

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, AUGUST 28, 2003.

* * * *

2003-30 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):

Budget Work Session. (Presented by Louis A. Lendman, Director, Management & Budget; Christopher J. Brady, Assistant City Manager.)

- Parks & Recreation - golf fund.

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. ABSENT: Barrera.

The "B" Session adjourned at 12:48 P.M.

— — —

2003-30 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. ABSENT: Barrera.

— — —

2003-30 Invocation by Dennis Thompson, Highland Terrace Methodist Church.

— — —

2003-30 Pledge of Allegiance to the flag of the United States.

— — —

Councilman Hall thanked the group for their work and efforts in helping the homeless population. He spoke to the cross-section of denominations involved in SAMMinistries, and thanked Councilwoman Radle and Councilman Castro for pushing the issue of hunger and homelessness in the City.

Councilman Castro thanked SAMMinistries for their work, noting it had been a blessing to many. He expressed appreciation for their efforts in the Hunger and Homeless Task Force.

Councilman Haass stated the work that SAMMinistries did was special, noting it was being done at an appropriate time. He spoke to the issue of budget cuts and making changes, but stated as long as there were children who were homeless and hungry, this was an issue that should be focused as a top priority.

Councilman Schubert thanked them for their work, and commented they did a great job.

Mayor Garza thanked the group for their work and efforts, and encouraged the continuation of their partnership with the City.

— — —

2003-30 **MOMENT OF SILENCE**

Mayor Garza requested for a moment of silence for the family of Councilman Enrique Barrera, whose brother recently passed away.

— — —

2003-30 **CONSENT AGENDA – CITIZEN COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to Item #10, and voiced his concern about the issues regarding birth control, and encouraged the new members of the Council to address this in the future. He spoke to item #21, and the liability payment going to be made to an individual who was involved in an accident with a City vehicle, and questioned whether the City employee was reprimanded.

— — —

2003-30 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 6 through 24E, constituting the Consent Agenda, except for Items 7, 8, 9, and 11, which were pulled for individual consideration. Councilman Castro seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98053

ACCEPTING THE OFFER SUBMITTED BY DALLAS MOTORSPORTS MARKETING, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A TANDEM AXLE TRAILER TO BE USED AS A MOBILE COMMAND UNIT, FOR A TOTAL AMOUNT OF \$100,951.00.

* * * *

AN ORDINANCE 98054

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE FOLLOWING ITEMS AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED ANNUAL COST OF \$730,659.00: MAINTENANCE AND REPAIR OF PHYSIO CONTROL MONITORS/DEFIBRILLATORS; ULTRA OPT/CISCS & SQL BACK TRACK FOR MS SQL SR/BMC MAINTENANCE RENEWAL; MAINTENANCE & REPAIR OF CSI TEMPERATURE CONTROL SYSTEM AND I/NET 2000 SOFTWARE AT POLICE HEADQUARTERS DISPATCH CENTER; NEXTEL WIRELESS COMMUNICATION SERVICES AND PRODUCTS; CONTRACEPTIVES; DRILLING WOOD & STEEL POLE FOUNDATIONS; MANHOLE RINGS, COVERS & GRATES; MATERIALS & LABOR TO MAINTAIN HEATING & AIR CONDITIONING SYSTEMS FOR CITY OF SAN ANTONIO DOWNTOWN FACILITIES; WORK UNIFORM RENTAL & LAUNDRY SERVICE; MATERIAL & LABOR TO MAINTAIN & REPAIR AIR CONDITIONING SYSTEM AT THE INFORMATION TECHNOLOGY SERVICES BUILDING; STEEL TUBING, PIPE & BALLS; PORTABLE TABLET COMPUTERS; AND WINDOW CLEANING SERVICES FOR THE CONVENTION CENTER.

* * * *

AN ORDINANCE 98055

RATIFYING ADDITIONAL SERVICES PERFORMED, APPROVING THE TERMS AND CONDITIONS RELATED TO THE FISCAL CLOSEOUT FOR SERVICES ASSOCIATED WITH THE INSTITUTO DE MEXICO, FORMERLY KNOWN AS

THE MEXICAN CULTURAL INSTITUTE, AND THE EXPANSION AND RENOVATION OF THE HENRY B. GONZALEZ CONVENTION CENTER; AUTHORIZING THE FINAL PAYMENT IN THE AMOUNT OF \$196,574.67 PAYABLE TO KELL MUÑOZ ARCHITECTS, INC.; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 78835, SEPTEMBER 30, 1993.)

* * * *

AN ORDINANCE 98056

AUTHORIZING THE EXECUTION OF TWO (2) RIGHT-OF-WAY EASEMENT AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AT SAN ANTONIO INTERNATIONAL AIRPORT IN CONNECTION WITH THE LAYING OUT, CONSTRUCTING AND RECONSTRUCTING OF THE INTERSECTION OF NORTHEAST LOOP 410 AND U.S. HIGHWAY 281 FOR A TOTAL COMPENSATION TO THE CITY OF \$1,046,200.00.

* * * *

AN ORDINANCE 98057

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CHECK-SIX AVIATION, INC. ("CHECK-SIX") CONSISTING OF 10,222 SQUARE FEET OF GROUND SPACE AT STINSON MUNICIPAL AIRPORT FOR A TERM TO BEGIN ON SEPTEMBER 1, 2003 AND CONTINUE ON A MONTH-TO-MONTH BASIS FOR A TERM NOT TO EXTEND BEYOND SEPTEMBER 30, 2005, FOR A COST OF \$42.59 FOR ONE MONTH IN FISCAL YEAR 2003, \$715.54 FOR FISCAL YEAR 2004 AND \$919.98 FOR FISCAL YEAR 2005.

* * * *

AN ORDINANCE 98058

AUTHORIZING THE EXECUTION OF THE SECOND MODIFICATION AND RATIFICATION OF THE LEASE AGREEMENT WITH TCP LAS PALMAS PARTNERS, LTD., AS LANDLORD, FOR USE BY THE SAN ANTONIO POLICE DEPARTMENT, ORIGINALLY APPROVED BY ORDINANCE NO. 66511 ON FEBRUARY 4, 1988, WHICH RELOCATES A POLICE FIELD OFFICE AT 803 CASTROVILLE ROAD FROM SUITE 125, CONSISTING OF 1,050 SQUARE FEET OF OFFICE SPACE TO SUITE 134, CONSISTING OF 854 SQUARE FEET FOR A

MONTHLY RENTAL OF \$200.00 FOR NINETEEN AND A HALF MONTHS, WITH THE ORIGINAL TERM HAVING COMMENCED MARCH 15, 2003 TO CONTINUE THROUGH SEPTEMBER 30, 2004. (AMENDS ORDINANCE NO. 66511, FEBRUARY 4, 1988.)

* * * *

AN ORDINANCE 98059

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH CAPITAL FORESIGHT LIMITED PARTNERSHIP, ACTING BY AND THROUGH NETANEL SAIDOFF, ITS GENERAL PARTNER, AS LANDLORD, FOR THE USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT OF 6,000 SQUARE FEET OF GENERAL OFFICE AND/OR CLINIC SPACE AT 6723 S. FLORES, SUITE #101 BEGINNING SEPTEMBER 1, 2003 AND ENDING AUGUST 31, 2013 AT A RENTAL RATE OF \$5,940.00 FOR MONTHS 1 THROUGH 24 AFTER THE RENT COMMENCEMENT DATE (RCD), \$6,600.00 FOR MONTHS 25 THROUGH 48 AFTER THE RCD, \$6,900.00 FOR MONTHS 49 THROUGH 72 AFTER THE RCD, \$7,200.00 FOR MONTHS 73 THROUGH 96 AFTER THE RCD, AND \$7,500.00 FOR MONTH 97 AFTER THE RCD THROUGH LEASE EXPIRATION AND ADDITIONAL RENT OF \$1,260.00 PER MONTH FOR COMMON AREA (CAM) CHARGES FROM SEPTEMBER 1, 2003 THROUGH DECEMBER 31, 2004, TO BE ADJUSTED THEREAFTER, IN CONNECTION WITH THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC); AND APPROVING PAYMENTS TO THE LANDLORD IN CONNECTION THEREWITH.

* * * *

AN ORDINANCE 98060

AUTHORIZING THE ACCEPTANCE OF ADDITIONAL CASH SUPPORT TOTALING \$143,304.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO EXTEND THE INNER-CITY SCHOOL IMMUNIZATION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FROM AUGUST 31, 2003 THROUGH DECEMBER 31, 2003; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; AND REVISING THE BUDGET OF THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002/2003 – STATE ACCOUNT. (AMENDS

ORDINANCE NOS. 94306, AUGUST 9, 2001; ORDINANCE NO. 96293, SEPTEMBER 5, 2002.)

* * * *

AN ORDINANCE 98061

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A GRANT IN THE AMOUNT OF \$50,000.00 FROM THE NATIONAL ENDOWMENT FOR THE ARTS FOR THE PRODUCTION OF THE THIRD ANNUAL INTERNATIONAL ACCORDION FESTIVAL; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN AGREEMENT WITH THE INTERNATIONAL ACCORDION FESTIVAL, A TEXAS NON-PROFIT ORGANIZATION, TO PRODUCE THE EVENT; AND PROVIDING FOR PAYMENT OF \$50,000.00 TO THE INTERNATIONAL ACCORDION FESTIVAL FOR PRODUCING THE EVENT.

* * * *

AN ORDINANCE 98062

AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE TEXAS ASSOCIATION OF CHILD CARE RESOURCE & REFERRAL AGENCIES (TACCRA) IN CONNECTION WITH THE DEPARTMENT OF COMMUNITY INITIATIVES, CHILDREN'S RESOURCES DIVISION, RESOURCE & REFERRAL SECTION (KIDCARE) PROGRAM, WHICH EXTENDS THE CONTRACT THROUGH MARCH 15, 2004; AUTHORIZING THE ACCEPTANCE OF ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$25,195.00 FOR OPERATION OF THE PROGRAM; AND ADOPTING A REVISED PROGRAM BUDGET REFLECTING THE ADDITIONAL FUNDS.

* * * *

AN ORDINANCE 98063

RATIFYING SUBMISSION OF A CONTINUATION GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF \$101,500.00 FROM THE TEXAS EDUCATION AGENCY (TEA) TO CONTINUE THE ENGLISH LITERACY - CIVICS EDUCATION PROJECT AT THE MARGARITA HUANTES AND WILLIE VELASQUEZ LEARNING AND LEADERSHIP DEVELOPMENT CENTERS FOR

THE PERIOD JULY 1, 2003 THROUGH JUNE 30, 2004; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

* * * *

AN ORDINANCE 98064

AUTHORIZING PAYMENT IN THE AMOUNT OF \$85,000.00 FOR THE FULL AND FINAL SETTLEMENT OF THE CLAIM FILED BY MARY MCNARY WITH THE CITY OF SAN ANTONIO.

* * * *

AN ORDINANCE 98065

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS NEAR HIDDEN FOREST ELEMENTARY IN CONNECTION WITH THE RACQUETBALL & FITNESS 5K TO BE HELD ON SATURDAY, OCTOBER 11, 2003 FROM 7:30 A.M. UNTIL 10:00 A.M.

* * * *

AN ORDINANCE 98066

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS NEAR O.P. SCHNABEL PARK IN CONNECTION WITH THE NORTHWEST YMCA 5K RUN/WALK TO BE HELD ON SATURDAY, DECEMBER 20, 2003 FROM 8:00 A.M. UNTIL 10:30 A.M.

* * * *

AN ORDINANCE 98067

APPOINTING SHANNON D. LEE (DISTRICT 2) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2005.

* * * *

AN ORDINANCE 98068

REAPPOINTING PEGGY A. MUHAMMAD (DISTRICT 2) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON JUNE 27, 2005.

* * * *

AN ORDINANCE 98069

APPOINTING ENEDINA C. VASQUEZ (DISTRICT 5) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2004.

* * * *

AN ORDINANCE 98070

APPOINTING DANIEL LOPEZ (DISTRICT 5) AS DIRECTOR/TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2005 AND MAY 9, 2006, RESPECTIVELY.

* * * *

AN ORDINANCE 98071

REAPPOINTING ROY LEE (DISTRICT 2) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON JUNE 11, 2005.

— — —
2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98072

ACCEPTING THE OFFER FROM HEIDELBERG USA, INC. FOR THE LEASE/PURCHASE OF A NETWORK PRINTER AND MAINTENANCE AND SUPPLIES AND AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT WITH KEY MUNICIPAL FINANCE FOR A TERM OF SIXTY-MONTHS FOR THE PRINTER AND ENACTING OTHER PROVISIONS INCIDENT

AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE FOR A TOTAL ESTIMATED MONTHLY COST OF \$10,638.80.

* * * *

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

In response to Councilman Perez regarding what the beginning lease value meant, Ms. Janie Cantu, Director of Purchasing, explained that it was what the cost of the equipment would be if purchased outright. Since it was being leased, she indicated it was being paid for on a monthly basis, and expounded on the cost of maintenance. She added that this type of equipment was leased as opposed to purchased outright because of the rapid changing technology.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera, Schubert.

— — —
2003-27 The Clerk read the following Ordinance:

AN ORDINANCE 98073

ACCEPTING THE OFFER SUBMITTED BY VERMEER EQUIPMENT OF TEXAS, INC. TO PROVIDE THE CITY OF SAN ANTONIO ENVIRONMENTAL SERVICES DEPARTMENT WITH A TUB GRINDER FOR A TOTAL AMOUNT OF \$350,000.00.

* * * *

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

In response to Councilman Perez regarding whether the total amount of \$350,000 would be paid off by insurance, Ms. Janie Cantu, Director of Purchasing, replied yes.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera, Schubert.

— — —
2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98074

ACCEPTING THE BID SUBMITTED BY ALAMO AG-CON EQUIPMENT, INC. TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH A BACKHOE FOR A TOTAL AMOUNT OF \$52,578.00.

* * * *

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

In response to Councilman Perez regarding the language used on the bid referencing the additional purchase of units, Ms. Janie Cantu, Director of Purchasing, explained that this language was used in all purchases of equipment and vehicles to allow the additional purchase, if necessary, through the same competitive bid.

City Manager Terry Brechtel acknowledged the most important thing was that they were holding the price at the same rate, should an additional vehicle or piece of equipment be purchased.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera, Castro, Schubert.

— — —
2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98075

SELECTING PLACE COLLABORATIVE, INC., GOULD EVANS ASSOCIATES, P.L.L.C. AND C.F. ZAVALA GROUP FOR ON-CALL PROFESSIONAL LANDSCAPE ARCHITECTURE SERVICES FOR VARIOUS PARK DESIGN PROJECTS AND AUTHORIZING EXECUTION OF ONE YEAR CONTRACTS WITH TWO OPTIONAL ONE YEAR RENEWALS.

* * * *

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

In response to Councilman Perez regarding what the maximum amount was that could be made on the contracts, Mr. Malcolm Matthews, Director of Parks and Recreation, indicated the amount was \$25,000 per project. He further noted the appropriation of funding had to be done by the Council, and stated this project was set up to speed construction and complete the projects in a timely manner.

Councilman Perez spoke to the aesthetic portion of these projects, noting things such as an irrigation system and nice landscaping contributed to the overall quality of any building.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera, Schubert.

— — —

2003-30 ZONING CASES

3A.) CASE NUMBER #Z2003129 - The request of HEB Grocery Company, L. P., Applicant, for H.E.B. Grocery Company, L. P., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "I-1" General Industrial District on P-23C, NCB 16095, 6555 Fratt Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

Councilman Williams 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:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera, Schubert.

AN ORDINANCE 98076

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 P-23C, NCB 16095, 6555 FRATT ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

* * * *

3B.) CASE NUMBER #Z2003132 - The request of Kaufmann and Associates, Inc., Applicant, for Knox Miller, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 33.27 acres out of NCB 16612, Foster Road near Candle Meadow. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

Councilman Williams made a motion to approve the proposed rezoning. Councilman Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera, Schubert.

AN ORDINANCE 98077

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 33.27 ACRES OUT OF NCB 16612, FOSTER ROAD NEAR CANDLE MEADOW, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

* * * *

3C.) CASE NUMBER #Z2003130 - The request of Jose J. Martinez, Applicant, for Jose J. Martinez, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MH" Manufactured Housing District on Lot 28, Block 18, NCB 10900, 323 Esma Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilman Segovia 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:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98078

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 28, BLOCK 18, NCB 10900, 323 ESMA STREET, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MH" MANUFACTURED HOUSING DISTRICT.

* * * *

3D.) CASE NUMBER #Z2003135 - The request of Robert and Gloria M. Valdez, Applicant, for Robert and Gloria M. Valdez, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3 NA" Commercial Non-Alcoholic Sales District on southeast 105 feet of Parcel 108A, NCB 11300, 8615 New Laredo Highway. 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.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98079

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 SOUTHEAST 105 FEET OF PARCEL 108A, NCB 11300, 8615 NEW LAREDO HIGHWAY, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT.

* * * *

— — —
3E.) CASE NUMBER #Z2003137 - The request of Jose G. and Maria I. Mendoza, Applicant, for Jose G. and Maria I. Mendoza, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "MF-33" Multi-Family District on P-100 (6.149 acres), Block 2, NCB 14552, 11222 Gaylord Drive. 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.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98080

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 P-100 (6.149 ACRES), BLOCK 2, NCB 14552, 11222 GAYLORD DRIVE, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

* * * *

— — —

3F.) CASE NUMBER #Z2003068 C - The request of Martin Gutierrez, Applicant, for Martin Gutierrez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-1 C" Commercial District with a conditional use for an auto repair shop on Lot P-22, NCB 17929, 8537 Bandera Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 7)

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

Councilman Castro made a motion to continue this rezoning case until the City Council meeting of September 25, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until September 25, 2003, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

Zoning Case #Z2003068 C was continued to the Council meeting of September 25, 2003.

— — —

3G.) CASE NUMBER #Z2003136 - The request of A. S. M. Ferdous, DBA Investment Ideas, L. L. C., Applicant, for A. S. M. Ferdous, d/b/a Investment Ideas, L. L. C., Owner(s), for a change in zoning from "O-2" Office District & "NP-10" Neighborhood Preservation District to "R-6" Residential Single-Family District on Lot P-12C 2.618, P-15G 0.583, P-140 2.535 & P-214 3.748, NCB 15005, 15000 Block of Heath Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Councilman Castro made a motion to continue this rezoning case until the City Council meeting of September 11, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until September 11, 2003, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

Zoning Case #Z2003136 was continued to the Council meeting of September 11, 2003.

— — —

3H.) CASE NUMBER #Z2003100 C - The request of Bitterblue, Inc., Applicant, for Rogers Shavano Ranch, LTD, Owner(s), for a change in zoning from "R-6 ERZD PUD" Residential Single-Family Edwards Recharge Zone District, Planned Unit Development and "C-3 ERZD" Commercial Edwards Recharge Zone District to "R-6 ERZD C" Residential Single-Family Edwards Recharge Zone District, with conditional use for a private high school on 13.3 acre tract out of NCB 17627, 4150 De Zavala Road. 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.

Councilman Hall made a motion to approve the proposed rezoning. Councilman Segovia seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Radle. **ABSENT:** Barrera.

AN ORDINANCE 98081

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 13.3 ACRE TRACT OUT OF NCB 17627, 4150 DE ZAVALA ROAD, FROM "R-6 ERZD PUD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT, PLANNED UNIT DEVELOPMENT

AND "C-3 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "R-6 ERZD C" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT, WITH CONDITIONAL USE FOR A PRIVATE HIGH SCHOOL.

* * * *

3I.) CASE NUMBER #Z2003123 - The request of Kim McCarthy, Applicant, for Jeanie Wyatt, Owner(s), for a change in zoning from "R-20" Residential Single-Family District to "NC" Neighborhood Commercial District, save and except a fifty (50) strip along the northern border of the property and a ten (10) foot strip along the eastern border adjacent to Tejas Trail West on Lot 5, Block D, NCB 35936, 20215 Tejas Trail West. 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.

Councilman Hall 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:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98082

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, BLOCK D, NCB 35936, SAVE AND EXCEPT A FIFTY (50) FOOT STRIP ALONG THE NORTHERN BORDER OF THE PROPERTY AND A TEN (10) FOOT STRIP ALONG THE EASTERN BORDER OF THE PROPERTY ADJACENT TO TEJAS TRAIL WEST, 20215 TEJAS TRAIL WEST, FROM "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

3J.) CASE NUMBER #Z2003117 C - The request of James S. Calvert, Applicant, for Mary Anita Dittmar Calvert, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "R-4 C" Residential Single-Family District with conditional use for a triplex on Lots 12, 13, and 14, Block 1, NCB 6524, 422 Pershing Avenue. 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.

The following citizen(s) appeared to speak:

Ms. Lisa Dundas stated they met with the Neighborhood Association, and indicated the applicant had agreed to contribute \$500 to be used to hire an off-duty Constable to assist with the control of traffic.

* * * *

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98083

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 12, 13, AND 14, BLOCK 1, NCB 6524, 422 PERSHING AVENUE, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A TRIPLEX ON THE PROPERTY.

* * * *

— — —

3K.) CASE NUMBER #Z2003122 - The request of Maverick Oil Co., Inc., Applicant, for Maverick Oil Co., Inc. (Jeannie C. Ball), Owner(s), for a change in zoning from "MF-33" Multi Family District and "R-6" Residential Single Family District to "RM-4" Residential Mixed District on a 8.998 acre tract of land out of NCB 14943, Eastside of Naco-Perrin Boulevard. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

Councilman Haass 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:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98084

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 A 8.998 ACRE TRACT OF LAND OUT OF NCB 14943, EASTSIDE OF NACO-PERRIN BOULEVARD, FROM "MF-33" MULTI FAMILY DISTRICT AND "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "RM-4" RESIDENTIAL MIXED DISTRICT.

* * * *

— — —

3L.) CASE NUMBER #Z2003134 - The request of Tony Obeid/Salah Diab, Applicant, for Adopt a Needy Family Inc., Owner(s), for a change in zoning from "C-3NA" General Commercial Nonalcoholic Sales District to "R-5" Residential Single-Family District on Lot P-11 & P12, NCB 16587, 14976 & 15016 Toepperwein. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

Councilman Haass 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:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 98085

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 P-11 & P12, NCB 16587, 14976 & 15016 TOEPPERWEIN, FROM "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

* * * *

— — —

2003-30 INDIVIDUAL ITEMS - CITIZEN COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke to Items 27 & 28. He noted Mr. David Earl was a lobbyist who had given campaign contributions, and was representing Mr. John Schaefer. He urged the Council to abstain from voting if they had received a contribution from Mr. Earl, to avoid the appearance of a conflict of interest. He further voiced his objections about the omission of the ethics disclosure statement in the back-up documents of this item.

— — —

2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98086

AUTHORIZING THE APPROPRIATION OF \$80,000.00 OF PROPOSITION 3 LINEAR PARKS PROJECT FUNDS INTO THE LEON VISTA PARK

IMPROVEMENTS PROJECT BUDGET IN CITY COUNCIL DISTRICT 7 FOR PARK CONSTRUCTION EXPENSES; AS REQUESTED BY COUNCILMAN JULIAN CASTRO, DISTRICT 7.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation regarding the allocation of Proposition Three Funds for Leon Vista Park, a copy of which was made part of the official papers of this meeting. He discussed the background of Proposition Three, including the six-signature memo that was submitted by Councilman Castro, and expounded on the scope of work regarding the building renovation for Leon Vista Park.

Ms. Susan Crane, Special Projects, Public Works, continued with the slide presentation, and spoke to the purpose of the Proposition Three Creekways, noting it would provide for linear parks within the City along Leon Creek and Salado Creek. She expounded on the Leon Creek priority ranking, and the total resources.

Councilman Castro spoke to the benefits of this program, and expressed approval on the money that was being allocated. He further spoke to the benefits of the park for the entire community.

Councilman Hall expressed concern as to how they were using the funds from Proposition Three. He reminded the Council that there were different pots of money they were dealing with. He stated a lot of their bond dollars were being used for parks, and suggested they be careful on how they spend these dollars. He spoke to the Proposition Three dollars, and stated the original idea was to buy as much land as possible. He acknowledged his priority was to go out and acquire the land with the sales tax, and then go back later and use bond dollars. He again urged the Council to use caution with the Proposition Three dollars, and questioned why they couldn't use other pockets of dollars for this project.

Mr. Matthews replied that it had to do with the availability of funding, or lack of from other funding sources. He stated the Proposition Three Creekway portion allows there to be specific types of improvements, but added that there was a limited amount of money that would be utilized for development on the creeks. He indicated that because the property in District 7 was intended all along for it to be a trailhead, it fit the Proposition Three definition.

Councilman Hall acknowledged that Proposition Three dealt with acquisition, and therefore would prefer to spend 100% on acquisition. He stated the idea was to stem development so that they could eliminate the possibility of others using the land. He further stated they had to distinguish what the voters' intent was.

Councilman Williams concurred with Councilman Hall and Councilman Castro, and encouraged colleagues to look at what this Proposition will do.

In response to Councilman Williams, Ms. Crane spoke to each priority listed, and expounded on the details of each priority and explained how they closed the gaps.

Councilman Williams spoke to the timeline acquisitions, to which Ms. Crane explained the projects that were going on. She confirmed there weren't any problems or concerns at this point.

Councilman Castro addressed the concerns brought up, noting he did agree with Councilman Hall. He stated the aspirations of the community was for the Council to be good stewards of the money, and added that this was an opportunity to enhance the community's opportunity to connect. He did acknowledge that they had to be careful and cap the amount they use. He further stated this would fulfill the entire mission of Proposition Three, while acknowledging there were instances to use some of the funds in this manner.

Councilwoman Radle expressed her support for the caution on how this money is spent.

Councilman Perez concurred with Councilman Hall regarding the importance of using the money wisely, and utilizing the dollars earmarked clearly for the purchase of land.

In response to Councilman Perez regarding why there wasn't background information included in Priority #4 – Military to Somerset piece, Ms. Crane explained they had environmental concerns, but assured Council that they were looking at properties in every priority sections. However, she noted they were moving forward with those that were attainable and connectable, and acknowledged they were trying to make this a coherent process.

Councilman Perez suggested that he and Ms. Crane sit down and discuss these environmental concerns in detail.

In response to Councilman Schubert regarding how they go around a piece of property with environmental problems if they are looking at connectivity, Ms. Crane indicated they were trying to come up with a route that will not be impacted by the environmental issues.

Discussion continued between Councilman Schubert and Ms. Crane regarding the remaining money.

Mr. Christopher Brady, Assistant City Manager, stated that after the Proposition was approved, they did bring it to Council during a budget session to show the allocation of acquisition and confirmed they did lay out a budget for the program.

Ms. Crane explained how they looked at various neighborhoods that provide access to several areas, but acknowledged that not all of the properties will allow access from a paved street.

Mr. Matthews acknowledged they had done trail development, which was not funded from Proposition Three, for Leon Vista, and discussed the possibility of matching grants which he stated was the thought behind saving money for improvements. He noted they would have to improve the parking in that area because of its location.

In response to Councilman Schubert regarding what they could do with the \$80,000, Mr. Matthews stated they could provide for an ADA accessible restroom, classrooms, a meeting space, and ADA path trails. Because the creeks would need to have some level of security, he added there was also going to be a Park Police office area.

Councilman Schubert acknowledged there was a sense from Council that they needed to be studious on how they spend this money. He stated he would be concerned if they were fixing up a building just for the Park Police, noting this shouldn't be done with Proposition Three money, but Mr. Matthews confirmed the City already owned the building.

In response to Councilman Haass regarding what steps would occur if Council did not approve this Ordinance, Mr. Matthews stated the building would be boarded up, and they would have to keep the facility closed.

Ms. Crane further noted that at any time they get a structure in the program, it would require at the minimum ADA accessibility if it was through Proposition Three funding, and Council would have to decide if they can move forward.

Councilman Haass stated he had mixed feelings, and noted they were moving quickly. He further added that the mandate was there for a reason, but acknowledged that this purchase qualified in the guidelines.

Councilman Williams reminded the Council that there were two distinct propositions. He stated the Edwards Proposition had a \$45 million price tag, and Proposition Three was designed to find and acquire land, and have ability to have hike and bike trailways. He

stated this project was justified, and added that it came in the spirit of what taxpayers wanted them to do with these dollars.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Schubert, Haass, Garza. **NAYS:** Hall. **ABSENT:** Barrera.

— — —
2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98087

GRANTING A WAIVER OF THE INTERIM DEVELOPMENT CONTROLS ADOPTED ON FEBRUARY 6, 2003 BY ORDINANCE 97173 TO DAVID L. EARL ON BEHALF OF JOHN SCHAFER AS SUCH INTERIM CONTROLS APPLY TO A 119.096 ACRE TRACT OF LAND LOCATED EAST OF LOOP 410 AND STATE HIGHWAY 16. (AMENDS ORDINANCE NO. 97173, FEBRUARY 6, 2003.)

* * * *

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

Mr. Emil Moncivais, Director of Planning, spoke to the petition for a waiver of requirements in the limited purpose annexation, a copy of which was made part of the official papers of this meeting. He discussed the background, and stated that in accordance with the interim development controls, no permits for development are being issued without City Council review. He further expounded on the Interim Development Control waiver, and the criteria for such waiver.

Mayor Garza stated this property was platted for manufactured homes, but indicated they had been working with the property owner for a single family development. He confirmed he would be supporting this ordinance.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Barrera.

2003-30 The Clerk read a proposed ordinance granting a request submitted by David L. Earl on behalf of John Schafer for waiver of the interim development controls adopted on February 6, 2003 (Ord. 97173) as it applies to 429 acre tract of land (Southton Park Subdivision) located west of Southton Road and Blue Wing Road.

Mr. Emil Moncivais, Director of Planning, spoke to the petition for a waiver of Interim Development Controls in the Limited Purpose Annexation area for 429 acres located west of Southton Road and Blue Wing Road, a copy of which was made part of the official papers of this meeting. He expounded on the Interim Development Control waiver, and the criteria that must be met in order for Council to waive the application.

Councilman Segovia made a motion for continuance, so that the developers could continue to work with staff to make sure it coincides with the Southside Initiative. After viewing this area, he stated this was a major development with much potential. Councilman Hall seconded the motion.

Mayor Garza noted there were 2 issues in terms of Interim Development Controls, the first one with vested rights and the other without. He stated it was important to see what this plan is as it relates to zoning.

After discussion, the motion for continuance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

— — —

2003-30 The Clerk read a proposed ordinance acknowledging a unilateral modification to the Alamo Area Child Care Delivery System (CCDS) contract with the Alamo Workforce Development, Inc. de-obligating direct child care funds in the amount of \$65,837.00 earmarked for the Welfare-to-Work (WTW) Program, and awarding additional funds in the amount of \$300,000.00 for CCDS Program Operations, respectively; authorizing the acceptance of the additional funds; and adopting a revised CCDS Program budget; effectively immediately if passed by at least eight votes.

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

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

Mr. Dennis Campa, Director of Community Initiatives, spoke to the Children's Resources Division Alamo ChildCare Delivery System (CCDS) for fiscal year 2003, a copy of which was made part of the official papers of this meeting. He spoke to the Alamo Area

CCDS quality improvement activities contracts with the Alamo Workforce Development, Inc., which would de-obligate direct child care funds, and discussed the utilization of funds, and the CCDS accountability measures.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Williams, Barrera, Garza.

(This item was subsequently reconsidered later in the meeting – see page 28.)

— — —
2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98088

ACKNOWLEDGING A UNILATERAL MODIFICATION TO THE QUALITY IMPROVEMENT ACTIVITIES (QIA) CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC. AWARDING ADDITIONAL FUNDS IN THE AMOUNT OF \$350,000.00; AUTHORIZING ACCEPTANCE OF THIS FUNDING; AND ADOPTING A REVISED PROGRAM BUDGET FOR FISCAL YEAR 2003; EFFECTIVE IMMEDIATELY IF PASSED BY AT LEAST EIGHT VOTES. (AMENDS ORDINANCE NO. 94647, SEPTEMBER 27, 2001.)

* * * *

Councilman Haass made a motion to approve the proposed Ordinance. Councilwoman Radle seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, stated the previous item, 29A, was to receive additional money to complete the year, and this ordinance, 29B, was to accept money for the next fiscal year for both the CCDS and Quality Improvement Activity program, as well as to authorize funding for a 2-year grant award for the operation of these programs.

In response to Councilman Hall as to why the 8 votes were necessary, Mr. Campa stated this would allow the Ordinance to take effect immediately before September 1st.

In response to Councilman Williams, Mr. Campa expounded on the ongoing certification process. He further stated there were a number of child care teachers continuing their education. He discussed the Smart Start program, noting the City has invested in this initiative. He informed the Council that the State moved their quality dollars from the

Texas Workforce Commission to the Texas Department of Protective and Regulatory Services, and it would fall upon local communities to continue to make investments to improve the quality of local child development, and noted the City has a history of doing so.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Barrera, Garza.

— — —
2003-30 At this time, reconsideration of Item #29A was resumed.

Councilman Haass made a motion to reconsider this item at this time, since the original vote did not receive the 8 votes required for immediate passage. Councilman Perez seconded the motion.

After consideration, the motion to reconsider this item, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Barrera, Garza.

The Clerk then read the following Ordinance:

AN ORDINANCE 98089

ACKNOWLEDGING A UNILATERAL MODIFICATION TO THE ALAMO AREA CHILD CARE DELIVERY SYSTEM (CCDS) CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC. DE-OBLIGATING DIRECT CHILD CARE FUNDS IN THE AMOUNT OF \$65,837.00 EARMARKED FOR THE WELFARE-TO-WORK (WTW) PROGRAM AND AWARDED ADDITIONAL FUNDS IN THE AMOUNT OF \$300,000.00 FOR CCDS PROGRAM OPERATIONS, RESPECTIVELY; AUTHORIZING THE ACCEPTANCE OF THE ADDITIONAL FUNDS; AND ADOPTING A REVISED CCDS PROGRAM BUDGET; EFFECTIVE IMMEDIATELY IF PASSED BY AT LEAST EIGHT VOTES. (AMENDS ORDINANCE NO. 94646, SEPTEMBER 27, 2001.)

* * * *

Councilman Haass made a motion to approve the proposed Ordinance. Councilman Williams seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Barrera, Garza.

— — —
2003-30 The Clerk read the following Ordinance:

AN ORDINANCE 98090

AUTHORIZING THE EXECUTION OF A CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC. (AWD) FOR OPERATION OF THE ALAMO CHILD CARE DELIVERY SYSTEM (CCDS) AND QUALITY IMPROVEMENT ACTIVITIES (QIA) PROGRAMS FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2005; AUTHORIZING THE ACCEPTANCE OF A FIRST YEAR ALLOCATION GRANT FUNDS IN THE AMOUNT OF \$32,760,234.00 FOR THE OPERATION OF THESE PROGRAMS FOR FISCAL YEAR 2003-2004; AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS WITH ALAMO AREA DEVELOPMENT CORPORATION (AADC) AND FAMILY SERVICE ASSOCIATION OF SAN ANTONIO (FSA) IN THE AMOUNT OF \$701,955.00 AND \$409,951.00, RESPECTIVELY, IN CONNECTION WITH THE OPERATION OF THE ALAMO CCDS AND QIA PROGRAMS; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT; EFFECTIVE IMMEDIATELY IF PASSED BY AT LEAST EIGHT VOTES.

* * * *

Councilman Williams made a motion to approve the proposed Ordinance. Councilman Haass seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Barrera, Garza.

— — —
2003-30 **CITY MANAGER'S REPORT.**

City Manager Terry Brechtel, indicated they were going to present the quarterly report on the human services fund.

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding an update on the Human Development Services Fund, a copy of which was made part of the official papers of this meeting. He spoke to the purpose of the Human Development Services Fund, and how it works to improve the lives of San Antonio's children, families, seniors and individuals. He noted that to date, the City Council has invested more than 1.2 million dollars in the community. He spoke to the impact of these funds regarding higher education.

(Mayor Garza returned to the meeting and presided.)

In response to Councilman Castro, Mr. Campa stated the City Manager was recommending \$20,000 per Council district.

Councilman Castro suggested they look into reducing the amount and achieving an economy of scale in being more disciplined in spending by putting a portion of this fund back into the Elderly Services Division. He acknowledged that many of the allocations have been good ones, but suggested they could be more disciplined in achieving an economy of scale. He further suggested that anything over \$100 or \$200 go to Council for approval.

Councilman Williams concurred with Councilman Castro, but suggested they continue with status quo until they have a better handle on what will be done with elderly services.

Mr. Campa expounded on the Human Development Services Fund Council Commitments, noting that in previous fiscal years, Councilmembers would ask other Councilmembers to make an investment on their behalf.

In response to Councilwoman Radle regarding the total allocation, Mr. Campa explained this was \$200,000 in carry forward money. He discussed the beginning balance for this year, and cited figures for District 5.

Councilman Perez concurred with Councilman Williams regarding the continuation of this fund, which allows for enhancements in his District. He stated he understood people's apprehensions, but stated things were different, and this new Council was doing things differently. He expressed his belief that this Council would be judicious in the use of this money, noting these dollars were necessary.

In response to Councilman Schubert regarding the costs related to processing these requests, Mr. Campa described it as an extensive process. He stated it took time to work with agencies.

Councilman Schubert concurred with Councilman Castro, and suggested they set a floor on these kinds of funds.

— — —

2003-03 PUBLIC HEARING AND ORDINANCE: AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, ARTICLE III TO CREATE FIVE NEW ZONING DISTRICTS.

Mayor Garza declared the Public Hearing to be open.

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding staff's recommendation of creating 5 new flex zoning districts which will facilitate the implementation of the Southside Initiative Community Plan, a copy of which was made part of the official papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, stated the City continues growing to the point where it's causing potential problems in the future. He spoke in favor of job growth, but noted he did not favor the problems it comes with.

Mr. John Crone, 14502 Brook Hollow, alleged the City was micromanaging, and stated the decisions they make on this issue would affect the economic growth of this City. He spoke of his involvement in mixed development, and cited examples of cities that he stated "micromanaged" and are now losing jobs.

Dr. Leo Sayaverdra, Vice-Chancellor of Texas A&M University campus in San Antonio, stated Legislation was passed that allowed them to build such a campus, and acknowledged they were in the process of putting all the pieces together. He confirmed they had been involved since the beginning of this initiative. He spoke to the importance of a strong educational system, and their commitment to this City to develop a coordinated effort from the elementary level to the university level.

Mayor Garza concurred that Texas A&M has been involved for over a year, and reiterated that the educational component was key.

Mr. Faris Hodge, Jr., 140 Dora, expressed his opposition to this plan, and alleged that the Council was discriminating. He agreed that the Southside of San Antonio did need help, but noted there were other areas as well.

Ms. Allison Elder, President of the Land Heritage Institute, congratulated Mr. Moncivais and his staff for the excellent work they did. She stated they have had an open, inclusive process. She stated the plan they had was an opportunity to take a leap forward.

Ms. Cindy Taylor, President of the South San Antonio Chamber of Commerce, informed the Council that the Chamber formed the South Side Initiative Business Corridor Committee, noting they had a meeting every week that provided for an opportunity for participation. She commended Mr. Moncivais and his staff for their work up to this point, and expressed her belief that the community has had strong input.

* * * *

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

Mayor Garza commended staff for their efforts in developing a timeline and sticking to it, and acknowledged they would have many more public meetings. He stated this was a plan adopting zoning districts, and they hoped to lay a strong foundation. He noted the southside of San Antonio has not seen development for several decades, and what they are trying to do is come up with a creative way of changing the perceptions of this sector of town, as well as allowing growth to occur. He spoke to the input from citizens and elected officials and the input from Toyota, which has been important. He stated they are embarking on something new and different. He spoke to the challenges in terms of cost issues, noting it should give the entire community the motivation to make this work because it's important for the future. He spoke to the amendments from the Zoning Commission, many of which he stated were justified. He stated one of the amendments today would be to continue to work on the site plan that Toyota will be introducing in the coming weeks, which is something the entire community is waiting for.

Councilwoman Radle expressed concern that they were making a big decision in an area of town that she's not familiar with. She stated her biggest worry would be stepping on people's dreams, and affirmed her position, and urged Council to consider people so that they may continue doing what they are doing, and that they wouldn't lose farmland or ranchland.

The Clerk then read the following Ordinance:

AN ORDINANCE 98091

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANOTNIO, TEXAS, BY AMENDING ARTICLE III TO CREATE FOUR NEW ZONING DISTRICTS BY ADDING SECTIONS 35-310.15, "UD" URBAN DEVELOPMENT DISTRICT, 35-310.16, "RD" RURAL DEVELOPMENT

DISTRICT, 35-310.17, "FR" FARM AND RANCH DISTRICT, 35-310.18, "MI-1" MIXED LIGHT INDUSTRY DISTRICT, AND AMENDING VARIOUS SECTIONS OF ARTICLE III TO INCLUDE THE NEW DISTRICTS.

* * * *

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

Councilman Perez then made a motion to approve the proposed amendments:

- 1) Urban Development District – Front porch requirement percentage – change from 50% - 70%.
- 2) Rural Development Flex District MXD option Multi family (apartment) – change from 40% not to exceed 25% - 25 units per acre.
- 3) Add 2 single family maximum dwelling units per acre in Rural Development District.

Councilman Segovia seconded the motion.

In response to Councilman Schubert, Mr. Moncivais discussed the community re-zoning meeting, and noted the purpose of the meeting would be to go out to the community and explain the new districts. He acknowledged they would notify all of the property owners in this area, and spoke of the joint effort between Developmental Services and the Planning Department.

Discussion ensued between Councilman Schubert and Mr. Moncivais regarding the opportunities for the community to discuss their thoughts on the appropriate zoning.

Mr. Florencio Pena, Director of Developmental Services, confirmed the notices would be sent out tomorrow.

Councilman Schubert acknowledged that this was not a typical zoning case.

Mr. Pena stated that in terms of the legal process for notification, it was being handled the same as a typical zoning case, but acknowledged aside from this, they are treating this case differently. He confirmed there were 2,600 property owners and 4,000 parcels. He spoke to area wide zoning hearings, but noted this was a much larger area.

Councilman Schubert stated this was a different situation, and expressed his belief that they will have a tremendous number of owners who have no experience with the Zoning Commission. He spoke to the magnitude of this area, and the possibility of the Council being up there for a very long period of time at more than one meeting to sort out all of this if people start to make appeals. He wanted to make certain that the notification was sufficient.

Mr. Moncivais discussed the meetings that will be held, and acknowledged that in addition to the meetings, they would continue to work with those in this area.

Councilman Schubert acknowledged he didn't vote for the initial plan because he felt it was terribly inflexible, but noted this was a much better plan, but emphasized the definition of flexibility.

Ms. Terry Brechtel, City Manager, stated they would look at the notice, and suggested the possibility of holding two public hearings.

In response to Councilman Schubert regarding those living out of town who were property owners and how they would be informed, Ms. Brechtel affirmed they would have to take this into consideration.

Mayor Garza acknowledged they were flexible in the interim development, and urged Mr. Moncivais to advise them of the demand for time and feedback.

Mr. Moncivais explained the rationale behind Councilman Perez' amendments, and expounded on the porch requirements.

Councilman Segovia commended Mr. Moncivais and his staff, and expressed appreciation to him for their valuable input. He stated they vowed as Councilmembers to make sure they work with staff to guarantee flexibility.

Councilman Segovia then made a motion to approve the proposed amendments:

- 1.) Urban Development District: Garages less than 15' wide shall be setback from 10' to 15' behind adjacent front façade.
- 2.) Pulling Heavy Industrial MI-2 Flex District and bringing it back on September 11, 2003 to allow for inter-district transfer.

Councilman Perez seconded the motion.

Councilman Hall stated he enjoyed the discussion, noting he heard all of the comments made. He expressed appreciation to the Mayor for his vision, and looked forward to supporting a vote. He further expressed his hope that this would serve as a model that the City of San Antonio could follow.

Councilwoman Radle expressed concern that Councilman Perez' amendments were playing into the micromanagement issue.

Ms. Jeylenne Burley, Assistant City Manager, expounded on the amendments made regarding the garages in the Urban Development District.

Councilman Flores stated the discussion thus far has been important to him, because this would also impact his district greatly. He spoke to the Mayor's vision, and offered his congratulations.

Councilman Castro stated he was glad that one more step was being made into the vision, and noted it was essential that the kind of planning that had been done happened this time so that they can truly plan out a great community.

Councilman Haass stated the Northside has seen excessive growth. He applauded Councilman Schubert's notion that this would not be easy, and agreed they would have critics. He noted that while this is complicated, they were fighting the good fight and moving forward.

Councilman Williams congratulated the Mayor and his colleagues in the Southside, and expressed appreciation for their concerns about the Eastside. He expressed to Mr. Moncivais that he was gleefully waiting to share an extension of this development to the Eastside, and welcomed dialogue about what the Urban Land Institute could do for this sector of the City.

Mayor Garza thanked the entire Council, including Councilmen Perez and Segovia whom he stated will represent a new portion in San Antonio. He stated this was an opportunity to look at an area that has been hungry, noting that what they want to do is become a partner in this investment. He thanked his colleagues for their participation.

After consideration, the motion as presented by Councilman Segovia, prevailed by the following votes: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza **NAYS:** None. **ABSENT:** Barrera

After consideration, the motion presented by Councilman Perez, prevailed by the following votes: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza **NAYS:** None. **ABSENT:** Barrera

After consideration, the main motion as amended, carrying with it the passage of the following ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza **NAYS:** None. **ABSENT:** Barrera

MR. NAZIRITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, 627 Hearne Avenue, referenced a dollar bill, and discussed the pyramid in the back of a bill that contained a phrase in Latin. He cited biblical verses, and discussed a new world order.

* * * *

MS. MARY BETH DUERLER

Ms. Mary Beth Duerler, President of the Responsible Pet Owners Alliance, discussed an agreement that was terminated with the Animal Control Division to take the pure bred dogs into their program, and rehabilitate them. She stated the problem in this City was pet retention, and their focus was to place pets in suitable homes. She submitted a proposal to Council, a copy of which was made part of the official papers of this meeting.

* * * *

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the City purchasing \$10 million dollars worth of cars for the San Antonio Police Department. He spoke to the request for a budget adjustment, and gave the definition of a meeting, noting they were in violation of the 1st amendment.

* * * *

MR. JOSE PEREZ

Mr. Jose Perez presented an attachment to councilman Williams, and spoke to the Economic Development Center not being what they state to be. He urged Councilman Williams to intervene and try to make things happen for the small business man. He expounded on the problems he encountered with the Economic Development Center.

* * * *

MR. WALTER HAGEN

Mr. Walter Hagen addressed misconceptions about purebred dogs, noting there was no such thing as a purebred dog showing up at the Animal Control Facility. He stated the rescue people were not getting dogs from this facility. He alleged the Animal Control

Facility was giving dogs to the Humane Society of Bexar County, but indicated they were full to capacity.

— — —

2003-30 At 5:35 P.M., Mayor Garza recessed the City Council meeting.

— — —

2003-30 **"B" SESSION - BUDGET WORK SESSION.**

The meeting was convened at 6:35 P.M. to resume the Budget Work Session.

The Budget Work Session comprised of the following departments:

- Environmental Services

— — —

2003-30 There being no further business to come before the City Council, the meeting was adjourned at 8:06 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