

2004-01 Minutes for the Regular City Council Meeting of October 16, 23, and 30, 2003 were approved as presented.

— — —
2004-01 CONSENT AGENDA – CITIZEN COMMENTS

Mr. Jack M. Finger spoke to item 11 and the routine lease agreements, and alleged Dr. Fernando Guerra was not diligent in his Ethics Disclosure statement. He then spoke to item 13, and the allocation of funds to various organizations. He spoke against the funding of Big Brothers and Big Sisters.

2004-01 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 6 through 16G, constituting the Consent Agenda, except for items 6, 8, 13, 14, 15, and 16A which were pulled for individual consideration. Councilman Hall 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, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

AN ORDINANCE 98647

ACCEPTING THE BID FROM COMMERCIAL DATA SYSTEMS, INC., UTILIZING THE TEXAS BUILDING AND PROCUREMENT COMMISSION TXMAS PROGRAM, TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH HARDWARE AND SOFTWARE FOR A STORAGE AREA NETWORK FOR THE PUBLIC SAFETY INTEGRATED TECHNOLOGY PROJECT FOR A TOTAL OF \$221,783.00.

* * * *

AN ORDINANCE 98648

ACCEPTING THE LOW, RESPONSIVE BID WITH BID ALTERNATES 1, 2 AND 3 BY SHEAMAR, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE ALDERETE PARK IMPROVEMENTS PROJECT IN CITY COUNCIL DISTRICT 5 FOR A TOTAL CONTRACT COST OF \$109,490.00; APPROPRIATING \$120,000.00 IN 1999 PARK BOND FUNDS; AUTHORIZING \$8,250.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,100.00 FOR MANDATORY PROJECT FEES; AUTHORIZING

\$1,160.00 FOR BID ADVERTISING/PRINTING EXPENSES; AND PROVIDING FOR PAYMENT.

* * * *

AN ORDINANCE 98649

AUTHORIZING THE TRANSFER OF \$270,156,000 IN 2002 CERTIFICATES OF OBLIGATION TO THE BUILDING MAINTENANCE IMPROVEMENT AND CONTINGENCY FUND 76-001 AND CREATING PROJECT BUDGETS TO FACILITATE MODIFICATIONS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT IN THE POLICE HEADQUARTERS AND FRANK WING MUNICIPAL COURT BUILDINGS PER AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE U.S. DEPARTMENT OF JUSTICE.

* * * *

AN ORDINANCE 98650

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH RONALD R. DEROO C/O THE BRIAN BRADY COMPANY, FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT IN CONNECTION WITH THE WOMEN, INFANTS & CHILDREN PROGRAM (WIC PROGRAM) OF APPROXIMATELY 4,258 SQUARE FEET OF CLINIC AND OFFICE SPACE IN THE SAM HOUSTON SHOPPING CENTER LOCATED AT 1013 RITTIMAN ROAD AT A RATE OF \$3,619.30 PER MONTH FOR THE PERIOD DECEMBER 8, 2003 THOUGH DECEMBER 7, 2005 AND AT A RATE OF \$3,832.20 PER MONTH FOR THE PERIOD DECEMBER 8, 2005 THROUGH DECEMBER 7, 2008; AND APPROVING PAYMENTS.

* * * *

AN ORDINANCE 98651

AMENDING ORDINANCE NO. 88485, PASSED AND APPROVED ON SEPTEMBER 17, 1998, BY REALLOCATING \$16,000.00 FROM THE FY 1999 ONE-TIME PROJECT FUND DESIGNATED TO THE DISTRICT 5 SPEED TRAILER PROJECT AND \$4,000.00 FROM THE SCHOOL FLASHER PROJECT AND ALLOCATING \$20,000.00 TO THE DISTRICT 5 ADVOCATES SOCIAL SERVICES ONE-TIME PROJECT; AND AMENDING ORDINANCE NO. 90485, PASSED AND APPROVED ON SEPTEMBER 16, 1999, BY TRANSFERRING \$5,000.00 FROM THE FY 2000 ONE-TIME PROJECT FUND DESIGNATED TO THE DISTRICT 5 COMPUTER REVITALIZATION PROJECT, \$5,000.00 FROM THE FY 2003

COUNCIL DISTRICT 6 HUMAN DEVELOPMENT SERVICES FUND AND \$5,000.00 FROM THE FY 2003 COUNCIL DISTRICT 7 HUMAN DEVELOPMENT SERVICES FUND TO THE SAN ANTONIO ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW PROJECT; AMENDING ORDINANCE 90485, PASSED AND APPROVED ON SEPTEMBER 16, 1999, BY TRANSFERRING \$10,000.00 FROM FY 2000 ONE-TIME PROJECT FUND DESIGNATED TO THE DISTRICT 5 COMPUTER REVITALIZATION PROJECT AND \$5,000.00 FROM THE FY 2000 COUNCIL DISTRICT 1 HUMAN DEVELOPMENT SERVICES FUND TO THE SAN ANTONIO YOUTH CENTERS PROJECT; AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ADVOCATES SOCIAL SERVICES OF SAN ANTONIO, TEXAS, SAN ANTONIO ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW, AND SAN ANTONIO YOUTH CENTERS IN CONNECTION WITH THE EXPENDITURE OF SAID FUNDS.

* * * *

AN ORDINANCE 98652

REAPPOINTING GEORGE PEDRAZA (FINANCIAL CATEGORY – MAYOR) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 4, 2004.

* * * *

AN ORDINANCE 98653

APPOINTING DANIEL TREVINO (JOURNEY ELECTRICIAN (UNION) CATEGORY – MAYOR) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2005.

* * * *

AN ORDINANCE 98654

APPOINTING OSCAR SAN MIGUEL (GENERAL/CITIZEN-AT-LARGE CATEGORY – DISTRICT 5) AND JESSE ZUNIGA, III (BUSINESS CATEGORY – DISTRICT 6) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON OCTOBER 31, 2005.

* * * *

AN ORDINANCE 98655

REAPPOINTING TERESA KILMER (DISTRICT 7) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2005.

* * * *

AN ORDINANCE 98656

APPOINTING RACHEL MAJOR (MAYOR) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2005.

* * * *

AN ORDINANCE 98657

APPOINTING MARGARET HARTENSTINE (DISTRICT 10) AS TRUSTEE TO THE SOUTH TEXAS BUSINESS FUND FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2005.

— — —

2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98658

ACCEPTING THE LOW, RESPONSIVE BID SUBMITTED BY DEWINNE EQUIPMENT CO. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH ZERO TURN RADIUS MOWERS FOR A TOTAL OF \$40,950.00.

* * * *

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

Councilman Perez requested for more information on the cutting decks, indicating he was familiar with these items because of his family business.

Ms. Janie Cantu, Director of Purchasing, described the decks in detail, and stated they had special tires that would allow the machines to operate on the median. She then indicated she would provide Councilman Perez with literature that expounded on the equipment.

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98659

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,328,443.00 TO INCLUDE CONTRACTS FOR: PARIS SOFTWARE; NICKEL CADMIUM BATTERIES; MANHOLE RISERS; MEDIUM & HEAVY DUTY TRUCK BODY REPAIR FOR CITY VEHICLES; POTTING SOIL; PROPANE MOTOR FUEL; DISPOSABLE BLANKETS; JANITORIAL SERVICE; 800 MHZ SPEAKER MICROPHONES; AND PLASTIC BAGS.

* * * *

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

In response to Councilman Perez, Ms. Janie Cantu, Director of Purchasing, explained how the potting soil would be delivered. She then expounded on the purchase of the blankets. She indicated these were historical estimates, and roughly the same every year as far as costs are concerned.

Councilman Perez spoke to the debate on the propane motor fuel, and questioned what the experience has been with propane.

Ms. Janie Cantu cited the Environmental Protection Agency's (EPA) definition of propane, and acknowledged what they have experienced with various different fuels. She spoke to the prices and benefits to the environment.

In response to Councilman Haass, Ms. Cantu stated they've looked at liquid compressed natural gas, adding that it was another clean burning fuel. She acknowledged they were trying to stay on top of things in that respect. She then spoke to the length of the contract, and confirmed they try to buy the cleanest fuels available. She then informed the Council that the unleaded fuel they buy is a special blend.

Councilman Haass encouraged them to look at other types of fuels.

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98660

AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNT OF \$233,000.00 AS FOLLOWS: \$20,500.00 TO BIG BROTHERS AND BIG SISTERS, ALAMO AREA; \$5,500.00 TO CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. FOR THE RETIRED AND SENIOR VOLUNTEER PROGRAM; \$3,500.00 TO CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. FOR THE FOSTER GRANDPARENT PROGRAM; \$28,000.00 TO COMMUNITIES IN SCHOOLS OF SAN ANTONIO; \$10,000.00 TO HELPING HANDS LIFELINE FOUNDATION; \$35,000.00 TO KEEP SAN ANTONIO BEAUTIFUL, INC.; \$35,500.00 TO MAGIK THEATRE; \$35,000.00 TO MERCED HOUSING TEXAS; AND \$60,000.00 TO THE UNIVERSITY OF TEXAS AT SAN ANTONIO IN CONNECTION WITH THE PROVISION OF HUMAN DEVELOPMENT SERVICES; AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH BIG BROTHERS AND BIG SISTERS, ALAMO AREA, HELPING HANDS LIFELINE FOUNDATION AND TWO CONTRACT AMENDMENTS WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC., AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH COMMUNITIES IN SCHOOLS OF SAN ANTONIO, KEEP SAN ANTONIO BEAUTIFUL, INC., MERCED HOUSING TEXAS, MAGIK THEATRE, AND THE UNIVERSITY OF TEXAS AT SAN ANTONIO IN CONNECTION WITH THE EXPENDITURE OF SAID FUNDS.

* * * *

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

Councilman Hall offered an amendment that would increase the amount given to Helping Hands Lifeline by \$500.00 to total \$10,000, and increase the amount given to Communities in Schools by \$1500.00 to total \$28,000. Councilman Perez seconded the motion.

After consideration, the amendment by Councilman Hall increasing the amount of \$500.00 for Helping Hands Life line and increasing the amount to \$1500.00 for Communities in Schools, prevailed by the following vote: **AYES:** Flores, Williams,

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

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98661

AUTHORIZING THE EXECUTION OF FOURTEEN (14) DELEGATE AGENCY CONTRACTS TOTALING \$224,850.00 FOR THE PROVISION OF PROGRAM SERVICES IN SUPPORT OF THE CITY'S HUMAN DEVELOPMENT CORE ISSUE OF EARLY CHILDHOOD EDUCATION AND FAMILY STRENGTHENING INITIATIVES WITH THE FOLLOWING AGENCIES: BETHEL NEIGHBORHOOD CENTER - \$12,485.00; MADONNA NEIGHBORHOOD CENTER - \$16,835.00; POSITIVE BEGINNINGS - \$12,485.00; YMCA OF GREATER SAN ANTONIO & THE HILL COUNTRY - \$130,845.00; BOYS & GIRLS CLUB OF SAN ANTONIO - \$8,700.00; ELLA AUSTIN COMMUNITY CENTER - \$4,350.00; GOOD SAMARITAN CENTER - \$4,350.00; GUADALUPE COMMUNITY CENTER - \$4,350.00; INMAN CHRISTIAN CENTER - \$4,350.00; INNER CITY DEVELOPMENT - \$4,350.00; PRESA COMMUNITY CENTER - \$4,350.00; AND THE WESLEY COMMUNITY CENTER - \$17,400.00; AND ENCUMBERING FUNDS IN CONNECTION WITH THE ADMINISTRATION OF SAID DELEGATE AGENCY CONTRACTS.

* * * *

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

Councilwoman Radle indicated she would be abstaining from voting on this item. After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Hall, Schubert, Haass, Garza. **ABSTAIN:** Radle. **NAYS:** None. **ABSENT:** Castro.

2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98662

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT DONATIONS TOTALLING \$3,250.00 FROM WAL-MART (\$1,500.00), SAN ANTONIO PROFESSIONAL FIREFIGHTERS (\$500.00), INDEPENDENT INSURANCE AGENTS OF SAN ANTONIO (\$500.00) AND FIREMEN'S BENEVOLENT FUND (\$750.00) TO THE CITY OF SAN ANTONIO FIRE DEPARTMENT TO BE USED TO SUPPORT THE FIRE DEPARTMENT PUBLIC EDUCATION PROGRAMS.

* * * *

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

Councilman Schubert indicated he would be abstaining from voting on this item.

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

— — —

2004-01 INDIVIDUAL ITEMS – CITIZEN COMMENTS

Mr. Jack M. Finger addressed comments by Councilman Haass regarding tax breaks for companies on the recharge zone. He stated the citizens had the right to say no to any possibilities of pollution to the area. He spoke to item 18, regarding tax abatements being used to bring companies to San Antonio.

Ms. Brenda Johnson, Chair of the 2004 Public Affairs Council of the Greater San Antonio Chamber of Commerce, applauded the creation of the City/County Tax-Phase In Committee. She spoke to the need for a standardized process to attract businesses to the community. She then expressed support of policies that encourage jobs in the community.

Mr. Mario Hernandez spoke to the Economic Development Foundation, and stated he was very grateful with the partnership they had with allies in the community that allowed them to be successful. He encouraged the Council to support strong guidelines for TIF, and cited the importance of getting better paying jobs in the community.

Mr. Tim McCallum stated San Antonio ranked as one of the lowest paying cities in Texas in numerous job categories. He spoke to the poverty wage, and suggested they were not subsidizing businesses with their tax dollars. He referenced the County's exception in regards to minorities and women owned businesses, and stated wages must be considered if giving tax breaks.

Mr. George Rice stated that there have been few studies that specifically address the question of how the quality of water is affected. He stated developments on the recharge zone have the potential to hurt the quality of water. He encouraged the Council to proceed cautiously, and expressed his opposition to TIFs being given to entities over the recharge zone.

Mr. Richard Alles urged Council not to grant TIFs over the contributing zone, but if so, he suggested they follow certain criteria. He encouraged them to adopt strict guidelines. He then spoke to item 21C, and urged Council to deny the amendment, noting it would set a precedent.

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98663

AMENDING THE CITY OF SAN ANTONIO, TEXAS GUIDELINES AND CRITERIA FOR TAX INCREMENT FINANCING AND REINVESTMENT ZONES AS AMENDED AND APPROVED BY ORDINANCE NO. 96621 ON OCTOBER 24, 2002.

* * * *

Councilman Segovia made a motion to approve the proposed ordinance. Councilman Williams seconded the motion.

Mr. David Garza, Director of Neighborhood Action, narrated a slide presentation regarding the Tax Increment Financing Program proposed guideline revisions, a copy of which was made part of the official papers of this meeting. He gave an overview of tax increment financing, and discussed its purpose. He presented examples of eligible project costs in public streets and infrastructure, sidewalks and pedestrian amenities, drainage, parks and landscaping. He then presented an overview on the Mayor's proposed goals, and what the stakeholder consensus was for each goal. He expounded on the TIF RFP competitive process, and the TIF scorecard components. He noted that they received a request from Councilman Hall to have a representative from SAWS make a presentation to clarify various concerns.

Mr. Scott Halty, representing SAWS, narrated a slide presentation regarding the four designated zones of the Edwards Aquifer. He explained what the recharge zone was, and where it was located, noting the boundaries were geologically bound. He spoke to the make-up of the zones, and clarified what the transition and contributing zones were. He stated the contributing zone was north of the recharge zone, and explained what happens when rain falls on this area. He further spoke to the transition zone, and the facets of this feature.

The following citizen(s) were signed up to speak:

Ms. Marianne Kestenbaum, representing SMART Growth, spoke to the contributing zone, noting urbanization could be harmful to the quality of water. She spoke against development on the contributing zone, and urged Council to take a prudent approach. She offered recommendations for limitations in priority area 1, and suggested for Council to limit the number of TIF's in the area.

Mr. Lance Elliott cited Resolution 2003-21-25, and referenced the resolution of intent for Mission Creek and Rainbow Hills. He spoke to the fee paid by each, and urged Council not to apply the new TIF guidelines to these projects.

Mr. Kemble White expressed appreciation on those attempts to ban development over the recharge zone. He urged Council to consider TIFs on a case-by-case basis. He then referenced comments made by a former SAWS board member in the newspaper.

Mr. David Klar spoke against TIFs over the recharge zone. He suggested for Council to redirect growth to other areas of the city that need infrastructure such as the Southside. He stated TIFs were more of a bribe, but developers should know to do the right thing.

Mayor Garza stated that when his office drafted the memo, there were basic goals in evaluating the TIF policy. While a Council member, he acknowledged that he pushed for a creation for a TIF policy, and since that time, they've had successful as well as unsuccessful TIFs. He spoke of the tremendous growth in Northside, and the struggles in other segments of community. He stated most TIFs today have been in the inner city, and it was a tool they wanted to work and see good things happen. He spoke to the emotion involved with TIFs created in the recharge zone, and acknowledged one could make a legitimate argument in both cases. He spoke to the contributing and recharge zones, and referenced all the input they've received thus far. He spoke to his trips to Houston and Dallas that currently use TIFs for economic development, such as building retail and residential communities. He acknowledged that these were guidelines, and there could be variations. He applauded the efforts of everyone who has been involved in this process.

In response to Mayor Garza, Mr. David Garza indicated there were 12 TIFs to date, with 2 in the CRAG area and all others inside Loop 410.

Ms. Terry Brechtel, City Manager, clarified that Northeast Crossing was outside of Loop 410.

Mr. Halty confirmed that 75 – 80% was grandfathered over the recharge zone. He acknowledged that he did not have figures for the contributing zone. For the transition zone, he estimated that 90% was probably grandfathered.

Mayor Garza discussed the recharge and contributing zones, and the percentages of grandfathered properties. He then stated TIF was a tool to help revitalize the inner city, and promote growth and development. He referenced the continued growth to the north, as well as the growth in the southern sector as well. He spoke to the importance of continuing to find ways to revitalize both inner city and city commercial corridors, as well as older neighborhoods. He then clarified points he made on his policy memo, and stated he would like to have them placed on the table as amendments, which included:

For Edwards Aquifer Protection:

- No TIRZ except for preservation of open space on the recharge zone.
- Over the contributing zone, have each case looked at on a case by case basis.

For Priority/Target Areas:

- Target Areas: CRAG, NCR, EZ, EZ developable sites, & SSI (25 years 100%)
- Secondary Target Inside Loop 410 & outside Loop 410, south of Hwy 90 (20 years 90%)
- Non-Target Areas: All areas outside Target Areas, inside City limits (20 years 65%)
- Voluntary Annexation: All areas outside current City limits (15 years 75%)

For City plans and Objectives:

- Proposals must communicate and demonstrate how project achieves objectives in City Master Plan.
- In Target Area 1, proposals must also communicate how project achieves objectives of CRAG report of SSI Plan.

For affordable market rate housing ratios:

- Target Areas 1 & 2: minimum of 30% market rate housing required, except for senior housing.
- Non-Target Areas: minimum of 30% affordable housing required, with inclusionary zoning.

For Urban Design Criteria:

- All TIF projects must utilize one of the following nine non-conventional Use Patterns or Special Zoning Districts

For City code and ordinances:

- Project will conform: to City's landscape, tree preservation, & drainage ordinances
- Project will conform: to water quality ordinances by waiving any grandfathered rights (if applicable in non-target area & voluntary annexations)

For Pre-lease requirements:

- References to 50% pre-lease requirements shall be removed.

For Environmental remediation (Brownfields):

- If TIRZ approved by Council, and environmental issues exist: City will advocate quick remediation through Federal Brownfield programs and other initiatives aimed at encouraging environmental reclamation in older areas

For Development review process:

- For highest priority target areas: "Once approved, the City will guarantee the development review process and permitting will be completed in 30 days or less or no fee charges"

For Limits on number of TIRZ per year:

- No limits: for highest priority area (CRAG, NCR, EZ & SSI)

For High-priority target areas Infrastructure Fund:

- Secondary Target Areas: 15% of non-TIRZ revenue balance earmarked for High-Priority Area Infrastructure Fund

- Non-Target Areas: 20% of balance earmarked for High-Priority Area Infrastructure Fund.

For abuse or misuse of TIRZ:

- Developer/applicant/partnership: can only apply for one TIRZ per year

- A lobbyist: can only be involved with one TIRZ per year

- Lobbyists: are prohibited from receiving compensation from TIRZ revenues

- Attorneys hired for TIRZ: are prohibited from receiving a contingent fee based on the tax increment generated.

For TIF competitive process:

- case-by-case basis

Councilman Flores made a motion to approve the Mayor's proposed amendments outlined above. Councilman Williams seconded the motion. (Amendment #1)

Councilman Perez indicated he did a lot of research on TIFs. He spoke to revitalization of distressed areas and other areas that were blighted. He expressed concern that the focus would be lost on the original intent of this program, and he indicated they needed to look at this tool and its original intent. He spoke to the need of many improvements for the inner city, but not enough time had been allowed to see if the new rules work. He commented that if the focus on TIFS was on the area originally proposed, the issue of the contributing zone would not be in the discussion. He indicated he was not supportive of expanding any area. He recommended that nothing be placed on the recharge zone, and further recommended that a limit be placed on the number of TIF applications. He urged his colleagues to give the rules they have now time to see if this turns into the tool they want, and if it does, they can look into expanding areas for allowing TIFs.

Mayor Garza referenced an area southwest of The Dominion that was blighted, but it was not annexed. Even on the southside, he indicated there were areas that were blighted, and it was important to figure out what to do with these areas if they aren't going to be annexed.

Councilman Hall expressed concern with one aspect of the proposal regarding the recharge and contributing zones, and noted his district was in every single one of the zones referenced. He referenced one of the Mayor's points with regards to grandfathered properties, and expounded on the map that depicted the grandfathered and underdeveloped zones. He expressed his belief that the contributing zone was a big factor, and had the greatest impact when dealing with water quality. He then posed various questions to Mr. Halty and Mr. David Garza. He then stated that his general point was that there were members of staff dealing with water issues who didn't know everything about the recharge zone, but were offering recommendations. He then expounded on the issue of grandfathering.

Mr. Garza explained that nonconforming rights were the same as grandfathering rights, then described each in detail, including vested rights. He then cited State Law Chapter 245 of the Texas Local Government Code.

Mr. Norbert Hart, representing the City Attorney's Office, explained what vested rights were, and expounded on non-conforming uses.

Councilman Hall and Mr. Hart discussed the possibilities of other legal issues that might be involved.

In response to Councilman Hall, Mr. Garza explained what process is utilized when offering TIFs. He then discussed the meetings held with the stakeholders, and expounded on their recommendations regarding TIFs. He then noted that as new developments occurred, they did communicate with the stakeholders.

In response to Councilman Hall, Mr. Ramiro Cavazos, Director of Economic Development confirmed there was a Tax Phase-In Advisory Committee. He expounded on their recommendations, and indicated they voted to exclude abatements over the contributing and recharge zones.

Ms. Beth Ebby, member of the Tax Phase-In Advisory Committee, recapped the discussion they had regarding this issue. She acknowledged that they did not have full knowledge of what happens under ground as water permeates through the surface, so their recommendation was not to place anything over the recharge zone.

In response to Councilman Hall regarding what other options there were for controlling water quality, Ms. Jeylenne Burley, Assistant City Manager, acknowledged they dealt with the storm water ordinance to date, and there were certain provisions in the UDC. She stated they also contracted certain provisions with SAWS.

Councilman Hall and Mr. Garza discussed the affordable housing aspect.

Mayor Garza pointed out that in the amendment, there would be inclusionary zoning for this component.

Councilman Hall made comments about his feelings towards the contributing zone. Although he did acknowledge that he agreed on the ends of several issues such as providing inner city development, he still felt there was an issue regarding water quality. He stated staff was recommending they not do anything over the recharge zone, but suggested they extend this to the contributing zone for the sake of consistency and so that the reasoning is applied to the contributing zone as well. In the event they do allow Phase-Ins or TIFs over the recharge zone, he suggested they create a class system that would offer a TIF of Phase-In only for properties that are grandfathered. He suggested that imperious cover be limited to 25% for TIFs in the recharge, contributing, transition, and transition within contributing zone, and that non-permitted uses within the zoning use matrix for the EZRD shall apply to all uses within the TIF. He then suggested there be no fees in lieu of water detention, and no fees in lieu of the building of parks. He spoke to the creation of a class system, and there be no TIFs or Phase-Ins over the recharge, contributing, transition and transition within the contributing zones, except in the case for grandfathered properties or properties with vested rights. If there is a TIF over any of the zones, he stated they should require negotiation on the use of locally based, minority or women owned companies for architectural design construction and other contracts in accordance with rules the City has for these entities. He then stated that if there is a TIF over the recharge zones, they be required to come back to Council for approval by a super majority and not a simple majority. He stated he would present his motion later in the meeting upon completion of the vote for the amendments on the table.

Mayor Garza indicated the growth and expansion of highways would probably do a whole lot more than a TIF of Phase-In in expediting growth and development. He explained that the difference was that in a TIF or Phase-In, they could negotiate something of value. He ventured to say that the citizens of District 8, 9 or 10 or anyone else who uses I10, Hwy 281 or Loop 1604 felt it was a priority to expand these highways.

In response to Councilman Schubert, Councilman Hall changed his amendment so that it reflected only the contributing zone. To address the issue regarding lanes on the highway, he stated there were other ways to deal with this sort of issue, and didn't think a TIF or Phase-In was the way to do it.

In response to Mayor Garza, Mr. Tom Wendorf, Director of Public Works, spoke to the benefits of highway expansion projects for the City, and indicated Loop 1604 from I35 to around HWY 281 were areas of high priority expansions, and at peak periods, were at levels of service close to "F."

Mayor Garza concurred that this needed to be a priority, which he indicated meant further growth in this area. He spoke to the importance of figuring out how they were going to tackle this issue. He stated people in this area were demanding it.

In response to Councilman Williams, Mr. David Garza stated that if there are changes made to the guidelines, then those applying for a TIF must comply. He further indicated that the County had created the Task Force, and they have been charged to look at some of those areas. He confirmed they worked closely with the County staff, and noted he would be happy to provide periodical reports on the direction the County was taking.

Councilman Williams addressed comments made by Councilman Perez, and concurred that TIFs were too new to fully understand their effects, especially as it related to the contributing zone. He then addressed the concerns of Councilman Hall, and stated even if they do or don't institute a TIF, growth would still continue to move north. He then discussed stakeholder involvement.

In response to Councilman Williams, Mr. David Garza elaborated on the four categories of stakeholders that participated.

Councilman Williams acknowledged that he felt comfortable as he listened to the presentation, and felt staff had given them good protection over the recharge zone. He acknowledged priorities 3 and 4 were of concern to him, and addressed the issue of affordable housing. He then addressed the fee the applicant would have to pay for the environmental impact study to be reviewed by SAWS.

Councilman Castro stated that since 1998, only twelve (12) TIFS have been done, and the prospect of getting five in any single year in the priority 4 area would be slim.

Councilman Williams acknowledged he shared concerns expressed by Councilman Hall regarding the issue of grandfathering, but also shared the Mayor's concerns as well. He spoke to the importance of expanding the pool of developers. He spoke of the probability of getting traditional developers to come back to the eastside, and noted most developers think the most profitable zone to develop is to the north. He then addressed the importance of coming up with sufficient guidelines. He offered an amendment that says a Priority 4 application will utilize the conservation subdivision use pattern for residential only, and any mixed use or commercial application will utilize one of the nine urban use patterns that are currently available with staff's recommendations with a 20 year term and a 65% participation rate.

Mayor Garza stated he would accept this as a friendly amendment in the non-target areas.

Councilman Segovia commented that 65% participation rate was flexible.

In regards to the contributing and recharge zones, Councilwoman Radle stated she was against TIFs and TIRZ over any of those areas. She stated it was their responsibility to be on the safe side. She acknowledged that development will happen regardless, but it was their responsibility not to offer incentives to build there. She indicated she was

adamantly against building over the contributing zone, and offering TIFs over the recharge and contributing zones.

In response to Councilwoman Radle, Councilman Hall stated he didn't support TIFs over the contributing zone, but if they do allow it, he wanted to make sure amendments were in place to have greater control in case it did pass.

Councilwoman Radle expressed her belief that using TIFs for controlling development didn't serve its purpose, and that the focus should be on the inner city area. She voiced her approval of Priority 1, but stated she was against Priorities 3 and 4. She again reiterated the importance of focusing on the inner city blighted area. She stated TIFs were being used to build high priced homes, and she indicated she did not think this is what it should be about. She stated it would be great to use TIFs to build affordable housing outside of Loop 1604, and suggested they have something in place to assure at least 40% affordable housing or higher. She pointed out that if they decide there are no limits on TIFs, this means anyone who puts in an application and gets 75 points would qualify, and she questioned whether the points were strict enough.

Mr. Garza explained that the 75 points were in respect to the incentive tool-kit score card with the Economic Development Department. He noted that any application that meets or surpasses the 75 mark is referred to the Neighborhood Action Department, who then begins to review the process with their own scorecard to see if they are meeting the objectives of the TIF program.

Councilwoman Radle made a motion not to support TIFs in Priority Areas 3 and 4, and not to support TIFs over the contributing zone or transition zone that is part of the recharge zone, and to make an adjustment to market value issues if areas 3 and 4 are approved, that the homes built fall into the range of at least 75% affordability. There being no second to her motion, the motion died.

In response to Councilman Haass regarding how he felt about item number 2 of the Mayor's Policy Memo regarding voluntary annexation, Mr. Garza replied that it depended on the application, its location, and the services and population that is projected with the construction of the site.

Mayor Garza cited the original draft submitted that pertained to voluntary annexation.

In response to Councilman Haass, Mayor Garza explained what "inclusionary zoning" was, and how it has been used in other communities. He further indicated it tied the affordability component to the zoning of the property.

Ms. Burley stated they did not currently utilize inclusionary zoning, and it would require staff to create that and bring to Council for approval, and upon every TIF application

coming to Council in these non-target areas, it would have to be a rezoning. She then referenced the Mayor's Policy Memo.

Mayor Garza stated that for the purpose of today's discussion, the inclusionary zoning was included in the proposal.

Councilman Haass acknowledged the fear he has heard from the community that any form of support for the TIRZ process would start a rash of applications, but indicated he was doubtful that many would be applied for.

Mr. Garza stated capacity was an issue, and they believed the process outlined in the UDC should be given an opportunity for them to work with. He expressed his belief that TIF guidelines should be consistent with that process.

Mayor Garza urged his colleagues to be more efficient in moving the City forward with TIFs. In theory, he stated they should be sensitive to the time demands of staff.

Ms. Burley acknowledged that staff addressed the Mayor's concerns, and just as they were moving along, they received a memo for revision, and hence, they've been in a revision timeframe. She spoke to the concerns regarding timeliness, and indicated they were anxious about the opportunity to get TIF rolling again. She added that the City has made significant contributions in development since they've gone on-line. She then referenced the One Stop Center.

Mayor Garza applauded staff's efforts, but stated that when there is a monetary threat to City on the issue of timing, the motivation is different. He spoke of his preference to see the policy adopted across the board for the City.

Councilman Haass noted that when they talk about TIFs, there is concern in the community that they are not using the tool appropriately. He spoke to the impact TIFS had on his district.

In response to Councilman Haass regarding the current situation with the infrastructure fund, Ms. Paula Stallcup, Assistant Director of Neighborhood Action Department, explained that the Mayor's policy did not include specific direction.

Councilman Haass noted that he could not support TIFs knowing the extra money that goes into the infrastructure fund that will go towards making a difference in the community will not in any way touch the people of his district. He urged staff to consider inner city as defined by the City Charter. He stated he was uncomfortable not knowing how the infrastructure funds will be used. He urged staff to address this issue.

In response to Councilman Segovia, Ms. Terry Brechtel, City Manager, stated that if it is his desire, the Council could consider an amendment to have Mission Creek subject to the 2002 guidelines.

Councilman Segovia made a friendly amendment to have Mission Creek and Rainbow Hills subject to the 2002 guidelines. The amendment was accepted by Councilman Flores and Councilman Williams.

Councilman Haass commented that he was at a point where there was too much fear that this will tumble out of control. He stated the goal was to improve communities, and it was important to seek development that operates in a good community manner.

Councilman Barrera concurred with Councilman Haass regarding the importance of getting clarification since nothing was clear on the uses of the infrastructure fund and where it will be applied. He also spoke to the importance of placing specific requirements.

In response to Councilman Barrera, Ms. Brechtel indicated they would follow the priorities of the Council. She acknowledged that it will take a number of years before this revenue is generated. Through the budget process, she noted they could address these concerns by setting these funds in a special restricted fund for infrastructure purposes.

On a point of clarification, Councilman Williams stated it was in the City's best interest to establish a policy that works for the smaller communities, and not in the sense that they should be competing with other communities, but rather, build a model that others could copy.

Councilman Segovia expressed support of Councilman Williams' comments, and added that he also supported the idea that there be no TIFs over the recharge zone to protect the water supply. He then suggested that they offer more protection over the contributing zone by allowing TIFs on a case by case basis. He stated that if TIFs are used in the right way, which is as a tool for economically distressed and blighted area where normally development would not occur, it is a good tool that can bring quality development.

Councilwoman Radle made a motion that there be no TIFs over the recharge, transition, and contributing zones. Councilman Hall seconded the motion. (amendment #2)

On a point of clarification requested by Ms. Brechtel, Mayor Garza explained there were two amendments made, one by Councilwoman Radle, and the second being what he outlined along that was motioned by Councilman Flores, which includes the friendly amendment by Councilman Williams. He acknowledged that Councilman Hall made suggestions that would be addressed after these two amendments are voted on.

Councilman Flores addressed the use of these funds, and how they were going to be distributed among the districts.

Ms. Burley commented that Council's discussion would help staff in figuring out how the funds will be utilized, and Council's direction today will be key, as well as the goal setting priority session.

Councilman Flores expressed his belief that the more criteria they have, the more they run the risk of "fighting" between districts. He stated it was important to figure out how these funds will be utilized.

Councilman Castro commented that the one special thing about San Antonio was that it was a city with a strong knit community, and most people still lived inside the City limits. He noted that of the 12 TIFs done so far, with the exception of one or two, all have had affordable housing. He addressed the issue regarding development over the contributing zone, and cited the response from SAWS. He stated it appeared you could develop relatively safe. He stated the question was whether they should take that risk. He acknowledged that this was a tough issue, because of the importance of protecting the quality of water. To the extent that development occurs, he noted it should occur if it's done in a conservative manner, and caution should be taken with any application that comes before Council. He cited the recommendations of the Urban Affairs Committee, and commented that off the top of his head, he couldn't see any areas out of Loop 1604 that would meet qualifications of being blighted or distressed, but there may be some out there. He further stated that if an application does come in, he as a Councilman would make sure the project is built on a site that meets the definition of the statute. Councilman Castro stated he would present this as a motion upon completion of the vote of 2 amendments on the table.

In response to Councilman Castro, Mr. Garza addressed the differences between what the Mayor was recommending and what staff was recommending.

Councilman Castro stated his amendment would be to include all recommendations made by the Urban Affairs Committee, and further stated it would also include putting some of the tax money back into the infrastructure fund that will be used in the urban core of the City. If something does happen over the contributing zone, he stated the money that comes into the fund should be directly linked not just to infrastructure, but to aquifer protection. He addressed the case-by-case merit, and indicated that without strict guidelines, there is the chance for people to politic their way past guidelines.

Mayor Garza thanked Councilman Castro and the rest of the committee for their work.

In response to Councilman Schubert, Mr. Halty explained the contributing zone and how far north it went. He acknowledged that a few studies have been made regarding the

contributing zone, but nothing relative as with the recharge zone. He then spoke to the presentation made to the Urban Affairs Committee.

Councilman Schubert and Mr. Halty discussed legal limits in regards to other cities.

Mr. Halty stated there was a tremendous amount of acreage of the contributing zone, and it was a large and complex system.

Councilman Schubert addressed the comments made by Councilman Hall, and stated it could be a bad decision not to do anything over the contributing zone, and the right decision is to protect the green space and water supply. He then referenced the comments of Councilwoman Radle about the real reason for TIFs. He acknowledged he wasn't a big fan of TIFs, but his concern was that the places where TIFs are most desperately needed are also those places that have been the most questionable. He spoke to the infrastructure fund, and expressed concern on how the money was going to be spent and allocated. He acknowledged that he was a believer in flexibility, and he didn't have a problem with things being handled on a case by case basis. He confirmed he would be supporting the Mayor's amendments.

Councilman Haass spoke to the perception many citizens had regarding TIFs. He referenced his trips to visit other TIF sites, and came to the conclusion that they can be useful. He expressed his frustration that the current amendments on the table could sway the balance between the development community and the environmental community. He acknowledged that there has been a growth pattern in the last 25 years, and in the last 10 years, urban sprawl has been tremendous. He stated the recommendation made by the Urban Affairs Committee allowed TIF to be used as a tool that could make a difference in the community.

In response to Councilman Hall, Mr. Garza confirmed that the application would clearly state they must meet state statute requirement. He acknowledged that he did not know what the legal process was to appeal a TIF that was questionable, but indicated it was subject to judicial review.

Councilman Hall explained that in his original suggestions, he mentioned no fees in lieu of water detention, or fees in lieu of park requirements, and indicated he wanted to add this as a friendly amendment to the Mayor's amendments.

Councilman Schubert addressed Councilman Hall's suggestion that we do not waive park requirement, but questioned if this removes all flexibility for the Parks and Recreation Department.

Mr. Christopher Brady explained that developers can set aside land or pay a fee, which theoretically they hold on to so that they can build a larger regional park in the area. He then addressed the drainage fee.

Mr. Tom Wendorf walked through the advantages and disadvantages of what Councilman Hall was suggesting.

Mayor Garza clarified that it would be no fees in lieu of, unless recommended by Staff and Council.

After consideration, the amendment not to allow TIFS over the recharge, transition, or contributing zone (amendment #2), failed by the following vote: **AYES:** Flores, Perez, Radle, and Hall. **ABSTAIN:** None. **NAYS:** Williams, Segovia, Barrera, Castro, Schubert, Haass, and Garza. **ABSENT:** None.

After consideration, the amendment to approve the Mayor's proposed amendments (amendment #1) prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Barrera, Hall, Schubert, and Garza. **ABSTAIN:** None. **NAYS:** Perez, Radle, Castro and Haass. **ABSENT:** None.

Councilman Castro made a motion to approve the amendments as he outlined. Councilman Hall seconded the motion.

After consideration, the motion to approve the recommendations of the Urban Affairs Committee, and place tax money back into the infrastructure fund and having the fund directly linked not just to infrastructure, but to aquifer protection (amendment #3), failed by the following vote: **AYES:** Perez, Radle, Castro, Hall, and Haass. **ABSTAIN:** None. **NAYS:** Flores, Williams, Segovia, Barrera, Schubert and Garza. **ABSENT:** None.

Councilman Hall then made a motion to amend the staff's recommendations that with TIFs granted in contributing, and contributing within the transition being required to have approval by super majority, 8 votes, as opposed to majority of 6 votes, and require impervious cover limited to 25% (amendment #4). Councilman Castro seconded the motion.

After consideration, the motion to amend recommendations, and require super majority of 8 votes (amendment #4), failed by the following vote: **AYES:** Perez, Radle, Barrera, and Castro. **ABSTAIN:** None. **NAYS:** Flores, Williams, Segovia, Hall, Schubert, Haass and Garza. **ABSENT:** None.

Councilman Hall also presented a motion to have TIFs granted in the contributing zone and contributing within transition zone require approval by super majority 8 votes, and impervious cover limited to 30% (amendment #5). Councilwoman Radle seconded the motion.

After consideration, the motion to require TIFs granted in the contributing zone and contributing within transition zone approval by super majority 8 votes, and impervious

cover limited to 30% (amendment #5) prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, and Garza **ABSTAIN:** None. **NAYS:** None. **ABSENT:** None.

Councilman Hall then made a motion to create a tier or class system where TIFs granted in the contributing and contributing within transition are only granted to properties with vested rights and TIFs not available for properties without vested rights (amendment #6). Councilman Castro seconded the motion.

After consideration, the motion to create a tier or class system where TIFs granted in the contributing and contributing within transition are only granted to properties with vested rights and TIFs not available for properties without vested rights (amendment #6), failed by the following vote: **AYES:** Radle, Castro and Hall. **ABSTAIN:** None. **NAYS:** Flores, Williams, Segovia, Perez, Barrera, Schubert, Haass, and Garza. **ABSENT:** None.

Councilwoman Radle then made a motion to amend that TIFs granted outside of Loop 410, north of Hwy 90 in Priority Areas 3 and 4, need to be at a rate of 75% affordability (amendment #7). Councilman Hall seconded the motion.

After consideration, the motion to amend that TIFs in priority areas 3 and 4 be at a rate of 75% affordability failed by the following vote: **AYES:** Radle, Castro and Hall. **ABSTAIN:** None. **NAYS:** Flores, Williams, Segovia, Perez, Barrera, Schubert, Haass, and Garza. **ABSENT:** None.

In response to Councilman Schubert, Mr. Garza acknowledged they would look at the guidelines very closely, and once the language is confirmed, will hold workshops.

Councilman Schubert spoke to the need to look at the legal definition of partnership. He the addressed the issue of lobbying.

In response to Ms. Martha Zepeda, Deputy City Attorney, with respect to the main motion, amendments, and specifically Councilman Hall's motion, clarification was made on the intent of his motion, that being to amend the Mayor's recommendations.

After consideration, the main motion as amended prevailed by the following vote: **AYES:** Williams, Segovia, Barrera, Castro, Schubert, and Garza. **ABSTAIN:** None. **NAYS:** Flores, Perez, Radle, Hall, and Haass. **ABSENT:** None.

— — —

2004-01 ZONING CASES

4A.) CASE NUMBER Z2003218: The request of George Rapier, Applicant, for George

2004-01

January 08, 2004

Page 23 of 66

ll

Rapier, Owner(s), for a change in zoning from: "C-1 and C-3 NCD-2" Commercial and General Commercial Neighborhood Conservation District to "R-6 NCD-2" Residential Single-Family Neighborhood Conservation District on Lots 18 and the west 20 feet of 19, Block 20, NCB 1816, 405 W. Magnolia. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 98664

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: LOT 18 AND THE WEST 0 FEET OF LOT 19, BLOCK 20, NCB 1816, FROM "C-1 AND C-3 NCD-2" COMMERCIAL AND GENERAL COMMERCIAL NEIGHBORHOOD CONSERVATION DISTRICT TO "R-6 NCD-2" RESIDENTIAL SINGLE- FAMILY NEIGHBORHOOD CONSERVATION DISTRICT ON THE PROPERTY.

* * * *

4B.) CASE NUMBER Z2003226 C: The request of Jerry Arredondo, Applicant, for Richard F. and Martha A. McGoon, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "NC C" Neighborhood Commercial District with a conditional use for a sign shop on Lots 37 & 55, Block 18, NCB 9221; 562 W. Mandalay and 563 W. Mariposa. Staff's recommendation was for approval.

Zoning Commission has recommended forwarding to City Council without a recommendation. (Council District 1)

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

Councilman Flores made a motion to approve the proposed rezoning with the stipulation that restrictions by staff are incorporated in approval. Councilman Williams seconded the motion.

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

AN ORDINANCE 98665

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: LOTS 37 AND 55, BLOCK 18, NCB 9221 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT "NC C" NEIGHBORHOOD COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A SIGN SHOP ON THE PROPERTY.

* * * *

— — —

4C.) CASE NUMBER Z2003237: The request of San Antonio Housing Trust Investment Corporation, Applicant, for San Antonio Housing Trust Investment Corporation, Owner(s), for a change in zoning from "I-1" General Industrial District and "R-4" Residential Single-Family District to "C-2 NA" Commercial Non-Alcoholic Sales District on Lot 22, Block A, NCB 8800, 2515 Blanco Road. Staff's recommendation was for denial as requested and approval of "C-2 NA" save and except the western 75 feet of Lot 22, Block A, NCB 8800 and "O-1 C" Office District with conditional use for a dry goods store on the western 75 feet of Lot 22, Block A, NCB 8800.

Zoning Commission has recommended approval. (Council District 1)

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

Councilman Flores made a motion to approve the proposed rezoning. Councilman Williams 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, Radle, Barrera, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Hall, Schubert, Haass.

AN ORDINANCE 98666

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 22, BLOCK A, NCB 8800 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL NON-ALCHOLIC SALES DISTRICT ON LOT 22, BLOCK A, NCB 8800 EXCEPT THE WESTERN 75 FEET , AND "O-1 C" OFFICE DISTRICT FOR CONDITIONAL USE FOR A DRY GOODS STORE ON THE WESTERN 75 FEET OF LOT 22, BLOCK A, NCB 8800, ON THE PROPERTY.

* * * *

D.) CASE NUMBER Z2003208- The request of Kaufman & Associates, Inc., Applicant, for Songmoo & Junghee Shim, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3" General Commercial District on Lot 34 and 42, NCB 12190, 7702 I.H. 35 North. 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 Segovia seconded the motion.

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

AN ORDINANCE 98667

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 34 AND 42, NCB 12190 FROM "C-2" COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

4E.) CASE NUMBER Z2003141- The request of Earl & Brown, P. C., Applicant, for S. A Republic Properties, Ltd., Owner(s), for a change in zoning from "I-1" General Industrial District to "PUD RM-4" Planned Unit Development Residential Mixed District (Tract 1- 42.507 ac.); "MF-33" Multi-Family District (Tract 4- 6.747 ac.); "C-3" Commercial District (Tract 2- 8.425 ac. & Tract 3- 1.333 ac.) & "C-2" Commercial District (Tract 5 - 1.278 ac.) on 60.29 acres out of NCB 10847, 4100 Block of South WW White Road. 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.

The following citizen(s) appeared to speak:

Mr. Ken Brown entered a restricted covenant into the record.

Councilman Segovia indicated he looked forward to working with Mr. Brown.

Ms. Christel Villarreal spoke against this zoning case. She urged Council to deny this request.

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

AN ORDINANCE 98668

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 60.9 ACRES OUT OF NCB 10847 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "PUD" RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT (TRACT 1-42.507 AC); "MF-33" MULTI FAMILY DISTRICT (TRACT 4-6.747 AC.); "C-3" COMMERCIAL DISTRICT (TRACT 2-8.425 AC. AND TRACT 3- 1.333 AC.) & "C-2" COMMERCIAL DISTRICT (TRACT 5-1.278 AC.) ON THE PROPERTY.

* * * *

4F.) CASE NUMBER Z2003155- The request of Southton Ranch, Ltd., Applicant, for Southton Ranch, Ltd., Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District to "MF-25" Multi-Family District (20.647 acres) and "R-5" Residential Single-Family District (96.224 acres) on a 116.871 acre tract of land out of NCB 16624, 13334 Southton Road. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 3)

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

The following citizen(s) appeared to speak:

Mr. Jean Poole expressed concern on how this case has been handled. She stated the majority of the neighborhood has never seen this case, so she requested they have another neighborhood meeting to approach it in a proper way.

Mr. Ken Brown stated this case had been going on for 6 months, and requested for Council to approve this item.

Mr. Antonio Leiva stated they were happy with the items agreed with, and it was exactly what they wanted for their neighborhood. He stated there would be no apartments, and concurred there were some problems with communicating information to the neighborhood.

Mr. Jack M. Finger questioned whether there had been due process for citizens to get together and decide if this is what they really wanted. He cited official documents in which he noted staff was not recommending approval. He then spoke to rural living in the area.

Ms. Nettie Sandoval stated the information was incomplete, and urged Council to continue the case to a later date.

Councilman Segovia stated it was unfortunate that not everyone would be satisfied with the outcome. He stated after three months of meetings, they finally reached a compromise, and all concerns were addressed.

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

AN ORDINANCE 98669

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 116.871 ACRES OF LAND OUT OF NCB 16624 FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT "MF" 25 MULTI-FAMILY DISTRICT (20.647 ACRES) AND "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT (96.224 ACRES) ON THE PROPERTY.

* * * *

4G.) CASE NUMBER Z2003173-10A- The request of City of San Antonio, Applicant, for Edgar Dodson, Owner(s), for a change in zoning from "I-1" General Industrial District, "R-6" Residential Single-Family District, and "DR" Development Reserve District to "UD" Urban Development District on NCB 18087 N 470 OF S 1800' OF TR-14 (2.072) CB 4286A S 1330' OF TR-14 (5.848), NCB 18087 N 470' OF S 1800' OF TR-15 (2.072) CB 4286A S1320' OF TR-15 (5.856), NCB 18087 N 140' OF S 1450' OF TR-16 (.529) CB 4286A S1310' OF S1450 TR16 (5.848), 2432 Southwest Loop 410. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "DR" to "UD" on the south portion; denial of "R-6" and "I-1" to "UD". (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,. **NAYS:** None. **ABSENT:** Barrera, Haass, Garza.

AN ORDINANCE 98670

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 1330 FEET OF TR- 14, THE SOUTH 1320 FEET OF TR-15, AND THE SOUTH 1310 FEET OF THE SOUTH 1450 FEET TR16, ALL IN CB 4286A; AND THE NORTH 470 FEET OF THE SOUTH 1800 FEET OF TR-14, THE NORTH 470 FEET OF THE SOUTH 1800 FEET OF TR-15, AND THE

NORTH 140 FEET OF THE SOUTH 1450 FEET OF TR-16, ALL IN NCB 18087 FROM "I-1" GENERAL INDUSTRIAL DISTRICT "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, AND "DR" DEVELOPMENT RESERVE DISTRICT TO "UD" URBAN DEVELOPMENT DISTRICT ON THE PROPERTY.

* * * *

4H.) CASE NUMBER Z2003173-22- The request of City of San Antonio, Applicant, for Reed S Lehman Grain Co., Owner(s), for a change in zoning from "DR" Development Reserve District to "FR" Farm & Ranch south of Southton Road and northwest of Blue Wing Road. 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 continue until the extension of interim control. Councilman Perez seconded the motion.

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

Zoning Case Z2003173-22 was continued.

* * * *

4I.) CASE NUMBER Z2003173-2B- The request of City of San Antonio, Applicant, for Ila Faye Miller (Tract III), Owner(s), for a change in zoning from "DR" Development Reserve District to "RP" Resource Protection District on P-2B and P-12, CB 4180, 7983 Neal Road, 261 Neal Road. Staff's recommendation was for approval.

Zoning Commission has recommended forwarding to City Council without recommendation. (Council District 3)

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

Councilman Segovia made a motion to postpone the proposed rezoning. Councilman Perez seconded the motion.

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

Zoning Case Z2003173-2B was postponed.

* * * *

4J.) CASE NUMBER Z2003173-6B: The request of City of San Antonio, Applicant, for Jose Valencia, Owner(s), for a change in zoning from "DR" Development Reserve District to "UD" Urban Development District on P-7, NCB 11150, P-9, CB 4283, and Lot 25, CB 5829, 10011 Moursund Road. 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, Barrera, Castro, Hall, Schubert, Haass **NAYS:** None. **ABSENT:** Radle, Garza.

AN ORDINANCE 98671

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTHEAST 172 FEET OF P-7 CB 483 ABS 769 (13.992 ACRES); CB 5829 LOT 25; AND NORTHEAST 25 FEET OF P-7 NCB1150 FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "UD" URBAN DEVELOPMENT DISTRICT ON THE PROPERTY.

* * * *

4K.) Case Number Z2003202 SC- The request of Ismael Galvan, Applicant, for Stanford & Zulema Muller, Owner(s), for a change in zoning from "R-6 RIO-4"

Residential Single-Family, River Improvement Overlay District to "C-3 SC" General Commercial District with specific use authorization for a Contractor Facility and conditional use for Outside Storage on 0.385 acres out of NCB 3400, 1910 Probandt. Staff's recommendation was for denial.

Zoning Commission has recommended forwarding to City Council without a recommendation. (Council District 3)

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

The following citizen(s) appeared to speak:

Ms. Loretta Huddleston, representing the San Antonio Conservation Society, stated the intention of overlay districts was to encourage development. She urged Council to deny this request.

Mr. Ismael Galvan, applicant, urged Council to approve this zoning case.

Councilman Segovia stated this site was near a Mission and the river route. He spoke to the need of protecting this historical site.

Mr. Ismael Galvan stated he had pictures to prove that there were other larger buildings in the area.

Councilman Segovia noted it was unfortunate that others didn't work to protect the property and historical site, but he stated he wasn't going to approve something just because others had made decisions in err.

Mr. Stanford Moeller encouraged City Council to pass this zoning case.

Councilman Segovia made a motion to deny the proposed rezoning. Councilman Perez seconded the motion.

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

Zoning Case #Z2003183 was denied.

* * * *

4L.) CASE NUMBER Z2003209- The request of Juan & Alejandrina Contreras, Applicant, for Juan & Alejandrina Contreras, Owner(s), for a change in zoning from "R-

4" Residential Single Family District to "MH" Manufacturing Housing District on Lot 26, Block 12, NCB 10894, 211 Esma. 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, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza.

AN ORDINANCE 98672

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 26, BLOCK 12 NCB 10894 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MH" MANUFACTURING HOUSING DISTRICT ON THE PROPERTY.

* * * *

—

—

—

4M.) CASE NUMBER Z2003214 C- The request of Milton Arlitt, Applicant, for Milton Arlitt, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with a conditional use for a stone curing and monument manufacturing business on the eastern 212 feet of the northern 115 feet of Block 1, NCB 10839 and "MF-33" Multi-Family District to "C-1" Light Commercial District on the western 212 feet of the northern 115 feet of Block 1, NCB 10839 on 1.622 Acres out of Block 1, NCB 10839, 3500 South W.W. White Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval with conditions. 1) All sandblasting, stone curing and other stone work shall take place in an enclosed structure. 2) Outside storage will be prohibited. 3) Outdoor display will be permitted with the following restrictions: 1. Display space will be limited to 700 square feet. 2. Minor monuments shall be displayed, with a height limit of 4 feet. 3. Display area will be fenced. (Council District 3)

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

Councilman Segovia made a motion to approve the proposed rezoning with the Zoning Commission's recommendations. 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, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza.

AN ORDINANCE 98673

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 1.622 ACRES OUT OF BLOCK 1, NCB 10839 FROM "C-2" COMMERCIAL DISTRICT TO "C-2 C"COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A STONE CURING AND MONUMENT MAUFACTURING BUSINESS ON THE EASTERN 212 FEET OF THE NORTHERN 115 FEET OF BLOCK 1, NCB 10839 AND "MF-33" MULTI-FAMILY DISTICT TO "C-1" LIGHT COMMERCIAL DISTRICT ON THE WESTERN 212 FEET OF THE NORTHERN 115 FEET BLOCK 1, NCB 10839 ON THE PROPERTY.

* * * *

4N.) CASE NUMBER Z2003235- The request of Maria L. Sanchez, Applicant, for Maria L. Sanchez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on the east five (5) feet of the north 90.4 feet of Lot 16 and the north 89.7 feet of Lot 17, Block 8, NCB 15638, 9907 Ruidosa. 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, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza.

AN ORDINANCE 98674

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY

DESCRIBED HEREIN AS THE EAST 5 FEET OF THE NORTH 90.4 FEET OF LOT 16 AND THE NORTH 89.7 FEET OF LOT 17, BLOCK 8, NCB 15638 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

* * * *

40.) CASE NUMBER Z2003174- The request of MTD Investments, Inc., Applicant, for Gene Liguori, Owner(s), for a change in zoning from "C-2" Commercial District & "NP-8" Neighborhood Preservation District to "R-6" Residential Single-Family District on 20.1 acres out of NCB 15258, Five Palms Drive at Branch Valley Dr. 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 Hall 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, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza.

AN ORDINANCE 98675

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 20.1 ACRES OUT OF NCB 15258 FROM "C-2" COMMERCIAL DISTRICT & "NP-8" NEIGHBORHOOD PRESERVATION DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

* * * *

4P.) CASE NUMBER Z2003207- The request of Kaufman & Associates, Inc., Applicant, for B. J. McCombs, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on 8.975 acres and "C-3" General Commercial District on 29.62 acres on 38.595 acres out of NCB 34362, 10000 Block of 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:

Mr. Rob Killen thanked staff and the Heritage Neighborhood Association for their efforts on this project.

Ms. Nancy Englebert stated she was in approval of this project, adding that it was a pleasure working with Mr. Killen. She stated they wanted to be sure trees got planted, so that there wouldn't be too much concrete.

Ms. Mary Lee Butner thanked the Council for their work and long hours. She spoke in favor of this project, and thanked Mr. McCombs and Bill Kaufman for their efforts. She cited various restrictions placed by the Heritage Neighborhood Association regarding this zoning case, a copy of which was made part of the official papers of this meeting.

Councilman Perez thanked the Heritage Neighborhood Association for their efforts.

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

AN ORDINANCE 98676

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 38.595 ACRES OUT OF NCB 34362 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

4Q.) CASE NUMBER Z2003210- The request of Jose L. Carmona, Applicant, for Land Resource Corporation, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 9.474 acres out of

NCB 15241, southwest corner of Ray Ellison at Brook Valley. 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 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, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98677

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 9.474 ACRES OUT OF NCB 15241 FROM "R-6" RESIDENTIAL SINGLE- FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

* * * *

— — —

4R.) CASE NUMBER Z2003216: The request of Juan Ignacio Alonso, Applicant, for Juan Ignacio Alonso, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3" General Commercial District on Lots 50 & 51, Block 4, NCB 7645, 1142 1 Kendalia Avenue. Staff's recommendation was for denial.

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

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

Councilman Perez made a motion to down zone C2CNA. Councilman Segovia seconded the motion.

Mr. Jacks explained that this would make it an automatic 2-week continuance.

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

Zoning Case Z2003216 was continued until January 22, 2004.

* * * *

4S.) CASE NUMBER Z2003233- The request of Rick Clarke, Applicant, for Basil Taher, Owner(s), for a change in zoning from "O-1" Office District to "NC" Neighborhood Commercial District on Lot 32, Block 3, NCB 11189, 315 Palo Alto 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.

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

AN ORDINANCE 98678

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 32, BLOCK 3, NCB 11189 FROM "O-1" OFFICE DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

4T.) CASE NUMBER Z2003205- The request of Mireles Properties, Applicant, for Roy and Lupe Perez-Mireles, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "C-2" Commercial District on Lots 31, 32, 33 and 34, Block 18, NCB 8280, 522 and 529 Colby Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

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

Councilwoman Radle 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, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro .

AN ORDINANCE 98679

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 31, 32, 33, AND 34 BLOCK 18 NCB 8280 FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-" COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

4U.) CASE NUMBER Z2003215- The request of Jack in the Box, Inc., Applicant, for Multiple, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "O-1" Office District on Lots 11 and 12, Block 1, NCB 2427, 2403 El Paso Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

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

Councilwoman Radle made a motion to continue this rezoning case until the City Council meeting of January 22, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue this rezoning case until January 22, 2004, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Zoning Case #Z2003215 was continued to the City Council meeting of January 22, 2004.

* * * *

4V.) CASE NUMBER Z2003189 - 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-1" Light Commercial District on Lot 3, Block 1, NCB 34392C, and Lot 9, Block 1, NCB 34392C and from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 1, Block 1, NCB 34329C on the northeast corner of Rousseau and Potranco Road and 10831 Potranco Road and 10775 Potranco Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

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

Councilman Barrera 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, Barrera, Hall, Schubert, Haass,. **NAYS:** None. **ABSENT:** Castro, Garza.

AN ORDINANCE 98680

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1, 3 AND 9 BLOCK 1 NCB 34392C FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT ON LOT 3, BLOCK 1 NCB 34392C AND FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON LOT 1, BLOCK 1, NCB 34392C ON THE PROPERTY.

* * * *

4W.) CASE NUMBER Z2003203 C- The request of Missionary Catechists of Divine Providence, Applicant, for Missionary Catechists of Divine Providence, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 C" Residential Single-Family District with a conditional use for a Counseling Service Center on Lot 1, Block 13, NCB 8990, 4650 Eldridge Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

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

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Hall 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, Radle, Barrera, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Perez, Castro, Garza.

AN ORDINANCE 98681

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1 BLOCK 13 NCB 8990 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 C "RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A COUNSELING SERVICE CENTER ON THE PROPERTY.

* * * *

4X.) CASE NUMBER Z2003217- The request of City of San Antonio, Applicant, for Diana McHazlett and Robert C. De La Rosa, Owner(s), for a change in zoning from "R-6 PUD" Residential Single-Family Planned Unit District to "R-6 C" Residential Single-Family District with a conditional use for a multi-family development with a density not to exceed 8 units per acre on Lot P 13, NCB 34392, 10581 Potranco. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

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

The following citizen(s) appeared to speak:

Ms. Bertha Palmuri expressed concern on this zoning case, and the impact it would have on the community.

Mr. Robet Palmuri alleged that the development was going to have two-story dwellings, and nothing was going to be provided for easements. He addressed concerns he had regarding the contact he had with the developer.

Ms. Carol Bishop spoke against this zoning case. She addressed various components of the plan, and addressed her concerns about the property in question. She encouraged the council not to change the zoning.

Ms. Jeanette Zermanek expressed concern that the building was only going to be 15 feet away from their backyard. She urged council to oppose this item, indicating they had not had time to review this.

Councilman Barrera stated the developer had agreed to provide the plans and set up a meeting. He noted one of the conditions was that the development would be single story.

Councilman Barrera made a motion to continue this rezoning case until the City Council meeting of January 22, 2004. Councilman Hall seconded the motion.

After consideration, the motion to continue this rezoning case until January 22, 2004, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Zoning Case Number Z2003217 was continued to the City Council meeting of January 22, 2004.

* * * *

4Y.) CASE NUMBER Z2003219: The request of Brown Engineering Co., Applicant, for Lar-Del, Ltd, Bob Trautmann Managing Partner, Owner(s), for a change in zoning from "R-6" Residential Single-Family District and "R-5" Residential Single-Family District to "C-2" Commercial District on 1.004 acres out of NCB 18820, 9000 Block of Culebra. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

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

Councilman Barrera 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, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98682

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 1.004 ACRES OF LAND IN NCB 18820 FROM "R-6"

RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

4Z.) CASE NUMBER Z2003220- The request of Brown Engineering Co., Applicant, for Lar-Del, Ltd, Bob Trautmann Managing Partner, Owner(s), for a change in zoning from "R-6" Residential Single-Family District and "R-5" Residential Single-Family District to "R-5" Residential Single-Family District on 4.197 acres out of NCB 18820, 9000 Block of Culebra. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

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

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Hall 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, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98683

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 4.197 ACRES OF LAND OUT OF NCB 18820 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY .

* * * *

4AA.) CASE NUMBER Z2003223- The request of City of San Antonio, Applicant, for Arcelio Gomez Rivera, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 S" Commercial District with specific use authorization for a bar on Lot 41, Block 5, NCB 8989, 310 Abshire Street. Staff's recommendation was for denial.

Zoning Commission has recommended approval. Council District 6)

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

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Hall 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, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98684

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 41 BLOCK 5 NCB 8969 FROM "C-2" COMMERCIAL DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH SPECIAL USE AUTHORIZATION FOR A BAR ON THE PROPERTY.

* * * *

4BB.) CASE NUMBER Z2003068- 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-3" General Commercial District 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 spoke to the significant changes that had been made to this request.

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

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

AN ORDINANCE 98685

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-22, NCB 17929 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

4CC.) CASE NUMBER Z2003201: The request of Eastway Inc., Applicant, for Marc Ross, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with conditional use for a self-service car wash facility on Lot 96, NCB 11544, save and except the northeast 50 feet of the northeast 50 feet, 4900 Evers Road. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 7)

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

The following citizen(s) appeared to speak:

Ms. Netti Sandoval stated the proposed site will have an adverse impact on the residents of Evers and Callaghan. She encouraged the Council to heed staff's recommendation of denial.

Ms. Rose Rodriguez spoke to the traffic and congestion in this area. She cited the various traffic problems in the area, and spoke against having a car wash built. She urged Council to oppose this item.

Mr. Ian Heritch expressed his belief that this area of town deserved the same opportunities as other areas of town. He felt this property was ideal for a neighborhood business such as a car wash. He urged Council to approve this request, and thanked Councilman Castro and his staff for their work on this case.

In response to Councilman Castro, Mr. Hertich informed the Council on the plans that the applicant had in case this zoning would not pass today.

Councilman Castro made a motion to continue this rezoning case until the City Council meeting of January 22, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue this rezoning case until January 22, 2004, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia.

Zoning Case Number Z2003217 was continued to the City Council meeting of January 22, 2004.

* * * *

4DD.) ZONING CASE NUMBER Z2003204: The request of J. H. Uptmore & Associates, Applicant, for J. H. Uptmore & Associates, Owner(s), for a change in zoning from "C3" General Commercial District to "R-5" Residential Single-Family District on 6.32 acres out of Lot 1, Block 1, NCB 15025, 5000 Block of Culebra Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (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 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, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia.

AN ORDINANCE 98686

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 6.32 ACRES OUT OF LOT 1, BLOCK 1, NEW CITYBLOCK 15025 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE- FAMILY DISTRICT ON THE PROPERTY.

* * * *

4EE.) CASE NUMBER Z2003242- The request of Encino Land Associates Limited Partnership, Applicant, for Encino Land Associates Limited Partnership, Owner(s), for a change in zoning from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on 12.5 acres out of NCB 18217, eastern side of Encino Commons, north of Evans Road. 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:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia.

AN ORDINANCE 98687

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 12.50 ACRES OUT OF P-33, NCB 18217 FROM "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-33 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

* * * *

— — —
4FF.) ZONING CASE NUMBER Z2003221: The request of Charles A. Boemecke, Applicant, for Naco Perrin Joint Venture, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "I-1" General Industrial District on 0.446 acres out of NCB 15684, 4025 B Naco Perrin. 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 stated the area in question was zoned improperly in 1972.

In response to Councilman Haass, Mr. Jacks expounded on the history of this area.

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

AN ORDINANCE 98688

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 0.446 ACRES OUT OF NCB 15684 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT ON THE PROPERTY.

* * * *

4GG.) ZONING CASE NUMBER Z2003224 S: The request of James Allen Family Partnership, LTD, Applicant, for Bulverde Investments Properties, LTD, Owner(s), for a change in zoning from "C-3R" General Commercial District, Restrictive Alcoholic Sales to "C-3RS" General Commercial District, Restrictive Alcoholic Sales with specific use authorization for a mini-storage facility on a site exceeding 2 1/2 acres on 4.0 acres out of NCB 17726, east side of O'Connor Road approximately 385' south of 1604. 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:** Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams.

AN ORDINANCE 98689

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 4.0 ACRES OUT OF NCB 17726 FROM "C-3R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "C-3RS" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES

WITH SPECIFIC USE AUTHORIZATION FOR A MINI- STORAGE FACILITY ON
A SITE EXCEEDING 2 ½ ACRES ON THE PROPERTY .

* * * *

4HH.) ZONING CASE NUMBER Z2003225: The request of DFGG of Texas, LTD, Applicant, for DFGG of Texas, LTD, Owner(s), for a change in zoning from "I-1" General Industrial District and "C-3" General Commercial District to "R-4" (6.375 acres) Residential Single-Family District and "R-5" (32.605 acres) Residential Single-Family District on 38.98 acres out of NCB 14049, southwest side of Toepperwein Road approximately 2803 feet north of I.H. 35. 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, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Segovia.

AN ORDINANCE 98690

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 38.98 ACRES OUT OF NCB 14049 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "R-4" (6.375 ACRES) RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-5" (32.605 ACRES) RESIDENTIAL SINGLE FAMILY DISTRICT ON THE PROPERTY.

* * * *

4II.) ZONING CASE NUMBER Z2003229 C: The request of City of San Antonio, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning from "MF-33" Multi-Family District, "C-1" Light Commercial District, "C-2" Commercial District, "C-3 NA" General Commercial Nonalcoholic Sales District and "I-

1" General Industrial District to "R-5" Residential Single-Family District, "R-5 C" Residential Single-Family District with a conditional use for a Duplex, Triplex, Quadruplex and an Eight (8) Unit Apartment Complex, "R-6" Residential Single-Family District and "R-6 C" Residential Single-Family District with a Conditional Use for a Duplex and a Quadruplex on an area generally bound by Culebra Street to the north; Esmeralda Drive and 36th Street to the east, Commerce Street to the south and Acme Road and Rena Drive to the west.

The rezoning and reclassification of property from "MF-33" Multi-Family District to "R-5" Residential Single-Family District on property listed:

All of NCB 10337; All of NCB 10339; All of NCB 10340; All of NCB 10341; All of NCB 10342; All of NCB 10343; All of NCB 10344; All of NCB 10345; All of NCB 10350; All of NCB 10351; All of NCB 10352; All of NCB 7488; All of NCB 7489; All of NCB 7490, save and except Lots 55 through 58, Block 4; Lots 6 and 7, 11 through 16, 23 through 38, and 41 through 60, Block 5, NCB 7491; All of NCB 7492, save and except Lots 31 and 3, Block 6; All of NCB 7493; All of NCB 10543; All of NCB 8317, save and except Lots 1 through 8, Block 7; All of NCB 8316; All of NCB 8318; All of NCB 8315; All of NCB 7445; All of NCB 8319; All of NCB 8314; All of NCB 8320; All of NCB 8313, save and except Lots 6, 9 through 11, 102 through 104 and the west 102.77 feet of Lot 5, Block 3; All of NCB 8321, save and except Lots 7 through 9, Block 11; All of NCB 8312, save and except Lots 94 through 97, Block 2; All of NCB 8322, save and except Lots 66, through 69, Block 12; All of NCB 8311, save and except Lot 119, Block 1; All of NCB 10349, save and except Lots 1 through 45, Block 14 Lot 8, Block 11, NCB 10347 Lots 8 through 14, Block 10, NCB 10346

The rezoning and reclassification of property from "MF-33" Multi-Family District to "R-6" Residential Single-Family District on property listed:

All of NCB12310; All of NCB12311; All of NCB 12312; All of NCB 12312; All of NCB 12313; All of NCB 7487; All of NCB 12314; All of NCB 7500, save and except Lots 5 and 6, block 14; All of NCB 12315; All of NCB 12316; All of NCB 12317; All of NCB 12319, save and except Lot 11, Block 10; All of NCB 7499; All of NCB 7498; All of NCB 7497; All of NCB 7496; All of NCB 7495; All of NCB 7494; All of NCB 10542 All of NCB 10541, save and except Lots 21 through 24. Block 14; All of NCB 7507, save and except Lots 53 through 57, Block 21; All of NCB 7506, save and except Lots 48 through 57 and Lot 108, Block 20; All of NCB 7501, save and except Lots 22 through 26, Block 15; All of NCB 7502, save and except Lots 23 through 32, Block 16; All of NCB 7503, save and except Lots 27 through 36, 42 and 43, Block 17; All of NCB 7504, save and except Lots 33 through 42, Block 18; All of NCB 7505, save and except Lots 41 through 50, Block 19; Lots 1 through 13, the east 20 feet of Lot 17 and the west 50 feet of Lot 18, Block 26, NCB 10553; All of NCB 10552, save and except Lots 13, 14, the west 20' of Lot 15, the east 20 feet of 17, 18 and lot 19, Block 25; All of NCB 10551; All of NCB 10550; All of NCB 10549; All of NCB 10548; All of NCB 10547; All of NCB 10546; All of NCB 10545; All of NCB 10544; All of NCB 10557; All of NCB 10556;

All of NCB 10555; All of NCB 10554; All of NCB 10561; All of NCB 10560; All of NCB 10559; All of NCB 10385; All of NCB 10386; All of NCB 10387; All of NCB 10388; All of NCB 10391; All of NCB 10392; All of NCB 10393; All of NCB 10394; All of NCB 10395; All of NCB 10396; All of NCB 12587, save and except Lot 7, Block 1; All of NCB 8637; All of NCB 8640; Lots 12 through 17, 30 and 33, Block 7, NCB 8641; Lots 1, 2 and 12 through 14, Block 2, NCB 7444, All of NCB 7446; All of NCB 7447, save and except the east 62.25 feet of Lot 9, the east 62.5 of Lot 17, the west 62.25 feet of Lot 20, Lots 18 and 29, Block 5; Lots 1 through 3, 11 through 14, 4 through 6, Block 6, NCB 7448; All of NCB 13466; All of NCB 13467; All of NCB 13468, save and except Lots 1 through 4, Block 3; All of NCB 8242; All of NCB 8243, save and except Lot 27 and the west 100 feet of the south 150 feet of Lot 22, Block 2

The rezoning and reclassification of property from “MF-33” Multi-Family District to “R-6 C” Residential Single- Family District with a Conditional Use for a Duplex on property listed as follows:

Lots 55 through 58, Block 4, NCB 7490; Lots 1 through 5 and Lots 17 through 22, Block 5, NCB 7491; Lots 7 through 9, Block 11, NCB 8321; The west 102.77 feet of Lots 5 and 6, Block 3, NCB 8313

The rezoning and reclassification of property from “MF-33” Multi-Family District with a Conditional Use for a Duplex on property listed as follows:

Lots 42 and 43, Block 17, NCB 7503; Lot 108, Block 20, NCB 7506; Lot 21 and the South 20 feet of Lot 22, Block 14, NCB 10541; Lots 15, 16, 19, the east 50 feet of Lot 14, the west 40 feet of 17 and the east 10 feet of Lot 18, Block 26, NCB 10553; Lots 13, 14, the west 20 feet of 15, the east 20 feet of 17, 18, 19, Block 25, NCB 10552; The east 62.25 feet of Lot 9, Block 5, NCB 7447

The rezoning and reclassification of property from “MF-33” Multi-Family District to “r-5C” Residential Single- Family District with a Conditional Use for a Triplex on Property listed as follows:

Lots 39 through 40, Block 5, NCB 7491; Lots 9 through 11 and 102 through NCB 8313

The rezoning and reclassification of property from “MF-33” Multi-Family District to “R-5C” Residential Single- Family District with a Conditional Use for a Quadruplex on Property listed as follows:

Lots 8 through 10, Block 5, NCB 7491

The rezoning and reclassification of property from “MF-33” Multi-Family District to “R-6C” Residential Single- Family District with a Conditional Use for a Triplex on Property listed as follows:

Lots 5 and 6, Block 14, NCB 7500

The rezoning and reclassification of property from “MF-33” Multi-Family District to “R-5C” Single-Family Residential District with a Conditional Use for an eight (8) unit apartment complex on the property listed as follows:

Lots 66 through 69, Block 1, NCB 8322

The rezoning and reclassification of property from “C-1” Light Commercial District to “R-6” Residential Single-Family District on the property listed as follows:

Lot 4, Block 3, NCB 13468

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 3, Block 3, NCB 13468

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 31 and 32, Block 6, NCB 7492; Lots 1 through 8, Block 7, NCB 8317

The rezoning and reclassification of property from “C-3 NA” General Commercial, Nonalcoholic Sales District to “R-6” Residential Single-Family District on the property listed as follows:

The south 60 feet of the west 228 feet of Lot 5, Block 6, NCB 7448

The Rezoning and reclassification of property from “I-1” General Industrial District to “R-6” Residential Single Family District on the property listed as follows:

Lots 22 and 23, save and except the west 100 feet of the south 150 feet of Lot 22, Block 2, NCB 8243

Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council Districts 5 and 7)

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

The following citizens appeared to speak:

Mr. Ken Brown urged City Council to approve this zoning case.

Ms. Terry Kilmer, President of the Loma Park Neighborhood Association, voiced the concerns she had regarding this case. She spoke of her contact with Code Compliance. She stated this change could have a negative effect on Loma Park and its neighborhood. She encouraged Council to deny this zoning case.

Mr. Mary Lee Reyna expressed concern that the children would not have an area to play at. She spoke to the importance of maintaining the neighborhood.

In response to Councilwoman Radle, Mr. John Jacks explained that notices went out to the neighborhood, and when a large rezoning like this occurs, residents will sometimes not understand it completely.

In response to Councilwoman Radle, Mr. Ken Brown indicated they've owned the property for 10 years, and acknowledged they did not attend the public hearing. He then referenced a conversation he had with a Zoning Commissioner.

Councilwoman Radle referenced the non-conforming rights.

Ms. Kilmer commented that those who put in for this change did not live in their neighborhood and did not attend all the public hearings.

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

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

AN ORDINANCE 98691

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 CHANGE IN ZONING FROM "MF-33" MULTI-FAMILY DISTRICT, "C-1" LIGHT COMMERCIAL DISTRICT, "C-2" COMMERCIAL DISTRICT, "C-3 NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-5 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX, TRIPLEX, QUADRUPLEX AND AN EIGHT (8) UNIT APARTMENT COMPLEX, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-6 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX AND A QUADRUPLEX ON AN AREA GENERALLY BOUND BY CULEBRA STREET TO THE NORTH; ESMERALDA DRIVE AND 36TH STREET

TO THE EAST, COMMERCE STREET TO THE SOUTH AND ACME ROAD AND
RENA DRIVE TO THE WEST.

* * * *

— — —
2004-01 CITIZENS TO BE HEARD

MR. FARIS HODGE

Mr. Faris Hodge expressed concern that the “Citizens to be Heard” portion of the Council agenda was going to be removed. He referenced the County Commissioner’s Court citizens to be heard, and compared it with the City’s rules and regulations. He then expressed concern on racial profiling by the San Antonio Police Department.

* * * *

MR. WALTER HAGEN

Mr. Walter Hagen addressed the animal control policy in San Antonio. He spoke of the new animal control policy, and commented that it was destined to fail. He then spoke about rescuers permits, and expressed his viewpoints on this issue. He then expressed concern that rescue program for animals would end.

* * * *

MS. LORETTA HUDDLESTON

Loretta Hudleston spoke to item 21C regarding the amendment to Chapter 35 of the Unified Development Code, and presented a letter to the Council that cited the reasons the Conservation Society was against this item. She urged Council not to pass this item.

— — —
2004-01 The City Council recessed at 9:00 p.m., and resumed the Council Meeting
at 9:20 p.m.

— — —
2004-01 The Clerk read the following ordinance:

AN ORDINANCE 98692

ADOPTING REVISED TAX PHASE-IN GUIDELINES FOR THE CITY OF SAN ANTONIO DEVELOPED BY THE JOINT CITY OF SAN ANTONIO AND BEXAR COUNTY TASK FORCE.

* * * *

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

The following citizens appeared to speak:

Mr. Steve Heflin, President of the Greater San Antonio Builders Association, spoke to item 21B concerning the amendment to Chapter 35 of the Unified Development Code. He indicated his association was in agreement with the Zoning Commission's recommendations.

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the proposed Tax Phase-In guidelines of the City of San Antonio and Bexar County Joint Task Force, a copy of which was made part of the official papers of this meeting. He expounded on the abatements by Council District, and discussed the financial impact. He spoke to the combining efforts and the creation of the Joint Task Force, and discussed the process and public hearings. He then expounded on the proposed guidelines.

In response to Councilman Hall, Mr. Cavazos acknowledged they were working with representatives from the health care industry to see how they can review what they are presenting to make a business case for it.

Councilman Hall made a motion to amend the language to not allow abatements or phase-ins over the contributing zone, or contributing within the transition zone. Councilman Radle seconded the motion (amendment #1).

If the 1st amendment failed, Councilman Hall stated his second motion would be to require a super majority Council approval for offering or approving an abatement or phase-in over the contributing or contributing within the transition zone.

In response to Councilman Perez, Mr. Cavazos expounded on slide 29 regarding multi-family market rate housing. He explained that even if an applicant met the guidelines proposed today, they would still be reviewed by staff and brought forward to Council for their consideration. He then addressed the incentive tool kit, and confirmed they would be coming back to Council with amendments soon.

In response to Councilman Williams, Mr. Cavazos explained the obligation to monitor legal agreements, and further explained the process on active tax abatements. He further noted that in the last 8 years, less than 15% have received tax abatements.

In response to Councilman Williams, a representative from the County explained that 90% of abatements the County has considered have also been considered and approved by the City, not including Toyota.

Councilman Haass expounded on slide 3 regarding the abatements by Council district, and pointed out that districts 5 and 7 had none. He then spoke to the importance of revitalization.

In response to Councilman Haass, Mr. Cavazos expounded on what they've done for other companies who are seeking to expand. He then explained the purpose of the abatement program. He further stated companies should be granted the abatement before they begin to construct. He informed the Council that he would provide them with a list of the top 3 tax abatements.

In response to Councilman Schubert, Mr. Cavazos addressed slides 17 and 18 that highlighted the Level 1 and Level 2 investment and job creation criteria, and expounded on the differences between the two. He then cited the example of J.P. Morgan, and indicated it was an example of bringing in a company at this level of investment who has done well in San Antonio.

Councilman Schubert and Mr. Cavazos discussed other investments made by cities other than San Antonio, and the importance of job creation through the use of this tool. Councilman Schubert stated past Councils have looked carefully when giving abatements. He then referenced the feedback they've received, and indicated he would be supporting the guidelines, but would be opposing Councilman Hall's amendment that was on the floor.

Councilman Barrera thanked staff for their work on this issue. He cited a letter from the Economic Development Foundation, in which he responded to certain statements that were of concern to him. He spoke to the importance of looking at the ability to balance job creation and investment for the taxpayer dollar to have a highly skilled and educated workforce.

In response to Councilman Barrera, Mr. Cavazos indicated he did not have an opportunity to see the letter he referenced, but indicated City staff and County staff have been judicious in the use of the tax abatement program.

Councilwoman Radle spoke to slide 24 regarding the possibility of the City and County considering abatements for small, minority or women-owned business firms with 100 or fewer employees whose wage levels may not meet the durable or non-durable wage

standard. She indicated she was a strong advocate for opportunities for such entities, but expressed concern on entertaining this part of the guidelines. She made a motion to disperse this particular guideline. Councilman Hall seconded the motion (amendment #2).

In response to Councilman Castro, Mr. Trey Jacobson, Assistant Director of Economic Development, explained what was behind the recommendation of this component of the guidelines.

Councilman Castro spoke to the County's requirement of 25% of those who work in the plant or facility be residents of Bexar County. He then addressed the issue of the contributing zone, and explained his reasons for reserving the contributing zone out of this for now. He stated there was a distinction between TIFs and phase-ins. Upon the completion of the vote for amendments 1 and 2, he stated his amendment would be to mirror the County's 25% requirement in terms of residency.

Councilwoman Radle explained the motion she made was to do away with the provisions related to the small, minority and women owned businesses wage standard.

In response to Councilman Castro, Mr. Cavazos explained this provision was based on the City's own small business advocacy efforts.

In response to Councilman Barrera, Mr. Cavazos explained the reasoning behind the small business wage standard. He stated it was brought forward to provide more opportunities for these particular businesses.

Councilman Barrera indicated he would support the amendment if they showed small, minority and women owned businesses were at the same level as other businesses.

Councilwoman Radle encouraged her colleagues to work together to make sure there was another incentive without paying people less money.

Mayor Garza suggested that they approve it as staff is recommending it today, and then have the Economic and Human Development Committee look into ways to improve it.

Mr. Cavazos stated that if they approve this, they would mirror what the County has adopted, and it would give them flexibility.

Councilwoman Radle indicated she wanted some guarantee that this issue would be reviewed.

Councilman Barrera noted these were guidelines and not requirements, and all would be presented to Council for final approval.

Councilman Castro concurred this wasn't the best approach for incentives, but suggested that perhaps they can approve it and then have it reformulated by the Economic and Human Development Committee.

Councilwoman Radle acknowledged that Councilman Castro's suggestions were acceptable to her.

Councilwoman Radle withdrew her original amendment, and then made a motion to have this item go to the Economic and Human Development Committee for reconsideration of designing an effective incentive. Councilman Hall seconded the motion (amendment #3).

After consideration, the motion to have this item go to the Economic and Human Development Committee for reconsideration of designing an effective incentive (amendment #3) failed by the following vote: **AYES:** Radle, Castro, Hall and Garza. **NAYS:** Flores, Williams, Segovia, Perez, Barrera, Schubert, and Haass. **ABSENT:** None.

After consideration, the motion to amend the language to not allow abatements over the contributing zone or contributing within the transition zone (amendment #1) failed by the following vote: **AYES:** Flores, Perez, Radle, Castro, and Hall. **NAYS:** Williams, Segovia, Barrera, Schubert, Haass and Garza. **ABSENT:** None.

Councilman Hall then made a motion that when offering approval over the contributing or contributing within the transition, it require a super majority 2/3 vote of existing voting members. Councilman Perez seconded the motion (amendment #4).

After consideration, the motion to require a super majority 2/3 vote of existing voting members when offering approval over the contributing or contributing within the transition (amendment #4), prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Haass, and Garza. **NAYS:** Segovia and Schubert. **ABSENT:** None.

Councilman Castro then made a motion to have 25% requirement of residency for phase-ins to mirror the County's guidelines (residents of San Antonio). Councilman Hall seconded the motion (amendment #5).

Councilman Schubert and Mr. Cavazos discussed the 25% residency requirement.

Councilman Castro and Mr. Cavazos discussed the stipulation of a local company expanding its operations in Bexar County hiring at least 25% of its new employees from residents of Bexar County.

Mr. Mario Hernandez expressed his views of this 25% residency requirement.

In response to Councilman Flores, Mr. Cavazos confirmed the County's 25% residency requirement for residency was within the County, and not the City.

After consideration, the motion to have 25% requirement residency (amendment #5) failed by the following vote: **AYES:** Radle, Barrera, and Castro. **NAYS:** Flores, Williams, Segovia, Perez, Hall, Schubert Haass, and Garza. **ABSENT:** None.

After consideration, the main motion as amended prevailed by the following vote: **AYE:** Williams, Segovia, Perez, Barrera, Castro, Schubert, Haass, and Garza. **NAYS:** Flores, Radle and Hall. **ABSENT:** none.

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98693

AN ORDINANCE APPOINTING SEVEN PART-TIME MUNICIPAL COURT JUDGES TO SERVE A TWO YEAR TERM OF OFFICE BEGINNING JANUARY 18, 2004, AND ENDING ON JANUARY 18, 2006.

* * * *

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

Ms. Martha Zepeda, Deputy City Attorney, narrated a slide presentation regarding the appointment of part-time Municipal Judges, a copy of which was made part of the official papers of this meeting. She expounded on the process involved, and indicated the Municipal Court Subcommittee of the Quality of Life Committee reviewed applications from all candidates. She then informed the Council of the Subcommittee's recommendations.

Councilman Flores further expounded on the process involved in appointing these judges.

Councilman Haass spoke to the subcommittee's recommendations.

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

2003-31 The Clerk read the following Ordinance:

AN ORDINANCE 98694

AMENDING ORDINANCE NO. 98405, TO INCREASE THE NUMBER OF FULL TIME ADMINISTRATIVE ASSISTANTS THAT MAY BE HIRED BY EACH COUNCILMAN OR THE MAYOR FROM NO MORE THAN FOUR (4) FULL-TIME POSITIONS TO NO MORE THAN FIVE (5) FULL-TIME POSITIONS, WITHOUT INCREASING THE ADOPTED BUDGET FOR THESE SERVICES; AS REQUESTED BY MAYOR EDWARD D. GARZA.

* * * *

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

Ms. Martha Zepeda, Deputy City Attorney, explained this request was to increase the number of Administrative Assistants for the Mayor and Council from 4 to 5.

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98695

An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by amending section 35-344, Planned Unit Development District to clarify the role and responsibilities of homeowners associations regarding maintenance of common areas.

* * * *

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

Mr. Florencio Pena, Director of Development Services, narrated a slide presentation regarding amendments to the Unified Development Code (UDC), a copy of which was made part of the official papers of this meeting. He indicated the Development Services

Department was presenting five (5) amendments to the UDC, and expounded on specific details of each amendment. He explained the coordination and review of these amendments, as well as the recommendations for each.

In response to Councilman Haass, Mr. Pena spoke to the make up of the Technical Advisory Committee, and expounded on their recommendations.

In response to Councilwoman Radle, Mr. Pena expounded on item 21A, regarding the roles and responsibilities of the homeowners associations. He acknowledged they were using the State's mandates. He then spoke to the maintenance of common areas.

In response to Councilman Castro, Mr. Pena explained that the UDC prohibited auto body shops on the recharge zone.

Councilman Castro referenced staff's recommendation not to make a change to this amendment. He expressed his support of keeping the policy the way it was.

Councilman Haass spoke to the sensitivity over the issue of development over the recharge zone. He urged his colleagues to vote against the approval of auto repair and auto body shops over the recharge zone.

Councilwoman Radle acknowledged that she would be supporting a vote that went against allowing auto repair and auto body shops over the recharge zone.

Councilman Hall expressed his support of voting down Item C, regarding auto repair and auto body shops over the recharge zone.

Mr. Calvin Finch, representing SAWS, spoke to water conservation in relation to the 2-foot strip.

Councilman Hall reiterated the comments of Mr. Finch, and urged his colleagues to support the elimination of the 2-foot strips.

Mr. Pena indicated staff was of the position that the 2-foot minimum was the standard.

Mayor Garza and Mr. Emil Moncivais, Director of Planning, discussed what would happen with regards to the Southside Initiative if the 2-foot strip was eliminated.

Councilman Schubert expressed his support on the elimination of the 2-foot strips, and concurred with the comments made by Councilman Hall.

In response to Mayor Garza, Mr. Pena indicated that the minimum requirement for the lot size was 11 feet on both sides. He acknowledged that he wasn't aware of any other

restrictions. Mr. Pena further explained how mailboxes were designed, and indicated sidewalks could not be obstructed.

In response to Councilwoman Radle, Mr. Pena discussed the impact of sidewalks, and the requirement of 2 foot strips in older neighborhoods.

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98696

An Ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by changing Section 35-506, Transportation and Street Design by deleting the requirement for a two foot planting strip on Local "A" streets. The Planning Commission recommended approval. The Zoning Commission recommended approval. Staff recommends denial.

* * * *

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

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

— — —
2004-01 Item 21C, being an ordinance amending Chapter 35, Unified Development Code, of the City Code of San Antonio, Texas, by changing Section 35-311, Table 311-2, Non-residential Use Matrix, by changing the classification of auto and light truck repair and auto paint and body repair in the Edwards Aquifer Recharge Zone from a use that is not allowed to a use that is permitted if a specific use authorization if a specific use authorization is approved by the City Council, was denied.

Councilman Perez made a motion to deny item 21C. Councilman Haass seconded the motion.

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98697

CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CHANGING REFERENCES TO CERTAIN DEPARTMENT DIRECTOR POSITIONS TO REFLECT DEPARTMENT REORGANIZATION AND ESTABLISHMENT OF A "ONE STOP SHOP" FOR DEVELOPMENT SERVICES.

* * * *

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

— — —
2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98698

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, ARTICLE IV, PROCEDURES AND APPENDIX B AND APPENDIX C OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING PROCEDURES RELATING TO ZONING CHANGES REQUIRING AMENDMENTS TO THE MASTER PLAN OF THE CITY.

* * * *

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

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

— — —

2004-01 An ordinance revising the approved Intra-jurisdictional Agreement between the San Antonio Water System ("SAWS") and the City of San Antonio ("COSA") for the transfer of approximately 1,841 acres of land in Bexar County, Texas, from SAWS to COSA in exchange for the imposition of a Conservation Easements on other properties including approximately 710 acres (the Chris Hill Conservation Easement) and approximately 855 acres to be acquired (the Lauder Conservation Easement) in favor of SAWS and the assumption by COSA of certain obligations for payment of the acquisition of the Lauder property and further authorizing the subsequent transfer of approximately 637 acres out of the 1,841 acres to the City of San Antonio, Texas, Starbright Industrial Development Corporation to be used to fulfill a portion of the requirements of the Project Starbright Agreement, was pulled from the agenda.

— — —

2004-01 The Clerk read the following Ordinance:

AN ORDINANCE 98699

AMENDING ORDINANCE NUMBER 97173, ORDINANCE NUMBER 97879 AND ORDINANCE NUMBER 98283 TO EXTEND INTERIM DEVELOPMENT CONTROLS TO APRIL 16, 2004 IN CERTAIN AREAS ANNEXED FOR LIMITED PURPOSES JANUARY 5, 2003 BY THE CITY OF SAN ANTONIO PENDING AMENDMENT OF THE MASTER PLAN AND ZONING OF THOSE AREAS.

* * * *

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the extension of interim development controls for the Southside Initiative, a copy of which was made part of the official papers of this meeting. He expounded on the purpose of this ordinance, and noted the extension would allow an opportunity to implement necessary plan amendments and zoning changes for certain areas in the Southside Initiative Community Plan area.

Councilman Segovia made a motion to amend the ordinance to include property 4H, Zoning case Z2003173-22. Councilman Haass seconded the motion.

In response to Councilman Schubert, Mr. Moncivais explained the properties left in the area. He further acknowledged that this would be the third extension. He explained that this case was taking long because of the issues with Mitchell Lake properties.

After consideration, the motion to amend the Ordinance to include property 4H, Zoning case Z2003173-22, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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

— — —

2004-01 **TRAVEL AUTHORIZATION - Granted:**

Ratification of Travel Authorization for Councilman Art A. Hall, District 8, who traveled to Nashville, Tenn from December 9, 2003 through December 13, 2003 to attend the National League of Cities Conference.

Councilman Perez made a motion to approve the proposed Travel Authorization. Councilman Hall seconded the motion.

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

.

— — —

2004-01 **EXECUTIVE SESSION**

The City Council recessed its regular session at 11:57 P.M. in order to convene in Executive Session for the purpose of:

- A) Discuss legal issues related to Vernest Dotson, et al, v. City of San Antonio, et al, Civil Action No. SA03CA0206FB, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 12:10 A.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.

— — —
2004-01 There being no further business to come before the City Council, the meeting was adjourned at 12:10 A.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest


YOLANDA L. LEDESMA
Acting City Clerk