

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MAY 13, 2004

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2004-19 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

City Council Goal Setting Work session for the FY 2005 Budget - Presentation on City Council Selected City Services and from City Council Selected Outside Agencies

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The "B" Session adjourned at 12:53 P.M.

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2004-19 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

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2004-19 Invocation by John Ross, 8th grade student, Inner City Development

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2004-19 Pledge of Allegiance to the flag of the United States.

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2004-19 **CEREMONIALS ITEMS**

2004-19 **PROCLAMATION: RELAY FOR LIFE MONTH**

Mayor Garza outlined details of the American Cancer Society's "Relay for Life" fundraising event. He noted that "Relay for Life" is a unique, challenging and fun way to build community awareness and raise money for the American Cancer Society.

Mayor Garza then read a proclamation proclaiming Relay for Life Month in San Antonio. He invited Ms. Vicky Goebel, of the American Cancer Society, to come forward to accept the proclamation.

Ms. Goebel thanked the Mayor for the proclamation and spoke to upcoming activities planned in conjunction with this event.

Councilwoman Radle invited everyone to join in the relay and thanked the Society for the work they do in the community.

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2004-19 **PROCLAMATION: JUST SAY NO TO DRUGS, ALCOHOL AND GANGS MONTH**

Mayor Garza presented information on the observance “Karate Kids of San Antonio Just Say No to Drugs, Alcohol and Gangs Month”. He stated the project was founded by Eli Guerra, following the example of former First Lady Nancy Reagan who founded the national “Just Say No” campaign. Students from various school districts throughout the City and the Archdiocese are asked to write a letter to a friend, encouraging them to say NO to alcohol, drugs, and gangs.

Mayor Garza read a proclamation proclaiming May as Just Say No to Drugs, Alcohol and Gangs Month. He invited Mr. Eli Guerra, founder of this observance, to come forward to accept the proclamation.

Mr. Eli Guerra accepted the proclamation and spoke to the 20,000 young people that participated in the letter writing contest this year in which they encouraged their friends to stay away from drugs, alcohol and gangs. He then introduced local officials who took part in some aspect of this activity and invited each one to speak to the Council.

Several Council members spoke to this event’s leadership, to the kids that participated in this program as well as to City staff that have been a part in this activity.

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2004-19 **PROCLAMATION: PUBLIC SERVICE MONTH**

Mayor Garza read a proclamation proclaiming May as Public Service Month. He invited Mr. Tom Wendorf, Director of Public Works, to come forward to accept the proclamation.

Mr. Wendorf asked City employees to come forward and spoke to the broad variety of services provided by our employees. He further spoke to the great work these employees performed daily in the many facets of City government.

City Manager Terry Brechtel congratulated all City employees for their dedication.

Councilwoman Radle thanked all City employees for the work they do on a daily basis.

Ms. Brechtel introduced some employees who had been selected as recipients of the Star award and presented each with a plaque and a monetary award. She also recognized the staff of the External Relations Department and spoke to the work they had done in developing the City's 1st. Annual Report that depicted the many quality services provided to the citizenry of San Antonio.

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2004-19 PRESENTATION: 2004 MARTIN LUTHER KING, JR. SCHOLARSHIP RECIPIENTS

Mayor Garza invited Reverend Edward Hays and Ms. Nancy Bohman to announce this year's recipients of the 2004 MLK Scholarship Awards.

Ms. Bohman identified the event's corporate sponsors, introduced the parents, principals, teachers, and counselors of the scholarship recipients, and staff support.

Ms. Bohman, with the assistance of Mayor Garza and Councilman Williams, then recognized each one of the scholarship recipients individually.

Reverend Hays spoke to the accomplishments of the eighteen young people.

Several Council members commended the recipients for their signal accomplishments.

Councilman Williams stated that next year he was going to encourage the Commission to challenge the City Council members to each contribute \$5,000 to this program. He added that, if each Council member gave \$5,000, there would be enough monies to award 50 \$1,000 scholarships.

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2004-19 POINT OF PERSONAL PRIVILEGE: TRINA GREGORY

Councilman Julian Castro, on a point of personal privilege, acknowledged the work of Ms. Trina Gregory, a member of his staff, who was graduating from Fox Tech High

School this year and would be attending Texas A & M University in the fall. He spoke to her outstanding work and wished her success as she continued her education.

2004-19 Minutes of the Regular City Council meeting of March 4, 2004

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2004-19 **ITEMS FOR INDIVIDUAL CONSIDERATION**

2004-19 The Clerk read the following Ordinance:

AN ORDINANCE 99160

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE I.H. 10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY ONE ACRE LOCATED AT THE SOUTHEASTERN 300 FEET OF LOT 32, NCB 17994 LOCATED AT 7240 I.H. 10 EAST FROM COMMUNITY COMMERCIAL LAND USE TO INDUSTRIAL LAND.

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

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation (a copy of which was made a part of the papers of this meeting) in which he spoke to the Master Plan Amendment, IH-10 East Corridor Perimeter Plan, the present plan and the proposed amendment, the land use, analysis criteria, transportation issues, and noted there were no community facilities in the immediate area.

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

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2004-19 **ZONING HEARINGS – CITIZEN COMMENTS**

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P O. Box 12048, spoke to several zoning cases including Item O, which he stated would set a bad precedent by increasing impervious cover from 30% to

65%; against commercial encroachment in Item F; and industrial zoning in a commercial location in Item G. He added that the zoning staff was recommending against these rezoning requests and asked the Council to vote against them.

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2004-19 ZONING CASES

4A.) CASE NUMBER Z2004063: The request of Davis Sprinkle & Thom Robey, Applicant, for Urbangrid, L.L.C., Owner(s), for a change in zoning from "C-2 NA" Commercial Nonalcoholic Sales District and "MF-33" Multi-Family District to "C-2" Commercial District on Lot 15, Block 18, NCB 1747, 1700 North Main Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, 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, Perez, Radle, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Hall, Haass.

AN ORDINANCE 99161

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 15, BLOCK 18, NCB 1747 FROM "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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4B.) CASE NUMBER Z2004068: The request of City of San Antonio, Historic Preservation Office George and Tommie Blakey, Applicant, for George and Tommie Blakey, Owner(s), for a change in zoning to designate historic significance on the south 136 feet of Lot J or Lot A-17, Block 6, NCB 1751, 315 East Park Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Division, explained the proposed zoning case.

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

Councilman Flores stated that he had reviewed and supported this zoning request.

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

AN ORDINANCE 99162

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 A-17, BLOCK 6, NCB 1751, TO DESIGNATE HISTORIC SIGNIFICANCE.

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4C.) CASE NUMBER Z2004069: The request of City of San Antonio, Historic Preservation Office Midtown Enterprises, Applicant, for Midtown Enterprises, Owner(s), for a change in zoning to designate historic significance on Lots 21 through 27, Block 5, NCB 6404, 1800 - 1812 Blanco Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99163

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 21 THROUGH 27, BLOCK 5, NCB 6404 TO DESIGNATE HISTORIC SIGNIFICANCE.

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4D.) CASE NUMBER Z2004070: The request of City of San Antonio, Historic Preservation Office Steven James Trevino, Applicant, for Steven James Trevino, Owner(s), for a change in zoning to designate historic significance on Lot 11 and the west 33.9 feet of Lot 12 and the south 11 feet of the east 59.23 feet of Lot 3 and the south 11 feet of the west 49.5 feet of Lot 4, Block 9, NCB 1879, 625 West French Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99164

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 11 AND THE WEST 33.9 FEET OF LOT 12 AND THE SOUTH 11 FEET OF THE EAST 59.23 FEET OF LOT 3 AND THE SOUTH 11 FEET OF THE WEST 49.5 FEET OF LOT 4, BLOCK 9, NCB 1879 TO DESIGNATE HISTORIC SIGNIFICANCE.

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4E.) CASE NUMBER Z2004016: The request of Chuck Christian, Applicant, for Eisenberg Properties, Ltd., Owner(s), for a change in zoning from "C-3" General Commercial District to "I-2" Heavy Industrial District on the Southeast 300 feet of Lot 32, NCB 17994, 7240 IH 10 East. Staff's recommendation was for denial.

Zoning Commission has recommended approval contingent on plan amendment attainment. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99165

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS SOUTHEAST 300 FEET OF LOT 32, NCB 17994 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "I-2" HEAVY INDUSTRIAL DISTRICT.

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4F.) CASE NUMBER Z2004032C-A: The request of Amado Hoffman Sr., Applicant, for El Tipico Enterprises, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2 NAC" Commercial Nonalcoholic Sales District with conditional use for auto and truck sales on Lot 7, Block 7, NCB 12903, 2418 Irwin Drive. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

Councilman Williams spoke to this request as being an extension of a case that had been heard on April 22nd. He stated that at that time Lots 6 & 7 were considered but that this lot was sent back to the Zoning Commission and was subsequently denied. He asked the City Council to support this rezoning request with three conditions: 1. a six (6) foot solid screen fence be constructed along the east property line of Lot 6, Block 7, NCB 12903; 2. a four (4) foot solid screen fence be constructed along the front property line of Lot 6, Block 7, NCB 12903 in compliance with Section 35-514(c) of the United Development Code; and 3 exterior lighting fixtures be directed down and away from adjacent residential properties.

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

AN ORDINANCE 99166

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 ON LOT 7, BLOCK 7, AND NCB 12903 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-2 NAC" COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH CONDITIONAL USE FOR AUTO AND TRUCK SALES.

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4G.) CASE NUMBER Z2004071: The request of Tex-Maier Development, Applicant, for Tex-Maier Development, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3" General Commercial District on Lots 1 through 4, Block 1, NCB 10783, 2027 and 2031 Rigsby Avenue. Staff's recommendation was for denial of "C-3" General Commercial District and approval of "C-1" Light Commercial District.

Zoning Commission has recommended approval of C-1. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99167

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 ON LOTS 1 THROUGH 4, BLOCK 1, NCB 10783, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

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4H.) CASE NUMBER Z2004010C: The request of A. J. Hausman, Applicant, for A. J. Hausman, Owner(s), for a change in zoning from R-6 Residential Single-Family District and C-3 NA General Commercial Non-Alcoholic Sales District to C-2 C Commercial District with conditional use for a cold storage plant on Lot 1 and 2, Block 1, NCB 18087 save and except 0.555 acres out of Lot 2, 9802 and 9806 Teal Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99168

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 AND 2, BLOCK 1, NCB 18087 SAVE AND

EXCEPT 0.555 ACRES OUT OF LOT 2 FROM R-6 RESIDENTIAL SINGLE-FAMILY DISTRICT AND C-3 NA GENERAL COMMERCIAL NON-ALCOHOLIC SALES DISTRICT TO C-2 C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A COLD STORAGE PLANT.

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4I.) CASE NUMBER Z2004085S: The request of VHS San Antonio Partners, L. P. DBA Baptist Health Systems, Applicant, for VHS San Antonio Partners, L. P. DBA Baptist Health Systems, Owner(s), for a change in zoning from "C-1" Light Commercial District and "C-2" Commercial District to "C-2 S" Commercial District with specific use authorization for a hospital on 11.29 Acres out of NCB 10838, 4242 East Southcross Boulevard.

Staff's recommendation was for approval with conditions.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99169

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 11.29 ACRES OUT OF NCB 10838 FROM "C-1" LIGHT COMMERCIAL DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A HOSPITAL.

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4J.) CASE NUMBER Z2004089: The request of Domingo P. Maldonado, Jr., Applicant, for Domingo P. Maldonado, Jr., Owner(s), for a change in zoning from R-6 Residential Single-Family District to MF-25 Multi-Family District on Lot 300B, Block 30, NCB 11129, 200 Buchanan Boulevard.

Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to continue this rezoning case until the August 12, 2004 City Council meeting. Councilman Williams seconded the motion.

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

Zoning Case Number Z2004089 was continued to August 12, 2004.

4K.) CASE NUMBER Z2004061: The request of Busick Properties, Inc., Applicant, for Leslie P. Busick, Trustee, Owner(s), for a change in zoning from "C-2" Commercial District to "RM-4" Residential Mixed District on 6.4473 acres out of Lot 3, Block 1, NCB 16046, 4000 Block of Callaghan Road.

Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Barrera made a motion to approve the proposed Ordinance. Councilman Segovia 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.

AN ORDINANCE 99170

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 6.4473 ACRES OUT OF LOT 3, BLOCK 1, NCB 16046 FROM "C-2" COMMERCIAL DISTRICT TO "RM-4" RESIDENTIAL MIXED DISTRICT.

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4L.) CASE NUMBER Z2004062: The request of Brown, P. C., Applicant, for S.I. Lang et al, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 9.835 acres out of NCB 15329, south side of Military Drive West. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

AN ORDINANCE 99171

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 9.835 ACRES OUT OF NCB 15329 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

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4M.) CASE NUMBER Z2004074C: The request of Kaufman & Associates, Inc., Applicant, for South Texas Contracting Partners, Owner(s), for a change in zoning from "C-2 NA C" Commercial Nonalcoholic Sales District with conditional use for a print shop to "C-2 NA C" Commercial Nonalcoholic Sales District with conditional use for a contractors facility with outside storage on Lot 1, Block 4, NCB 16051, 8531 Leslie Road.

Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Castro made a motion to continue this rezoning case until the May 27, 2004 City Council meeting. Councilman Barrera seconded the motion.

In response to questions by Councilman Castro, Mr. John Jacks, Senior Planner, Development Services Department, stated that the owners of the property had requested a building permit but that the permitting had been stopped because there had been an indication that the owner was going to use the property for some kind of warehouse or storage facility. He further stated that construction had been allowed to continue with the understanding that the building would only be used as an office and not to store the contractor's equipment. He added that the owner had completed the building and was now asking for the zoning change.

Councilman Castro expressed concern that, if the zoning were approved, the owner would move large equipment onto the facility.

Mr. Jacks stated that because this was conditional zoning, the Council could apply some conditions that would not permit storage of large equipment on the property.

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

Zoning Case Number Z2004074C was continued to May 27, 2004.

4N.) CASE NUMBER Z2003101CS: The request of J. Allen Family Partner, Ltd., Applicant, for Rogers Shavano Ranch, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S"

Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a conditional use for a mini-storage facility and a specific use authorization for a mini-storage facility exceeding 2.5 acres on a 5.6-acre tract of land out of NCB 17627, southwest of De Zevala and Old Lockhill-Selma Road (not open for public access).

Staff's recommendation was for approval.

Zoning Commission has recommended approval with staff's conditions. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Hall made a motion continue this rezoning case until the May 27, 2004 City Council meeting. Councilman Radle seconded the motion.

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

Zoning case number Z2003101CS was continued to May 27, 2004.

40.) CASE NUMBER Z2004049: The request of Dr. Carmen Garza Levcovitz, Applicant, for Dr. Carmen Garza Levcovitz, Owner(s), for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on P-9, P-10 and P-11A, NCB 14615, 8122 Hausman Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Richard Alles, 530 Donaldson, stated that the requested zoning would increase impervious cover in the area. He gave a slide presentation in which he pointed out recent studies regarding impervious levels.

Mr. Loyd Cortez, 150 Emerald Valley, spoke against rezoning this property from residential (limits to 35% impervious cover) to commercial use (65% impervious cover).

He further spoke against the City's water being polluted and asked the City Council to vote against this request.

Mr. David Klar, 3925 Chimney Springs, spoke against this requested rezoning and spoke to the importance of City Council supporting and upholding the water protection laws that protected the recharge zone.

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In response to a question by Councilman Hall, Mr. John Jacks, Senior Planner, Development Services Department, spoke to the location of the property and makeup of the surrounding area.

Councilman Hall stated that the whole area was already commercial zoning and noted that he had spoken to the applicant who was interested in building a pediatrician's office. He added that they had spoken about limiting the impervious cover to below the 65% permitted in commercial zoning and she had mentioned that she would be amenable to limiting it to 50%. He further added that her intent was not to develop the entire piece of property.

In response to a question by Councilman Hall, the applicant's representative stated that his client was following the requirements of the code and that there were a massive amount of trees that his client was interested in preserving for some type of drainage consideration. He added that his client intended to build a pediatric office on the property and was following the codes. He stated that his client wished to have an environmental area on the south side of the property and that once the facility was built his client would master plan the remaining acreage focusing on the environmental aspect. He noted that a preliminary study had been done and his client had conceded quite a bit, however, without a master plan in place he could not consider limiting impervious cover to less than 50%.

In response to questions by Councilman Hall, Mr. Jacks stated that if he wanted to put a limit on impervious cover, he would have to do a conditional zoning and, if he wanted to increase the impervious cover, the zoning request would have to be brought back to amend the conditional zoning to increase the impervious cover.

Mr. Alles stated that he wanted to clarify that the limit on residential impervious cover was 30% not 35%. He further stated that it was a 10% increase over what was currently allowed. Mr. Alles added that their issue was the impervious cover and the owner's ability to build a commercial parking lot once they got the zoning. He further added that he would like to see some kind of land restrictions.

Mr. Jacks stated that in order to get the conditional use, the zoning would have to be brought down to R-6 with a conditional use for a medical office. He added that if the motion was for conditional use, it would be an automatic two-week continuance until May 27th so the department could have time to come up with a condition that could be applied.

Councilman Hall made a motion to continue this rezoning case until the May 27, 2004 City Council meeting. Councilman Perez seconded the motion.

Councilwoman Radle voiced her opinion on behalf of those who were against development over the aquifer. She added that she supported the master plan and expressed appreciation to Councilman Hall for his interest in protecting the aquifer.

Councilman Perez stated that he was familiar with planning and one of the tenets of planning was flexibility. He added that flexibility was needed to allow for responsible development.

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

Zoning case number Z2004049 was continued to May 27, 2004.

4P.) CASE NUMBER Z2004067: The request of NAPPA Office Condominiums I, Ltd., Applicant, for NAPPA Office Condominiums I, Ltd., Owner(s), for a change in zoning from "C-3" General Commercial District to "PUD C-3" Planned Unit Development General Commercial on P-100C and 100E, NCB 11631 (1.88 acres), property located at the southwest corner of Fountain Head Drive and I.H. 10 West. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99172

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-100C AND 100E, FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "PUD C-3" PLANNED UNIT DEVELOPMENT GENERAL COMMERCIAL DISTRICT.

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4Q.) CASE NUMBER Z2004073S: The request of Brown, P. C., Applicant, for Cuthbert Partners, Ltd., et al, Owner(s), for a change in zoning from "BP" Business Park District to "C-3 S" General Commercial District with specific use authorization for an auto paint and body shop on 10.294 acres out of NCB 14862, 11600, 11596, and 11570 I.H. 10 West.

Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Hall made a motion to continue this rezoning case until the City Council meeting of May 27, 2004. Councilman Perez seconded the motion.

In response to a question by Councilman Hall, a San Antonio Water System's representative gave an explanation on the difference between transition zone and transition in the contributing zone.

Councilman Hall asked Mr. John Jacks, Senior Planner, Development Services Department, to investigate why a business on the south of the property being considered did not get a letter notifying them of this proposed rezoning.

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

Zoning case number Z2004073S was continued to May 27, 2004.

4R.) CASE NUMBER Z2004087: The request of Rod Robertson, Applicant, for Rod Robertson, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-3" General Commercial District on Lot 11, NCB 16466, 3847 Parkdale. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99173

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 11, NCB 16466 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

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4S.) CASE NUMBER Z2004072: The request of Jeff D. Thompson, Applicant, for Jeff D. Thompson, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "O-1" Office District on Lot 12, Block 21, NCB 11737, 10603 West Avenue.

Staff's recommendation was for approval

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99174

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 12, BLOCK 21, NCB 11737 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

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4T.) CASE NUMBER Z2004081: The request of Frank Stanush, Applicant, for Frank Stanush, Owner(s), for a change in zoning from "O-2" Office District to "R-6" Single-Family District on Lot 18, Block 3, NCB 16789, southwest corner of Jones Maltzberger Road and Money Tree Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99175

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 18, BLOCK 3, NCB 16789 FROM "O-2" OFFICE DISTRICT TO "R-6" SINGLE-FAMILY DISTRICT.

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4U.) CASE NUMBER Z2004044: The request of David Popkin & Mark Higgins, Applicant, for David Popkin & Mark Higgins, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on 1.05 acres out of NCB 16587, 16500 Nacogdoches Rd.. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

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

AN ORDINANCE 99176

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 1.05 ACRES OUT OF NCB 16587 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

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2004-19 3:00 P.M. PRESENTATION OF THE FIVE YEAR FINANCIAL FORECAST

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

Mr. Peter Zanoni, Acting Director, Management and Budget Department, gave a slide presentation on the City's five year financial forecast for the fiscal years 2005-2009 (a copy of which was made a part of the papers of this meeting). The presentation provided the purpose of the forecast, FY 2004 financial status, economic perspective & outlook, summary of the economic update and outlook, general fund revenue growth assumptions, sales tax and property tax projected revenues. He further outlined CPS revenues, the general fund expenditure growth assumptions, mandates by departments, general fund

forecast for FY 2005, policy issues, options for addressing FY 2005 shortfall, other funds forecast (community & visitor facilities fund, storm water fund, aviation fund, environmental services fund, parking fund, employee benefits fund, workers' compensation fund), summary, and FY 2005 budget schedule.

In response to questions by Councilman Perez, a brief discussion ensued between Mr. Zaroni, Mr. Erik Walsh, Assistant to the City Manager, and City Manager Terry Brechtel with respect to the property tax projected revenues, inflation rate projections, overall budget growth in the general fund.

In response to a question by Councilman Perez, City Manager Brechtel stated that an analysis could be done to show where the expenditures increased.

Councilman Perez requested costs for 3%, 2½%, and 1½% adjustments for City employees for this fiscal year.

Mr. Zaroni spoke to the General Fund forecast, policy issues, and HMO.

In response to questions by Councilman Hall, Mr. Zaroni spoke to the budget deficit coming from 3 sources, to employees' co-pays, and projected increases in 2006 and 2007.

(Mayor Garza returned to the meeting and presided.)

Mayor Garza spoke to the goals and work session scheduled for the next day and noted that this item had been an overview of where the City presently stood. He added that it was a much better picture than a couple of months ago.

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2004-19 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 8 through 20, constituting the Consent Agenda, with item 8 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:** Segovia, Perez, Radle, Barrera, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Castro, Schubert.

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AN ORDINANCE 99177

AN ORDINANCE REAFFIRMING AND DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S AQUIFER STORAGE AND RECOVERY PROJECT ("PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER REAFFIRMING AND DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS PART OF THE PROJECT; TO WIT, A PORTION OF THE PROPERTIES LISTED AS FOLLOWS: 2.285 ACRES OUT OF NEW CITY BLOCK 35132, PARCEL P-81, IN BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE AS PART OF THE PROJECT; AUTHORIZING THE SAN ANTONIO WATER SYSTEM (SAWS), ITS EMPLOYEES, AGENTS AND/OR ITS AUTHORIZED INDEPENDENT NEGOTIATORS TO NEGOTIATE AND EXECUTE ALL AGREEMENTS, EASEMENTS AND OTHER NECESSARY DOCUMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED ABOVE AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; FURTHER AUTHORIZING THE GENERAL COUNSEL OF SAWS TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH CONCLUSION (INCLUDING FINAL JUDGMENT AND ALL NECESSARY APPEALS) FOR THE CONDEMNATION OF THE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; APPROVING, RATIFYING AND DECLARING VALID ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF AND/OR ACTING FOR SAWS TO ACQUIRE SUCH PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT EASEMENTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF SAWS; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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AN ORDINANCE 99178

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR STATE/FEDERAL ASSISTANCE PROVIDED THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN AN AMOUNT NOT TO EXCEED \$716,838.00, WHICH, IF AWARDED, WILL BE USED FOR PUBLIC LIBRARY DEVELOPMENT, INCLUDING GRANT ADMINISTRATION, CONSULTING, NETWORKED RESOURCES, SERVICES TO DISADVANTAGED POPULATIONS, CONTINUING EDUCATION, COLLECTION DEVELOPMENT PROGRAMS AND THE PURCHASE OF LIBRARY MATERIALS IN THE ALAMO AREA LIBRARY SYSTEM FOR THE GRANT PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005.

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AN ORDINANCE 99179

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR STATE/FEDERAL ASSISTANCE THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN AN AMOUNT NOT TO EXCEED \$258,262.00, WHICH, IF AWARDED, WILL BE USED FOR THE OPERATION OF THE SAN ANTONIO INTERLIBRARY LOAN CENTER, INCLUDING SALARIES AND ALL SUPPORT COSTS FOR THE GRANT PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005.

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AN ORDINANCE 99180

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A TECHNICAL ASSISTANCE NEGOTIATED GRANT APPLICATION FOR STATE/FEDERAL ASSISTANCE PROVIDED THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION IN AN AMOUNT NOT TO EXCEED \$80,000.00, WHICH, IF AWARDED, WILL BE USED FOR CONTRACTUAL AND RELATED TRAVEL EXPENSES FOR A TECHNICAL VENDOR TO PROVIDE HARDWARE, SOFTWARE, NETWORK AND SECURITY SUPPORT TO COMPUTER SYSTEMS OF PUBLIC LIBRARIES WITHIN THE ALAMO AREA LIBRARY SYSTEM FOR THE GRANT PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005.

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AN ORDINANCE 99181

AN ORDINANCE AMENDING ORDINANCE NO. 98261, PASSED ON OCTOBER 2, 2003 BY AUTHORIZING THE ACCEPTANCE OF A REIMBURSEMENT GRANT IN AN AMOUNT NOT TO EXCEED \$40,000.00 FROM THE TRANSPORTATION SECURITY ADMINISTRATION (TSA) FOR REIMBURSEMENT OF EXPENSES INCURRED DUE TO INCREASED PARTICIPATION IN THE TSA EXPLOSIVES DETECTION CANINE TEAM PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT; REVISING THE PROGRAM BUDGET; REVISING THE PERSONNEL COMPLEMENT; AND AMENDING BUDGET ORDINANCE NO. 98181.

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AN ORDINANCE 99182

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF SAN ANTONIO IN ORDER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE HEPATITIS B IMMUNIZATION SERVICES TO APPROXIMATELY ONE HUNDRED STATE EMPLOYEES AND FOR THE CITY TO BE REIMBURSED IN AN AMOUNT NOT TO EXCEED \$12,000.00.

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AN ORDINANCE 99183

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN EACH BEXAR COUNTY INDEPENDENT SCHOOL DISTRICT INDIVIDUALLY AND THE CITY OF SAN ANTONIO IN ORDER TO MAKE FACILITIES AVAILABLE IN THE EVENT OF A PUBLIC HEALTH EMERGENCY.

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AN ORDINANCE 99184

AN ORDINANCE AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A CHANGE TO A CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH, WHICH WILL REVISE THE BUDGET OF THE FAMILY HEALTH POPULATION-BASED CORE PUBLIC HEALTH PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AND REDUCE THE TOTAL BUDGET OF THE PROGRAM BY \$1,550.00 FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH

AUGUST 31, 2004; AND APPROVING SAID REVISIONS TO THE PROGRAM BUDGET.

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AN ORDINANCE 99185

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF DONATIONS FOR THE PLANT CONSERVATION PROGRAM AND PLANT RESEARCH PROGRAM AT THE SAN ANTONIO BOTANICAL GARDEN; AND ESTABLISHING TWO GRANT-FUNDED PART-TIME POSITIONS TO CONTINUE THESE PROGRAMS.

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AN ORDINANCE 99186

AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT WITH SAN ANTONIO WATER SYSTEM FOR USE OF \$500,000.00 IN 1994-1999 PARK BOND FUNDS FOR THE MITCHELL LAKE WETLANDS PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 99187

AN ORDINANCE REAPPOINTING MARGIE GALVAN (DISTRICT 4) AS DIRECTOR TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY D/B/A SOUTH TEXAS BUSINESS FUND FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2006.

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AN ORDINANCE 99188

AN ORDINANCE APPOINTING DELLA GUIDRY (MAYORAL APPOINTEE) TO THE CONVENTION AND VISITORS COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2006.

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AN ORDINANCE 99189

AN ORDINANCE APPOINTING SHANNON LEE (DISTRICT 2) TO THE OPEN SPACE ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 29, 2005.

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AN ORDINANCE 99190

AN ORDINANCE AMENDING ORDINANCE NO. 76772, PASSED ON OCTOBER 29, 1992, AND ORDINANCE NO. 83810, PASSED ON MARCH 21, 1996, BY REDUCING THE NUMBER OF MEMBERS FROM TWENTY-NINE (29) TO TWENTY-EIGHT (28) BY REMOVING THE CATEGORY OF OFFICE OF THE DISTRICT ATTORNEY; AND APPROVING THE FOLLOWING BOARD REAPPOINTMENTS FOR TERMS OF OFFICE TO EXPIRE ON NOVEMBER 30, 2005 AND APPOINTMENTS TO EXPIRE ON NOVEMBER 30, 2004 AND NOVEMBER 30, 2005 BY THE MAYOR TO THE GREATER SAN ANTONIO CRIME PREVENTION COMMISSION

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2004-19 **INDIVIDUAL ITEMS CONTINUED**

2004-19 The Clerk read the following Ordinance:

AN ORDINANCE 99191

AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$995,244.00 TO INCLUDE CONTRACTS FOR CONTINUOUS COMPUTER FORMS, GOLF CART BATTERIES, RENTAL OF BARRICADES AND ALLIED ITEMS, ANTIVIRUS SOFTWARE LICENSES AND UPGRADES AND POLICE HELICOPTER PARTS AND SERVICE.

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

In response to questions by Councilman Perez, Mr. Roland Lozano, Assistant to the City Manager, spoke to the rental of barricades for Spurs events at the SBC Center. He explained that the Spurs reimbursed the City for the cost of the barricades as well as costs for police services.

Mr. Lozano, responding to Councilman Perez's request, stated that he would send him the total costs for putting up the barricades and for police services.

In response to questions by Councilman Segovia, Mr. Lozano explained how the Spurs organization paid for the entire costs associated with the rental of the barricades.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke to Agenda Item #9 stating that under the San Antonio Water System's Aquifer Storage Recovery Project, San Antonio's aquifer water would be mixed with some dirty water from another aquifer so a treatment plant would need to be built to clean up the water. He also spoke on Agenda Item #16 noting his concern that the safe sex ideology would promote promiscuity among San Antonio's teens.

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.

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2004-19 The Clerk read the following Ordinance:

AN ORDINANCE 99192

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN AIRPORT IMPROVEMENT GRANT, WHEN OFFERED, IN THE AMOUNT OF \$6,066,503.00 FROM THE FEDERAL AVIATION ADMINISTRATION IN SUPPORT OF THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM FOR SAN ANTONIO INTERNATIONAL AIRPORT.

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

Mr. Kevin C. Dolliole, Director of the Aviation Department, gave a slide presentation on the Airport Improvement Program Grant (a copy of which was filed with the papers of

this meeting). He spoke to the Residential Acoustical Treatment Program, the grant that would be used for implementation of the program, the program status, and the steps and dates to follow.

In response to questions by Councilman Schubert, Mr. Dolliole spoke to the residential areas that had been identified and stated that specifics on the first homes selected would be available by the first quarter of next year. Mr. Dolliole also stated that the same company that assisted with the RFQ could bid for the project. He explained the single parcel method versus the bulk method type.

Councilman Schubert stated that he had concerns that cost figures needed to be carefully monitored so that there would be enough monies for everyone that needed the program.

Councilman Barrera spoke to the possibility of doing something similar in the area of Kelly USA and requested that staff keep this in mind in the event that more monies became available in the future.

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. **NAYS:** None. **ABSENT:** Radle, Castro.

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2004-19 The Clerk read the following Ordinance.

AN ORDINANCE 99193

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN AIRPORT IMPROVEMENT GRANT, WHEN OFFERED, IN THE AMOUNT OF \$4,564,819.00 FROM THE FEDERAL AVIATION ADMINISTRATION IN SUPPORT OF FOUR PROJECTS AT SAN ANTONIO INTERNATIONAL AIRPORT, NAMELY THE REHABILITATION OF AIRFIELD LIGHTING, PURCHASE OF ARFF VEHICLE, SKY PLACE DRAINAGE PHASE 2, AND RUNWAY SAFETY AREA IMPROVEMENTS.

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

Mr. Kevin C. Dolliole, Director of the Aviation Department, gave a slide presentation on the Airport Improvement Program Grant (a copy of which was filed with the papers of this meeting) in which he spoke to the grant (with matching CIP funds) which provides

funding for the rehabilitation of airfield lighting, purchase of ARFF vehicle, Sky Place Drainage Phase 2, and runway safety area improvements. He further spoke to the acceptance of an AIP Grant from the Federal Aviation Administration.

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

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

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2004-19 The Clerk read the following Ordinance:

AN ORDINANCE 99194

AN ORDINANCE ACCEPTING THE PROPOSAL OF WALLACE L. BOLDT, GENERAL CONTRACTOR, INCORPORATED (WBE), IN THE AMOUNT OF \$3,861,300.00 IN CONNECTION WITH THE MAURY MAVERICK, JR. BRANCH LIBRARY (MYSTIC PARK) AND FIRE STATION NO. 49 PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$190,300.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$50,200.00 FOR ADDITIONAL ARCHITECTURAL AND ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$650.00 FOR ADDITIONAL ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$4,102,450.00 FROM GENERAL OBLIGATIONS OF THE CITY; APPROVING FIELD ALTERATION NO. 4 IN THE REDUCED AMOUNT OF \$84,000.00 TO THE CONTRACT WITH E-Z BEL CONSTRUCTION, LTD., IN CONNECTION WITH THE FIRST PHASE OF THE DRAINAGE AND STREET PACKAGE OF THIS PROJECT; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (Amends Ordinance 98358, October 23, 2003)

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

Mr. Doug Yerkes, City Engineer, Public Works Department, gave a slide presentation on Agenda Items 24 & 25 (a copy of which was filed with the papers of this meeting) in which he spoke to the branch library and fire station projects, their background and construction, project timeline, fiscal impact, and the policy analysis.

(Mayor Garza returned to the meeting and presided.)

In response to a question by Councilman Perez, Mr. Yerkes stated that no additional sound barriers were proposed because the fire station was located next to a library. He stated that this fire station was not any different than fire stations situated near private residences and added that they did not expect complaints from library patrons.

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.

2004-19 The Clerk read the following Ordinance:

AN ORDINANCE 99195

AN ORDINANCE ACCEPTING THE PROPOSAL OF FMG CONTRACTING COMPANY, L.L.C. (MBE), IN THE AMOUNT OF \$3,220,315.00 IN CONNECTION WITH THE JULIA YATES SEMMES BRANCH LIBRARY AT COMANCHE LOOKOUT PARK PROJECT, LOCATED IN COUNCIL DISTRICT 10; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$150,000.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AMENDING A PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING \$75,000.00 TO REHLER, VAUGHN & KOONE, INC. FOR ADDITIONAL ARCHITECTURAL SERVICES, FOR A TOTAL AMOUNT OF \$3,445,315.00, OF WHICH \$2,733,203.00 WILL BE FUNDED BY GENERAL OBLIGATIONS OF THE CITY AND \$712,112.00 WILL BE FUNDED BY THE LIBRARY FOUNDATION; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (Amends Ordinance 96782, November 21, 2002; Ordinance 98358, October 23, 2003)

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

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

areas of common ground and would call a meeting in the new few weeks to continue to address these issues.

Ms. Brechtel added that the individual grievance process had been working for many years but that work could continue if she were given the latitude to meet with the associations.

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JOE SHAKRIAN FOX

Mr. Joe Shokrian Fox, 527 El Paso Street, thanked Councilwoman Radle for her support of the United Farm Workers' Cesar Chavez Foundation in their run at the Fiesta Flambeau Parade. He also spoke to reports of an ordinance to put homeless people in jail. He urged the Council not to consider such an ordinance but instead consider using some empty warehouses around the City to provide housing for these individuals.

Councilman Segovia assured Mr. Fox that no one was going to be thrown in jail unless they were breaking the law.

Councilman Flores explained that the ordinance could be similar to getting a citation for speeding. If you did not take care of the citation the very last resort would be arrest. He stated there would be something in writing stating that a certain type of behavior was not acceptable.

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NAZARITE RUBEN FLORES PEREZ

Mr. Nazirite Ruben Flores Perez, 627 Hearne, spoke to modifications to the City's Administrative Directives and to a six-month trial period.

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FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to a recent news article in which it had been reported that Councilman Schubert had given some monies from his District's Human Development Fund to Alamo Heights High School which was not located within the City of San Antonio. He expressed his concern that San Antonio's tax money was being spent outside the City.

Councilman Schubert explained that many of the students in the Alamo Heights School District are children of parents that live within the City limits of San Antonio.

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NIKKI KUHNS

Ms. Nikki Kuhns, 14003 Fairway Oaks, asked that the City Council amend Article II, Section 8 of the City Charter which addressed City Council vacancies. She stated that when a Council person resigned, a replacement was appointed by a majority vote of the Council for the unexpired term thus not giving district residents a vote on the replacement. She wanted to assure that the person appointed to the post was voted upon by the voters in the respective district.

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2004-19 EXECUTIVE SESSION

The City Council recessed its regular session at 5:29 p.m. in order to convene in Executive Session to discuss the following:

Legal issues relating to the analysis by cps on a right of first refusal to purchase an additional interest in the south Texas project, pursuant to Texas government code sections 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), and 551.086 (public power utilities: competitive matters).

The convention center headquarters hotel pursuant to section 551.072 (deliberation about real property), section 551.087 (deliberation regarding economic development negotiations), and section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 6:19 p.m. and reconvened in regular session at which time mayor Garza stated that the City Council had been briefed on the above styled matters and had given staff direction but had taken no official action.

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2004-19 FIRST PUBLIC HEARING REGARDING THE PROPOSED EXPANSION OF THE SOUTHSIDE INITIATIVE THROUGH LIMITED PURPOSE ANNEXATION.

Mayor Garza declared the Public Hearing to be opened

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation on the expansion of the Southside Initiative through limited purpose annexation (a copy of which was filed with the papers of this meeting). He gave the background of the proposed limited purpose annexation, growth trends, the rationale for the annexation, provisions, requirements, the regulatory plan which extends the municipal code, continuation of land use, Unified Development Code building permits, municipal code exceptions, the full purpose annexation procedures, the next steps, and the 2004 annexation schedule.

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne, stated that he wanted the city to grow but spoke to conflicting laws and critical decisions that the City Council would be making that would affect the new legislators.

Mr. Jack M. Finger, P. O. Box 12048, questioned who was going to pay for the infrastructure.

Mr. Faris Hodge, Jr , 140 Dora, spoke to various issues, including the Police Department as being understaffed, to street repairs that needed to be made and suggested that sheriff deputies patrol the downtown area.

Mr. Phil Ross, Citizens Against Forced Annexation, stated that it was illegal for the Mayor to deny Mr. Jack Finger and Mr. Nazirite Perez the right to speak regardless of the fact that they had spoken three times on other issues. He noted that a law suit was pending in federal court in New Orleans regarding this same issue. He spoke against limited purpose annexation adding that it was being abused by the City, especially if the City did not intend to annex the entire area within three years. He further spoke to the added tax burden for the residents in this area.

Ms. Carol Lagutchik, representing Bill Miller Bar-B-Q, stated that she believed the annexation rendered the land practically worthless and these zoning restrictions would be costly to the land owners. She added that south side landowners were not given an opportunity to participate in the decision-making process of the zoning. She spoke against the limited purpose annexation.

Mr. Sam Draver, representing an assortment of area landowners, stated that his clients were diametrically opposed to the zoning. He added that they were not opposed to annexation but spoke to a select group of citizens as having their land taken by regulation zoning.

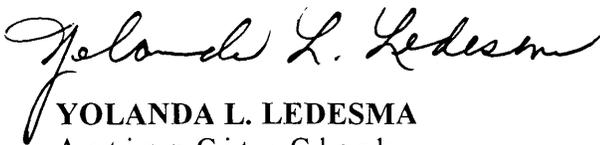
Mayor Garza declared the Public Hearing to be closed.

There being no further business to come before the City Council, the meeting was adjourned at 6:45 p.m.

A P P R O V E D


EDWARD D. GARZA
M A Y O R

Attest


YOLANDA L. LEDESMA
Acting City Clerk