. Wendorf stated that if trucks are passing on the left lane, they could do that throughout the entire length of the zone, they could not however, ride along in the lane. He noted that proper signage is planned to designate these areas along the highways.

In response to Councilwoman Moorhouse regarding consideration of two other areas on

San Antonio's expressways, Mr. Wendorf stated that those can certainly be an option, and assured her that Texas Department of Transportation (TxDOT) will review her suggestions.

In response to Councilman Barrera regarding violation costs, Mr. Wendorf stated that nothing has been set to date, but noted that TxDOT will identify those costs in the establishing ordinance.

Councilman Carpenter stated that he concurs with Councilwoman Conner that IH 10 West would be a better area for a pilot program.

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2003-12      At this time, reference was made to Item #42.

At this time, Councilwoman Moorhouse made a motion to bring Item #42 forward. Councilman Sanders seconded the motion.

The motion, to bring this Item forward, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Herrera, Castro.

The Clerk then read the following Ordinance:

AN ORDINANCE 97391

AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$1,162,915.50 FROM THE NATURAL RESOURCE CONSERVATION SERVICE ("NRCS") TO PROVIDE EMERGENCY WATERSHED PROTECTION MEASURES TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE JULY 2002 CENTRAL TEXAS FLOODS IN THE LEON AND SALADO CREEK WATERSHEDS; AUTHORIZING THE EXECUTION OF THE PROJECT AGREEMENTS RELATED TO THE GRANT BY THE DIRECTOR OF PUBLIC WORKS AND AUTHORIZING \$372,638.50 FROM THE STORM WATER OPERATING FUND BALANCE AS THE CITY'S SHARE FOR THIS PROJECT.

\* \* \* \*

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

Mr. Tom Wendorf, Director of Public Works, narrated a presentation, a copy of which is on file with the papers of this meeting. He outlined the flood debris clean-up, background, nine prioritized sites, policy analysis and fiscal impact.

The following citizen(s) appeared to speak:

Mr. Oscar Vicks, President of United Homeowners Improvement Association, stated that his home was one of the 80 homes lost in the 1998 flood. He introduced Mr. Leon Thomas for a presentation on this issue.

Mr. Leon Thomas, 1206 Picardie, spoke to the fact that flood prevention without community involvement is an abuse of power, and stated that basic flood prevention is inexpensive by simply removing debris away from the flow of water. Mr. Thomas indicated that the citizens of San Antonio have paid taxes and fees for years, but none of that money was accounted towards flood prevention projects. He provided a slide presentation with respect to the nine prioritized sites referred to by Mr. Wendorf. Mr. Thomas gave his interpretation of the priority of the project in an effort to save money by keeping the equipment and work force to finish out areas in the same vicinity. He also referred to several bond projects that had been financed, but which have not been completed. In discussing the flood plan in the I.H. 10 and the E. Houston Street area, Mr. Thomas stated that City officials violated the Unified Development Code (UDC) when facilities were built along the Salado Creek. He recommended accepting funds offered by the Natural Resource Conservation Service (NRCS) for this item.

\* \* \* \*

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

In response to Councilwoman Moorhouse regarding the construction on the project, Mr. Wendorf stated that the contract allows for forty working days to complete the project by August 31 barring any unforeseen variables. He noted that a request for extension on time would be processed if necessary. He also noted that there is proper equipment and available staff to complete the project correctly.

Mr. Wendorf added that the interacting with neighborhood groups is vital to the project's success, and noted that the City has to obtain the right to enter private property in order to proceed. He further discussed the plan when using large construction equipment.

Councilwoman Moorhouse thanked Mr. Wendorf for his vigilance on the project.

In response to Councilman Sanders regarding Mr. Thomas' comments on funds allocated for flood prevention, Mr. Thomas explained his comments were directed to those projects that were already funded, as well as to the reasons for skipping to different locations to complete projects, and that to date, nothing as been done on those projects.

Mr. Thomas also clarified his issue with those who violate the UDC when their charge is for the safety of the community. He further explained that his association is requesting the recommendations by the Watershed Improvement Committee be approved. Those recommendations are: to clear the flood plan and down trees and remove debris; cut overgrown vegetation; establish a mowing cycle twice a year; and evaluate the need to do channel improvements for flood water.

In response to Councilman Sanders regarding the Salado Creek Foundation representation over the neighborhood representation on this project, Mr. Wendorf stated that he plans on posting public meeting notices, and will talk about the approach and plan to progress through this activity. Councilman Sanders noted that the scope of the work had been advertised prior to meeting with the community. He further noted that this community is sensitive to any superficial moves in an effort to avert their input to the processes.

In response to Councilman Sanders, Mr. Wendorf stated that the available resources, is an opportunity with limited time frames, and that if those opportunities are not used, the City could lose up to \$1 million not used in the community. He further explained that in regard to resources, funding would have to come from revenue bond funds. Mr. Wendorf stated also that there is a plan and a budget to adhere to, and when the opportunity arises, the City has to be flexible and respond to the citizens. Mr. Wendorf also discussed the possibility of time extension if necessary.

Councilman Sanders noted that City Manager Brechtel would be responsible for policing our department heads.

In response to Councilman Martin regarding the nine priority sites and his concern about the maintenance schedule, Mr. Wendorf stated that there is maintenance scheduled for engineer facilities, but there is not a scheduled maintenance for natural channels.

\* \* \* \*

There being no further business to come before the City Council, the meeting was adjourned at 5:18 P.M.

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

Mr. Wendorf discussed that many natural drainage ways are on personal property, and stated that if right of entry is not possible, the City does take action into consideration over public health.

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97392

AMENDING ORDINANCE NO. 97210, PASSED ON FEBRUARY 13, 2003, TO REFLECT CHANGES IN POLLING SITES, PRECINCTS AND VOTING EQUIPMENT TO BE USED FOR EARLY VOTING FOR THE MAY 3, 2003 REGULAR AND JOINT ELECTION. (AMENDING ORDINANCE NO. 97210, FEBRUARY 13, 2003.)

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

(Mayor Garza returned to the meeting and presided.)

Acting City Clerk, Yolanda Ledesma, stated that this ordinance approves changes in polling sites, and also speaks to using paper ballots for early voting.

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97393

APPOINTING SAM BARSHOP TO THE CONVENTION CENTER HOTEL ADVISORY BOARD (CCHAB) AS A REPRESENTATIVE FROM THE REAL ESTATE/CORPORATE SECTOR.

\* \* \* \*

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

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97394

RENEWING AN EXISTING 15-YEAR INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND ALAMO COMMUNITY COLLEGE DISTRICT (ACCD) FOR A PERIOD OF TWELVE (12) MONTHS, BETWEEN APRIL 1, 2003 AND MARCH 31, 2004 WHICH ADMINISTERS FUNDS ENCUMBERED PURSUANT TO A MARCH 2001 SETTLEMENT AGREEMENT FOR THE PURPOSE OF ECONOMIC DEVELOPMENT INITIATIVES TO INCLUDE APPROXIMATELY \$563,226.00 ENCUMBERED THIS TERM FOR THE INFORMATION TECHNOLOGY AND SECURITY ACADEMY AND ALAMO AREA AEROSPACE ACADEMY, EMPLOYEE CUSTOMIZED TRAINING, RESERVES AND TUITION REIMBURSEMENT AS WELL AS WORKFORCE DEVELOPMENT.

\* \* \* \*

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

Mr. Ramiro Cavazos, Director, Economic Development Department, briefed the City Council on the purpose, background, interlocal agreement, recap, recap-year two of Alamo Community College District (ACCD) interlocal, and performance data, a copy of

which is on file with the papers of this meeting. He outlined the year-three funding priorities, and policy implications.

Mr. Leo Zuniga, ACCD representative, thanked the City Council for their support to the ACCD, and provided some background on the success of the ACCD because of the partnership with the City of San Antonio and with other sponsors.

Mr. Richard Butler, Chairman, Aerospace Academy, spoke to the success of the program and how its graduates now work full time for one of the City's employers in the aerospace field. Mr. Butler stated that this program is a pipeline to better jobs and higher education. He thanked the City Council on behalf of over 40 local employers and other supporting entities for making the Aerospace Academy a power engine of San Antonio's future and prosperity.

Mr. Doug Rowe, Director of the Academy, introduced students who are participating in the aerospace program who came up to give testimony to the success of the program.

Mr. Sam Young, General Manager, Cessna Company, stated that his is one of the many companies who are receiving the benefits of this program as a result of the City's support.

Mr. Alan Kramer, San Antonio Greater Chamber of Commerce, stated that the Chamber also supports the Academy.

Mayor Garza thanked the partners who attended today's meeting regarding this important item that is used as a model throughout the aerospace and technology fields.

Councilman Barrera thanked the staff and the partners involved in the model partnership program, and stated that it is a means of funding customized training for targeted industries. He commended the use of available funds to develop certain skills that will make a positive economic impact to San Antonio's future. He also congratulated the products of the academy, and stated that he looks forward to a manufacturing academy and a medical academy to give the future work force the foundation in those industries. Councilman Barrera discussed his concerns with dual credit funding and looked to have that issue resolved with all surrounding school districts.

Councilman Sanders congratulated all those involved with the academy and its progressive program.

Councilman Castro also congratulated the students for their participation in the academy's programs. He noted that the program has resulted in a partnership with various organizations and a City-wide endeavor geared towards giving students the aspirations to begin in their successes.

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97395

AUTHORIZING AN AMENDMENT TO CHAPTER 34 OF THE CITY CODE TO INCORPORATE CHANGES RELATED TO INDUSTRIAL WASTE SURCHARGES FOR BIOCHEMICAL OXYGEN DEMAND (BOD) FROM \$1.48 TO \$1.62 PER MILLIGRAM PER LITER AND FOR TOTAL SUSPENDED SOLIDS (TSS) FROM \$0.61 TO \$1.50 PER MILLIGRAM PER LITER FOR THOSE CUSTOMERS WHO PRODUCE LEVELS OF BOD AND TSS IN EXCESS OF 250 MILLIGRAMS PER LITER; AND ESTABLISHING MAY 1, 2003 AS THE EFFECTIVE DATE FOR THE NEW RATES. (AMENDING CHAPTER 34 OF THE CITY CODE.)

\* \* \* \*

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

Mr. Alex Hinojosa, Director, Financial Services Department, San Antonio Water Systems, narrated a presentation on the Industrial Wastewater Surcharge (IWS) Rates, a copy of which is on file with the papers of this meeting. He discussed rate issues, historical IWS rates, rate methodology, wastewater functional cost components and allocation of Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS). He also narrated a slide presentation on rate calculation, rate comparison, industrial waste surcharge groups, bill impacts, BOD surcharge comparison, TSS surcharge comparison, communication and best management practices for reducing BOD & TSS.

In response to Mayor Garza on the Restaurant Association's feedback to the proposal, Mr. Hinojosa stated that it was well received after reporting the processing costs. Mr. Hinojosa explained how the San Antonio Water System (SAWS) enforces compliance with restaurants who do not comply with SAWS regulations.

Mayor Garza stated his concern to follow up with the enforcement for those restaurants to comply in terms of waste and how they go about handling disposal.

In response to Councilman Castro with regard to clarification of the surcharge and the impact of the businesses' individual output, Mr. Hinojosa explained the calculations used are for each individual class and that it takes into account the individual volume. He confirmed the surcharge is establishment specific.

Discussion then continued between Councilman Castro and Mr. Hinojosa regarding SAWS increasing water rates. Councilman Castro stated that the proposed increase is warranted with respect to the water rate increase.

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97396

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$884,899.00 FROM G.W. MITCHELL & SONS, INCORPORATED FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE MID-CITY GARAGE AT 240 E. HOUSTON, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$88,489.90 FOR CONSTRUCTION CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL AMOUNT OF \$973,388.90 FROM 2000 PARKING REVENUE BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

Mr. Tom Wendorf, Director, Public Works, gave a presentation on project scope of work, existing view of northeast corner, Houston Street Façade, reconstruction of stairways, construction costs, proposed schedule and pedestrian/shopping access along store fronts, 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:** Sanders, Moorhouse, Martin, Castro, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Herrera, Barrera, Schubert.

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97397

AUTHORIZING THE EXECUTION BY THE CITY MANAGER OR HER DESIGNEE OF AN AGREEMENT EFFECTING CERTAIN CHANGES TO THE SAN ANTONIO-BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION, INCLUDING: (I) ADDING THE EXECUTIVE DIRECTOR OF THE SAN ANTONIO MOBILITY COALITION TO THE TRANSPORTATION STEERING COMMITTEE AS AN EX-OFFICIO MEMBER; (II) PERMITTING THE GREATER BEXAR COUNTY COUNCIL OF CITIES THE FLEXIBILITY TO APPOINT A REPRESENTATIVE IN LIEU OF A MAYOR TO THE TRANSPORTATION STEERING COMMITTEE; AND (III) UPDATING PERSONAL TITLES AND ORGANIZATION NAMES.

\* \* \* \*

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

Mr .Tom Wendorf, Director, Public Works, briefed the City Council on the background and recommended revisions, 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:** Moorhouse, Martin, Herrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Barrera.

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97398

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$100,000.00 FROM THE ANNIE E. CASEY FOUNDATION (AECF) IN SUPPORT OF THE MAKING CONNECTIONS INITIATIVE AND SUPPORTING THE FAMILY ECONOMIC SUCCESS PROGRAM BEGINNING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2003; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTATION WITH AECF IN CONNECTION WITH SAID GRANT; ESTABLISHING A FUND; AUTHORIZING THE TRANSFER OF THE REMAINING FUND BALANCE FROM THE PREVIOUS GRANT YEAR IN THE AMOUNT OF \$45,000.00 TO THE ASSETS FOR INDEPENDENCE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM; AND APPROVING A PROGRAM BUDGET AND PERSONNEL COMPLEMENT.

\* \* \* \*

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on Items #45 and 46 and presented the purpose, overview, savings and work, tax preparation fees, 2001 and 2002 tax seasons, individual development accounts, and the Individual Development Account (IDA) Program coalition, a copy of which is on file with the papers of this meeting. He further delineated asset protection, predatory lending, size of the industry, city services and family economic success outcomes.

In response to Councilman Sanders regarding the cost to the average working family, Mr. Campa stated a charge of over \$200 to include electronic tax preparation, and an anticipated tax return. Mr. Campa also stated that there is over \$56 million available in this program. Councilman Sanders discussed the need to market the program and make it available to low income families.

In response to Councilwoman Conner regarding the IDA program, Mr. Campa stated that there are two locations available City-wide to those families who meet the federal poverty level.

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97399

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM CITICORP IN THE AMOUNT OF \$50,000.00 TO BE USED AS MATCH FUNDING FOR THE ASSETS FOR INDEPENDENCE INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM FOR THE PERIOD OF JANUARY 1, 2003 THROUGH DECEMBER 31, 2003; RATIFYING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS), ADMINISTRATION FOR CHILDREN AND FAMILIES IN CONNECTION WITH THE ASSETS FOR INDEPENDENCE IDA PROGRAM; AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD FROM DHHS IN THE AMOUNT OF \$900,000.00 IN CONNECTION WITH SAID PROGRAM FOR THE PERIOD OF SEPTEMBER 30, 2001 TO SEPTEMBER 29, 2006; AND APPROVING A BUDGET IN CONNECTION WITH SAID GRANTS.

\* \* \* \*

Councilwoman Moorhouse 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:** Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders.

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97400

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO EDUCATION PARTNERSHIP IN THE AMOUNT OF \$40,000.00 FOR THE DISBURSEMENT OF SCHOLARSHIPS TO HIGH SCHOOL STUDENTS ATTENDING MAC ARTHUR, MADISON, REAGAN AND ROOSEVELT HIGH SCHOOLS; AND AUTHORIZING THE ALLOCATION AND EXPENDITURE OF

HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNT OF \$40,000.00 FROM DISTRICT 10 IN CONNECTION THEREWITH.

\* \* \* \*

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a presentation, a copy of which is on file with the papers of this meeting. He outlined the purpose, background information, student participation by Council district as of January 31, 2003, program information, and accountability measures.

Councilman Carpenter stated that he is receiving applications for this worthwhile program.

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

— — —  
2003-12 The Clerk read the following Ordinance:

AN ORDINANCE 97401

AUTHORIZING THE EXPENDITURE OF \$5,000.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, \$1,000.00 FROM THE DISTRICT 8 CONTINGENCY ACCOUNT FUND, AND \$5,000.00 FROM THE DISTRICT 10 CONTINGENCY ACCOUNT FUND TO HELP DEFRAY THE CURRENT OPERATIONAL EXPENSES OF THE SAN ANTONIO SYMPHONY; AND WAIVING THE PROHIBITION AGAINST THE CONSIDERATION OF REQUESTS FOR THE EXPENDITURE OF CONTINGENCY FUNDS 90 DAYS PRIOR TO A COUNCIL ELECTION AS SET OUT IN ORDINANCE NO. 96399 IN ORDER TO ALLOW FOR SUCH EXPENDITURES; AS REQUESTED BY COUNCILMAN BOBBY PEREZ, DISTRICT 1.

\* \* \* \*

Councilman Carpenter made a motion to approve the proposed Ordinance with additional funds from the following districts: District 8 - \$1,000; District 10 - \$5,000. Councilwoman Moorhouse seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke on the creation of the Mayor's Commission on Integrity, and his opposition to \$11,000 being donated to the symphony.

Mr. Steven Brosvik, San Antonio Symphony, received over \$300,000 for the San Antonio Symphony. He thanked the City Council for their continued success.

\* \* \* \*

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

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2003-12      **CITY MANAGER'S REPORT**

Mr. Dale Lockett, Director Convention and Visitors Bureau, recognized City Manager Terry M. Brechtel and Mayor Garza for their leadership on supporting the Miss USA 2003 Pageant.

Mr. Lockett then reported on the Miss USA 2003 costs, a copy of which is on file with the papers of this meeting. He spoke on the Mayor's Host Team, local organization committee, project scope, telecast, ratings results, ROI, video and other exposures.

Mayor Garza thanked Mr. Lockett and his staff for all their work in bringing the pageant to San Antonio.

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2003-12      **CITIZENS TO BE HEARD**

**MS. LORNA ANN CAMELO**

Ms. Lorna Ann Camelo, 6311 Aspen Farm Sq., spoke to her concern regarding VIA Metropolitan Transit Service (VIA) no longer being made available to the Loop 1604

area between Blanco Road and Highway 281. Ms. Camelo provided copies of correspondence from VIA on this issue, a copy of which is on file with the papers of this meeting.

Councilman Schubert stated that it is a difficult situation due to the cost but he has been working with VIA in an effort to find a solution. He noted that transit services in specific medical locations is important.

\* \* \* \*

**MS. MELISSA GALVAN**

Ms. Melissa Galvan, P. O. Box 120352, asked City Council's support for a candlelight service that will be held in honor of the U.S. troops currently stationed in Iraq and their families. She spoke to a special prayer candlelight service scheduled for Saturday, April 5, 2003 at the Alamodome, and asked for the City's support.

\* \* \* \*

**MR. JOE PEREZ**

Mr. Joe Perez, Defuse The B.O.M. B4, requested to have his minutes uncovered.

— — —  
**2003-12 EXECUTIVE SESSION**

The City Council recessed its regular session at 6:49 P.M. in order to convene in Executive Session for the purpose of:

- A) Discuss lease and economic development negotiations, incentives offered, and related legal issues concerning a proposal by the Dallas Cowboys NFL Team to stay in San Antonio for its 2003-2004 training camp, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).
  
- B) Discuss land acquisition, economic development negotiations, incentives offered, and related legal issues concerning a decision by Toyota Motor Manufacturing North America, Inc., to build and operate a manufacturing facility in San Antonio,

pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).

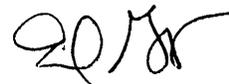
C) Discuss legal issues relating to Luis Morales vs. City of San Antonio, Cause No. 2000-CI-16821, 131st District Court, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

D) Discuss legal issues related to proposed Human Display Ordinance, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 7:46 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.

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2003-12 There being no further business to come before the City Council, the meeting was adjourned at 7:47 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