

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MARCH 24, 2005

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

The Invocation was delivered by Pastor David Mueller, District 8, Shepherd of the Hills Lutheran Church.

Mayor Garza led the Pledge of Allegiance to the flag of the United States.

CEREMONIAL ITEMS

Mayor Garza presented the following Proclamations: Cesar E. Chavez March Day, Senior Games of San Antonio Day, and *YouthRules!* Day.

The minutes of the City Council meeting of March 3, 2005 were approved as presented.

1:30 PM CONSIDERATION OF AN ORDINANCE

The City Clerk read the following ordinance:

AN ORDINANCE 100558

AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$60,000,000.00 "CITY OF SAN ANTONIO, TEXAS MUNICIPAL DRAINAGE UTILITY SYSTEM BONDS, SERIES 2005"; PLEDGING THE REVENUES OF THE DRAINAGE UTILITY SYSTEM TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH BONDS; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SECURITY AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL

STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A BOND PURCHASE CONTRACT; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

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

Mr. Milo D. Nitschke, Finance Department Director, narrated a powerpoint presentation on the Sale of \$61,060,000 Municipal Drainage Utility System Revenue Bonds, Series 2005, a copy of which is on file with the Office of the City Clerk. He spoke to the bond ratings, insurance bids, transaction summary, the underwriter syndicate and the selling group members as well as the tentative bond sale and delivery schedule.

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

CONSENT AGENDA - CITIZEN'S COMMENTS

Items 15, 16, 17 and 20 were addressed individually from the consent agenda. The remaining items 7 through 25 were approved upon motion made by Councilmember Haass and seconded by Councilmember Perez.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke with regards to item 22 (parade permit) and item 13 relating to Civil Engineering Services and noted several Councilmembers received campaign contributions.

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

AN ORDINANCE 100559

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY TSI, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH FIVE (5) RESPIRATORY FIT TESTERS FOR A TOTAL COST OF \$37,345.00 FROM THE LAW ENFORCEMENT TERRORISM PREVENTION GRANT.

AN ORDINANCE 100560

ACCEPTING THE SINGLE SOURCE OFFER SUBMITTED BY FATS, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH A FIREARMS TRAINING SIMULATOR SYSTEM FOR A TOTAL COST OF \$41,600.00 FROM THE LAW ENFORCEMENT OFFICER STANDARD AND EDUCATION FUND.

AN ORDINANCE 100561

ACCEPTING THE PROPOSAL SUBMITTED BY MBF INDUSTRIES, INC. UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH ONE (1) REPLACEMENT MOBILE COMMAND VEHICLE BUS SHELL CHASSIS FOR A TOTAL COST OF \$374,125.00 FROM THE URBAN AREA SECURITY INITIATIVES GRANT.

AN ORDINANCE 100562

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 FISCAL YEAR 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$858,340.00 TO INCLUDE CONTRACTS FOR SPOKEN WORD COMPACT DISCS AND AUDIOCASSETTES, COMPUTER SERVER MAINTENANCE, RECREATIONAL BOARD & TABLE GAMES, VERITAS SOFTWARE LICENSES AND SUPPORT, HIGH INTENSITY PRISMATIC SIGN SHEETING, RECREATIONAL SPORTS EQUIPMENT, ARTS AND CRAFTS, AND PLASTIC BAGS.

AN ORDINANCE 100563

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$75,190.00 OF MANUEL ORTIZ CONSTRUCTION, L.L.C. (SBE/MBE) TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE OLMOS BASIN PARK IMPROVEMENT PROJECT, LOCATED IN COUNCIL DISTRICT 9; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$10,000.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR PARK MATERIALS; AUTHORIZING \$900.00 FOR MANDATORY PROJECT FEES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING AND

PRINTING FEES, FOR A TOTAL AMOUNT OF \$88,590.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100564

ACCEPTING THE LOW, QUALIFIED BID IN THE AMOUNT OF \$198,900.00 OF GRECO CONSTRUCTION, INC. (SBE/MBE) TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE FRIESENHAHN PARK REHABILITATION – PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 10; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$11,326.63 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$100.00 FOR PARK MATERIALS; TRANSFERRING \$1,500.00 WITHIN THE PROJECT BUDGET; FOR A TOTAL AMOUNT OF \$208,826.63 FROM 1999-2004 PARK BOND FUNDS AND 2003-2007 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100565

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$61,918.75 TO CIVIL ENGINEERING CONSULTANTS, INC., FOR ENGINEERING SERVICES IN CONNECTION WITH THE SAN ANTONIO RIVER WALK LINK FROM ALAMO TO EAGLELAND MPO PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING \$6,192.00 FOR ENGINEERING CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$68,110.75 FROM 1999 GENERAL OBLIGATION FLOOD CONTROL WITH PARK IMPROVEMENT BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100566

SELECTING ATC GROUP SERVICES, INC., D/B/A ATC ASSOCIATES, INC.; PROFESSIONAL SERVICE INDUSTRIES, INC.; MEDINA CONSULTING COMPANY, INC.; GEO-MARINE, INC.; AND CH2M HILL, INC.; TO PROVIDE STANDBY ENVIRONMENTAL CONSULTING SERVICES, AS NECESSARY TO REGULATE COMPLIANCE FOR VARIOUS ENVIRONMENTAL DUE DILIGENCE INVESTIGATIONS, INCLUDING ASBESTOS OVERSIGHT AND OTHER REMEDIAL PROJECTS DESIGNS, FOR AN AMOUNT NOT TO EXCEED \$250,000.00 FOR EACH CONTRACT; AUTHORIZING THE EXECUTION OF FIVE

(5) ONE YEAR PROFESSIONAL SERVICES AGREEMENTS, WITH TWO OPTIONAL ONE-YEAR TERMS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100567

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO PURCHASE AIRCRAFT HULL AND LIABILITY INSURANCE FOR THE CITY OF SAN ANTONIO FROM ACE USA GROUP THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, AT AN ANNUAL PREMIUM NOT TO EXCEED \$209,403.00, EFFECTIVE MARCH 31, 2005 THROUGH MARCH 31, 2006; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100568

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO PURCHASE AIRPORT OWNERS AND OPERATORS GENERAL LIABILITY INSURANCE FOR THE SAN ANTONIO INTERNATIONAL AIRPORT AND STINSON MUNICIPAL AIRPORT FROM ACE USA GROUP THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, AT AN ANNUAL PREMIUM OF \$63,263.00, EFFECTIVE MARCH 31, 2005 THROUGH MARCH 31, 2006; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100569

MODIFYING THE GRANDE COMMUNICATIONS FRANCHISE AGREEMENT, WHICH WAS PASSED BY ORDINANCE NO. 91616 AND BECAME EFFECTIVE ON JULY 18, 2000, IN ORDER TO EXTEND THE REOPENER OF THE FRANCHISE TO DECEMBER 31, 2005.

AN ORDINANCE 100570

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE ALAMODOME FOR THE RACE FOR THE CURE SPONSORED BY THE SUSAN G. KOMEN FOUNDATION TO BE HELD FROM 7:00 A.M. TO 10:30 A.M. ON SATURDAY, APRIL 2, 2005.

AN ORDINANCE 100571

APPROVING THE TEMPORARY CLOSURE OF KENTUCKY AVENUE BETWEEN NORTH ELMENDORF AND NORTH ZARZAMORA FROM 8:00 A.M. ON SATURDAY, APRIL 9, 2005 UNTIL 11:30 P.M. ON SUNDAY, APRIL 10, 2005 FOR LITTLE FLOWER CHURCH'S ANNUAL SCHOOL FESTIVAL.

AN ORDINANCE 100572

APPOINTING CHARLES M. BARTLETT (DISTRICT 3) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100573

APPOINTING BOBBIE J. MENZEL-BUTTS (DISTRICT 10) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100574

APPOINTING DEBORAH PEREZ (DISTRICT 10) AS DIRECTOR/TRUSTEE TO THE SOUTH TEXAS BUSINESS FUND FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2007.

AN ORDINANCE 100575

APPOINTING HOWARD PEAK (CHAIRMAN – MAYORAL APPOINTEE), JON THOMPSON (DISTRICT 1), THURMAN SERGEANT (DISTRICT 2), DEBRA GUERRERO (DISTRICT 3), ROBERT RODRIGUEZ (DISTRICT 5), BRIAN STIVES (DISTRICT 6), OLGA LISCANO (DISTRICT 7, ALBERT FERNANDEZ, JR. (DISTRICT 8), BRENDA KELLY ROWE (DISTRICT 9), JOE SOULES (DISTRICT 10) TO THE LINEAR CREEKS PARKS ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 100576

AUTHORIZING THE ACQUISITION OF A 4.101234 ACRE TRACT LOCATED ON EAST RHAPSODY DRIVE ADJACENT TO WALKER RANCH PARK IN COUNCIL DISTRICT 9 FROM GARY MANAGEMENT SERVICES C/O LIEF ZARS FOR THE AMOUNT OF \$441,200.00 FROM 2003-2007 PARK BOND FUNDS, WHICH WILL BE DESIGNATED AS PARK LAND; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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.

The City Clerk read the following ordinance:

AN ORDINANCE 100577

GRANTING A LICENSE AGREEMENT TO VILLAJE DEL RIO, LTD., TO BUILD AND MAINTAIN OVERHEAD PASSAGEWAYS AND BALCONIES EXTENDING OVER PUBLIC RIGHTS-OF-WAY IN A REDEVELOPED PROPERTY SITUATED NEAR THE INTERSECTION OF AVENUE B AND ROY SMITH STREET IN COUNCIL DISTRICT 1; AND WAIVING THE ASSOCIATED FEE UNDER THE CITY'S INCENTIVE SCORECARD PROGRAM.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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.

The City Clerk read the following ordinance:

AN ORDINANCE 100578

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A TWO (2) YEAR RENEWAL AND EXTENSION CONTRACT IN THE AMOUNT OF \$113,000.00 WITH EB JACOBS, L.L.C. (FORMERLY KNOWN AS SHL USA, INC.), TESTING CONSULTANT, FOR THE DEVELOPMENT OF VALIDATED WRITTEN ENTRANCE EXAMINATIONS FOR THE POSITIONS OF FIRE TRAINEE AND POLICE CADET IN THE SAN ANTONIO FIRE AND POLICE DEPARTMENTS, RESPECTIVELY, FOR THE PERIOD APRIL 11, 2005 THROUGH APRIL 10, 2007; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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.

The City Clerk read the following ordinance:

AN ORDINANCE 100579

MODIFYING THE TIME WARNER CABLE FRANCHISE AGREEMENT, WHICH WAS PASSED BY ORDINANCE NO. 49433 AND BECAME EFFECTIVE ON NOVEMBER 7, 1978, IN ORDER TO EXTEND THE TERM OF THE FRANCHISE TO DECEMBER 31, 2005.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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, Haass, Garza. **NAYS:** None. **ABSENT:** None. **ABSTAINED:** Schubert.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 100580

AUTHORIZING THE EXECUTION OF A CONTRACT AND CERTAIN AMENDMENTS WITH WASTE MANAGEMENT OF TEXAS, INCORPORATED (WMI) IN THE AMOUNT OF \$16,500.00 FOR THE WMI ANNUAL COLLEGE SCHOLARSHIP PROGRAM FOR THE PROVISION OF HUMAN AND COMMUNITY DEVELOPMENT SERVICES DURING THE PERIOD MARCH 24, 2005 THROUGH SEPTEMBER 30, 2005; AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNT OF \$1,500.00 FROM COUNCIL DISTRICT 1, \$1,000 FROM COUNCIL DISTRICT 2, \$3,000.00 FROM COUNCIL DISTRICT 3, \$3,000.00 FROM COUNCIL DISTRICT 4, \$2,000.00 FROM COUNCIL DISTRICT 5, \$5,000.00 FROM COUNCIL DISTRICT 6, AND \$1,000.00 FROM COUNCIL DISTRICT 7 FOR A TOTAL AMOUNT OF \$16,500.00 FOR THE WMI ANNUAL COLLEGE SCHOLARSHIP PROGRAM.

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

Councilmembers Radle, Segovia, Castro, and Flores then presented friendly amendments by pledging additional Human Development Services Funds from their districts for the scholarship program.

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, Haass, Garza. **NAYS:** None. **ABSENT:** None. **ABSTAINED:** Schubert.

ZONING CASES

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke against all zoning cases.

Mr. Brock Baily, 500 N. Alcard, representing applicant, presented the respective zoning cases (5D and 5F), and urged City Council to approve them.

5A) ZONING CASE NUMBER Z2005032 C: The request of Julieta Muniz, Applicant, for Julieta Muniz, Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "RM-4" C Residential Mixed District with a conditional use for a beauty shop on Lot 7 through 10, Block 45, NCB 1624 (138 Porter Street). Staff's

recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

(At this point, Mayor Garza was obliged to leave the meeting at 2:30 pm. Mayor Pro Tem Hall presided.)

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

Councilmember Williams made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

AN ORDINANCE 100581

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 7 THROUGH 10, BLOCK 45, NCB 1624 FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "RM-4" C RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR A BEAUTY SHOP

5B) ZONING CASE NUMBER Z2005029: The request of Manuel Flores, Applicant, for International Bank of Commerce, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3NA" General Commercial, Nonalcoholic Sales District on 1.497 acres out of Lot 38, Block 41, NCB 15156 (S. W. Loop 410). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 4)

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

Councilmember Perez made a motion to approve the proposed rezoning case. Councilmember Williams seconded the motion.

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

AN ORDINANCE 100582

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 1.497 ACRES OUT OF LOT 38, BLOCK 41, NCB 15156 FROM "C-2" COMMERCIAL DISTRICT TO "C-3NA" GENERAL COMMERCIAL, NONALCOHOLIC SALES DISTRICT.

5C) ZONING CASE NUMBER Z2005030 S: The request of the City of San Antonio, Applicant, for Mainland Drive Investment, LLC, Owner(s), for a change in zoning from "I-1" General Industrial District to "L" S Light Industrial District with specific use authorization for a daycare center on Lot 5 and Lot 6, Block 1, NCB 18571 (7939, 7941, 7943, 7945, 7947 and 7949 Mainland Drive). 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.

The following citizen(s) appeared to speak:

Mr. Rohn Rao, 7945 Mainland, spoke in favor of the zoning request.

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

AN ORDINANCE 100583

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5 AND LOT 6, BLOCK 1, NCB 18571 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "L" S LIGHT INDUSTRIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A DAYCARE CENTER.

5D) ZONING CASE NUMBER Z2004289 S: The request of Southern Towers Inc., Applicant, for Oakridge Baptist Church (LOA), Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6" S Residential Single-Family District with specific use authorization for a telecommunications tower on 0.05142 acres out of NCB 14002 (11003 Vance Jackson Road). 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.

The following citizen(s) appeared to speak:

Mr. Ted Trakos spoke against the zoning request, citing the design and location of the tower.

Councilmember Flores made a motion to continue the proposed rezoning case for two weeks. Councilmember Perez seconded the motion.

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

Zoning case Z2004289 S was continued for two weeks.

(Mayor Garza returned to the meeting at 2:55 pm and presided.)

5E) ZONING CASE NUMBER Z2005031: The request of Ray Wesley, Applicant, for K. Partners Blanco, LP, Owner(s), for a change in zoning from "C-2" ERZD Commercial Edward Recharge Zone District to "C-2" ERZD C Commercial Edward Recharge Zone District with a conditional use for a nightclub on 0.0893 acres out of Lot 63, Block 2, NCB 17608 (19141 Stone Oak Parkway). Staff's recommendation was for approval. Zoning Commission recommended approval of "C-2" C ERZD for a nightclub with the following conditions: 1) Must comply with the City of San Antonio sound ordinance; 2) No neon or flashing signs; 3) No outside seating; and 4) Hours of operation are limited to 11:00 A.M. to midnight daily. (Council District 9)

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

Councilmember Schubert made a motion to approve the proposed rezoning case with conditions. Councilmember Perez 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 100584

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 0.0893 ACRES OUT OF LOT 63, BLOCK 2, NCB 17608 FROM "C-2" ERZD COMMERCIAL EDWARD RECHARGE ZONE DISTRICT TO "C-2" ERZD C COMMERCIAL EDWARD RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB.

5F) ZONING CASE NUMBER Z2004290 S: The request of Southern Towers Inc, Applicant, for CWS Retail on Austin Highway, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District to "C-2" S Commercial District with specific use authorization for a telecommunications tower on 0.057 acres out of NCB 8695 (1433 Austin Highway). 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.

Councilmember Haass made a motion to approve the proposed Ordinance. Councilmember 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, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Radle.

AN ORDINANCE 100585

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 0.057 ACRES OUT OF NCB 8695 ZONING FROM "C-2"

COMMERCIAL DISTRICT TO "C-2" S COMMERCIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A TELECOMMUNICATIONS TOWER.

STAFF BRIEFING ON STATUS OF CONVENTION CENTER HEADQUARTERS HOTEL PROJECT.

Mr. Christopher Brady, Assistant City Manager provided a presentation on the Convention Center Headquarters hotel, a copy of which is on file with the Office of the City Clerk. Mr. Brady provided background on the project, parking space allocation, and supplied a breakdown of the guaranteed fixed price. He also clarified certain project documents, and key event dates. He introduced members of the design team with FaulknerUSA. They further amplified with specific details of the design.

Mr. Jorge Rodriguez of Coastal Securities made a detailed presentation on the financial component for the project. He spoke to the underwriting process, negotiation of bonding arrangement, and the critical capital contribution method.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following resolution:

A RESOLUTION 2005-13-09

AUTHORIZING THE CREATION OF THE "CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER HOTEL FINANCE CORPORATION" TO FINANCE THE DEVELOPMENT AND CONSTRUCTION OF A NEW CONVENTION CENTER HOTEL, AND APPROVING THE ARTICLES OF INCORPORATION AND BYLAWS FOR THE CORPORATION.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Williams seconded the motion.

Mr. Christopher J. Brady, Assistant City Manager narrated a presentation on the Convention Center Hotel Finance Corporation, a copy of which is on file with the Office of the City Clerk. Mr. Brady provided a summary of the resolution and background information. He clarified the significance of the hotel finance corporation, estimate amount of bonds to be issued, and recommendation.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100586

RESCINDING ORDINANCE NO. 100444, PASSED AND APPROVED ON FEBRUARY 17, 2005, AND AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE AND EXECUTE FEDERAL REPRESENTATION SERVICES AGREEMENTS WITH *HOLLAND & KNIGHT LLP* AND *PATTON BOGGS LLP*, EACH IN A MONTHLY AMOUNT NOT TO EXCEED \$12,000.00, INCLUSIVE OF ALL REASONABLE AND ORDINARY EXPENSES, FOR A TOTAL MONTHLY AMOUNT FOR FEDERAL REPRESENTATION SERVICES NOT TO EXCEED \$24,000.00, FOR THE TERM OF APRIL 1, 2005 THROUGH SEPTEMBER 30, 2006, WITH ONE (1)-YEAR RENEWAL OPTIONS; AND PROVIDING FOR PAYMENT.

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

Mr. Ray Baray, Intergovernmental Relations Manager, narrated a powerpoint presentation on the Federal Representation Services Contracts, a copy of which is on file with the Office of the City Clerk. He spoke to the purpose of this ordinance, its background, and the Loeffler Group's proposal to withdraw. He also clarified the subsequent contracts negotiations with the next two highest-ranked firms, the issue assignments, and the fiscal impact.

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.

The City Clerk read the following ordinance:

AN ORDINANCE 100587

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE ALAMO REGIONAL MOBILITY AUTHORITY ("ALAMORMA") AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$500,000.00 TO ALAMORMA IN THE FORM OF A LOAN AS

PROVIDED FOR IN THE INTERLOCAL AGREEMENT; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY, WHICH WILL ALLOW THE CITY TO UTILIZE A COUNTY SEAT TO APPOINT A CITY REPRESENTATIVE TO THE ALAMORMA BOARD OF DIRECTORS.

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

Mr. Thomas G. Wendorf, Public Works Director narrated a powerpoint presentation on the Alamo Regional Mobility Authority Interlocal Agreement, a copy of which is on file with the Office of the City Clerk. He provided the background of the petition to the Texas Transportation Commission for the creation of the Alamo Regional Mobility Authority (AlamoRMA), the loan agreement by the City, and the utilization of the funds. He also clarified the benefits to the City for participating and contributing to the partnership, the Governing Board, policy analysis, and fiscal impact.

Mayor Garza requested staff to follow due diligence in assuring that a city appointee be made prior to release of funds.

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

CITIZENS TO BE HEARD

Mr. Jose Gallegos, Jr., Committee to rename Elmendorf Park – Cesar Chavez Memorial Park, spoke to the Council on the renaming of Elmendorf Park in honor of Cesar Chavez. He spoke to the life and legacy of Cesar Chavez.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 100588

AMENDING CHAPTER 34 OF THE CITY CODE ADJUSTING THE RATES FOR CHILLED WATER AND STEAM SERVICE PROVIDED BY THE SAN ANTONIO WATER SYSTEM TO CUSTOMERS AT KELLYUSA EFFECTIVE BEGINNING WITH BILLINGS IN MAY 2005.

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

Mr. Ben Gorzell Jr., Director of Public Utilities, introduced Mr. Dan Crowley of SAWS who narrated a power point presentation on the proposed rate adjustments to KellyUSA chilled water and steam services, a copy of which is on file with the Office of the City Clerk. He provided background on the proposed rate adjustment, the rate objective, expenses, and the renewal and replacement fund. He also spoke to the original subsidy, the development of a rolling average demand, the current and proposed rates for the chilled water service and the steam service, and provided an overall summary of the proposed rates.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100589

AMENDING SECTIONS 16-297 AND 16-302(B) OF THE CITY CODE TO ALLOW FOR REPLACEMENT GARAGE SALE PERMITS DUE TO INCLEMENT WEATHER AND ALLOWING FOR ALTERNATIVES TO DISPLAYING OF GARAGE SALE PERMITS DURING SUCH SALES; AS REQUESTED BY COUNCILMAN JOEL WILLIAMS, DISTRICT 2.

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

Ms. Liz C. Garcia, Acting Code Compliance Director, narrated a powerpoint presentation on the garage sales replacement permits, a copy of which is on file with the Office of the City Clerk. She spoke to the history of the stipulations set out for issuance of replacement permits, staff processes, the effective date of January 1, 2005, the locations for sale of the permits, and additional amendments to the Code related to the display of the permits.

Councilmember Perez made a motion to amend the proposed ordinance to extend the time from seven to thirty days to reschedule a garage sale cancelled due to inclement weather. Councilmember Radle seconded the motion.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100590

WAIVING THE ONE-MILE RULE FOR THE SAN JUAN SQUARE MULTI-FAMILY APARTMENTS PROJECT TO ALLOW THE PROJECT DEVELOPER TO SUBMIT AN APPLICATION FOR CONSIDERATION OF AN ALLOCATION OF HOUSING TAX CREDITS FROM THE STATE; AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

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

Mr. Andrew Cameron, Director of Housing and Community Development, provided background information on the projects.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100591

WAIVING THE ONE-MILE RULE FOR THE VISTA VERDE NORTH I AND II APARTMENTS REHABILITATION PROJECT TO ALLOW THE PROJECT DEVELOPER SUBMISSION OF AN APPLICATION FOR CONSIDERATION OF AN ALLOCATION OF HOUSING TAX CREDITS FROM THE STATE; AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Radle seconded the motion.

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

CITY MANAGER'S REPORT

Ms. Leticia M. Vacek, City Clerk, distributed a list of Boards/Commissions members that will automatically be removed from their respective board for failure to submit their Financial Disclosure Report.

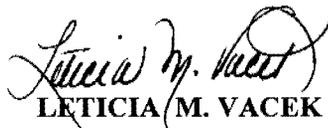
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 6:44 pm.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk