

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, SEPTEMBER 13, 2001.

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2001-34 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A) **Budget Presentation.** Presented by Louis Lendman, Director of Management & Budget.
- Capital Budget/Debt Management Plan (Budget/Finance)
 - HotelMotel & Alamodome Funds: Convention Facilities, Convention & Visitors Bureau International Affairs, Cultural Affairs Alamodome/Wolff Stadium.

The "B" Session adjourned at 12:30 P.M.

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2001-34 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Edward D. Garza, with the following members present: AYES: Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. NAYS: None. ABSENT: Moorhouse.

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2001-34 Invocation by Asst. Pastor Javier Leyva, La Trinidad Methodist Church.

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2001-34 Pledge of Allegiance to the flag of the United States.

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2001-34 Minutes of the Regular City Council meeting of August 9, 2001, were approved.

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2001-34 **OBSERVANCE OF THE NATIONAL DAY OF PRAYER.**

Mayor Garza spoke to the observance of the declaration of the National Day of Prayer by President Bush, encouraging all cities throughout the nation to participate in the honoring of those citizens of our nation who have lost their lives in the recent terrorist tragedy, which occurred on September 11, 2001. He stated he would affirm the President's declaration by issuing a Proclamation on Friday, September 14, 2001 on the front steps of City Hall. Mayor Garza further commended the citizens of San Antonio for their overwhelming support to aid the families affected by this tragedy. He also recognized Bexar County Judge Nelson Wolff for his leadership in joining with the City in their effort to develop a plan of action for San Antonio/Bexar County readiness. He also commended the City Council for their unified support.

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2001-34 **PRESENTATION OF PROCLAMATION FOR "TRY TRANSIT WEEK"**

Mayor Garza invited the delegation from VIA to come forward for the presentation. He read a Proclamation declaring "Try Transit Week", and presented it to Mr. Charles Shannon, Chair of the Metropolitan Transit Authority.

Members of the City Council congratulated Mr. Shannon for his leadership and General Manager John Milam for his outstanding work for the community.

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2001-34 **PRESENTATION OF CERTIFICATE TO SUNBELT DESIGN AND DEVELOPMENT, INC.**

Mayor Garza presented the certificate of recognition to Mr. Ruben Solis, President of Sunbelt Design for his contribution in developing his business in the inner City area, providing needed economic development in this area. Mayor Garza noted that Sunbelt Design was ranked as one of the "Fastest Inner City Companies in the Nation"

CONVENTION CENTER WITH CONCESSION EQUIPMENT AND
INSTALLATION FOR A TOTAL SUM OF \$66,637.64.

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AN ORDINANCE 94509

ACCEPTING THE LOW BID FROM MLP VENTURES, INC., AN MBE COMPANY,
TO PAINT THE INTERIOR OF THE CITY MARINA PARKING GARAGE FOR THE
CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT FOR A TOTAL SUM
OF \$54,343.00; AND AMENDING ORDINANCE NO. 93752 BY APPROPRIATING
ADDITIONAL FUNDS IN THE AMOUNT OF \$6,843.00 FOR SAID PROJECT.

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AN ORDINANCE 94510

ACCEPTING THE SOLE SOURCE BID OF PEARSON EDUCATION, A DIVISION
OF PEARSON PLC, TO PROVIDE THE CITY OF SAN ANTONIO POLICE
DEPARTMENT WITH CRIMINAL INVESTIGATION TEXTBOOKS FOR A TOTAL
OF \$47,139.41.

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AN ORDINANCE 94511

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF
SAN ANTONIO WITH VARIOUS MATERIALS AND SERVICES ON AN ANNUAL
CONTRACT BASIS FOR THE 2001-2001 FISCAL YEAR FOR A TOTAL OF
APPROXIMATELY \$1,976,462.00.

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AN ORDINANCE 94512

AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN
INTERJURISDICTIONAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO
AND THE SAN ANTONIO WATER SYSTEM (SAWS), SETTING FORTH THE
TERMS AND CONDITIONS FOR THE JOINT FUNDING OF THE STINSON
MUNICIPAL AIRPORT WATER MAIN FIRE FLOW IMPROVEMENT PROJECT,
WITH THE CITY OF SAN ANTONIO'S PORTION OF SAID FUNDING, TOTALING
\$269,299.00, TO BE PAID FROM THE STINSON MUNICIPAL AIRPORT

REVOLVING FUND; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT TO THE SAN ANTONIO WATER SYSTEM.

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AN ORDINANCE 94513

AUTHORIZING PAYMENT IN THE AMOUNT OF \$800.00 TO PAPE-DAWSON ENGINEERS, INC. FOR SURVEYING SERVICES IN CONNECTION WITH TEMPORARY FIRE STATION NO. 49 PROJECT; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94514

AUTHORIZING PAYMENT IN THE AMOUNT OF \$109,791.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2001-ED-0011, CITY OF SAN ANTONIO VS. HENRY WINN BENAVIDES, AS THE DEPOSIT OF THE SPECIAL COMMISSIONERS AWARD FOR FEE SIMPLE TITLE TO ONE PARCEL AND PAYMENT OF \$1,055.00 FOR COURT COSTS IN CONNECTION WITH THE FIRE STATION NO. 25 PROJECT IN COUNCIL DISTRICT 4; FOR THE TOTAL SUM OF \$110,846.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94515

AUTHORIZING PAYMENT IN THE AMOUNT OF \$17,800.00 TO THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO FOR TRANSFER OF CONTROL OF THREE PARCELS THROUGH THE ACCEPTANCE OF A TRANSFER OF CONTROL OF PROPERTY AGREEMENT IN CONNECTION WITH THE MISSION TRAILS PARKWAY, PACKAGE IV METROPOLITAN PLANNING ORGANIZATION PROJECT IN COUNCIL DISTRICTS 1 & 3; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 94516

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH A TEN (10) YEAR TERM BETWEEN THE CITY OF SAN ANTONIO AND CHRISTUS SANTA ROSA HEALTH CARE FOR USE OF A TUNNEL ENCROACHING INTO RIGHT OF WAY UNDER SANTA ROSA STREET, BETWEEN WEST HOUSTON AND WEST TRAVIS STREETS, FOR THE TOTAL CONSIDERATION OF \$6,125.00.

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AN ORDINANCE 94517

AUTHORIZING THE TEXAS BANDMASTERS ASSOCIATION USE OF MAVERICK PLAZA, JUAREZ PLAZA AND PLAZA NATIONAL IN LA VILLITA IN CONNECTION WITH THEIR ANNUAL CONVENTION ACTIVITIES FOR 2002 THROUGH 2011.

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AN ORDINANCE 94518

AUTHORIZING THE ACCEPTANCE OF \$4,000.00 IN CASH FROM CHRISTUS SANTA ROSA HEALTHCARE CORPORATION FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO TRAIN PHYSICIANS FROM THE FAMILY PRACTICE RESIDENCY PROGRAM IN PUBLIC HEALTH CONCEPTS AND PRACTICES DURING THE PERIOD JULY 1, 2001 THROUGH JUNE 30, 2002 AND APPROVING THE EXECUTION OF THE AGREEMENT.

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AN ORDINANCE 94519

ACCEPTING A GRANT IN THE AMOUNT OF \$223,168.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED TOWARDS SALARIES AND ALL SUPPORT COSTS FOR THE OPERATION OF THE SAN ANTONIO INTERLIBRARY LOAN CENTER.

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AN ORDINANCE 94520

ACCEPTING A GRANT IN THE AMOUNT OF \$764,627.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED FOR GRANT ADMINISTRATION, CONSULTING, NETWORKED RESOURCES, DISADVANTAGED SERVICES, CONTINUING EDUCATION, AND THE PURCHASE OF LIBRARY MATERIALS FOR THE ALAMO AREA LIBRARY SYSTEM; APPROPRIATING FUNDS; AND ESTABLISHING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 94521

ACCEPTING THE TECHNICAL ASSISTANCE NEGOTIATED GRANT IN THE AMOUNT OF \$78,299.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED TO PURCHASE LIBRARY RESOURCES (E.G. BOOKS ON USING TECHNOLOGY), TO PROVIDE STAFF TRAINING (E.G. COMPUTER SECURITY), AND FOR PERSONNEL EXPENSES; APPROPRIATING FUNDS; AND ESTABLISHING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 94522

RATIFYING SERVICES PERFORMED AND AUTHORIZING AN AMENDMENT TO THE HOBBS GROUP, INC. INSURANCE ADMINISTRATION AGREEMENT FOR SAFETY AND RISK CONTROL SERVICES PROVIDED THROUGH THE PERIOD OF JULY 1 THROUGH JULY 31, 2001, IN THE AMOUNT OF \$6,196.71, IN CONJUNCTION WITH THE OWNER CONTROLLED INSURANCE PROGRAM (OCIP), FOR THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; REDUCING THE APPROPRIATION FOR TRANSAMERICA FOR GENERAL LIABILITY INSURANCE COVERAGE OF THE OWNER CONTROLLED INSURANCE PROGRAM IN PAYMENT OF SAID SERVICES, AND PROVIDING FOR PAYMENT TO THE HOBBS GROUP, INC.

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AN ORDINANCE 94523

APPROVING AN INVESTMENT POLICY FOR THE CITY OF SAN ANTONIO, TEXAS, IN ACCORDANCE WITH THE REQUIREMENT OF THE TEXAS PUBLIC FUNDS INVESTMENT ACT, AS AMENDED, FOR CITY COUNCIL TO ANNUALLY REVIEW AND APPROVE THE CITY'S INVESTMENT POLICY; AND DESIGNATING CERTAIN EMPLOYEES AS INVESTMENT OFFICERS FOR THE CITY OF SAN ANTONIO.

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AN ORDINANCE 94524

AUTHORIZING A PARADE PERMIT AND TEMPORARY CLOSURE OF CERTAIN STREETS IN CONNECTION WITH THE HEALTHY STEPS 5K RUN TO BE HELD ON SATURDAY, SEPTEMBER 22, 2001 FROM 7:30 A.M. UNTIL 9:30 A.M., SPONSORED BY THE BAPTIST HEALTH SYSTEM.

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AN ORDINANCE 94525

APPOINTING PETE GONZALES, JR. (DISTRICT 6) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2002.

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2001-34 **INDIVIDUAL ITEMS – CITIZEN COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to several items on the agenda, highlighting the One-Stop Development Services Center, the use of contingency funds, and the six-signature memo process.

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2001-34 The Clerk read the following Ordinance:

AN ORDINANCE 94526

APPROVING A CONTRACT WITH THE BEXAR COUNTY CLERK, IN AN AMOUNT UP TO \$288,000.00, FOR ELECTIONS SERVICES IN CONNECTION WITH THE NOVEMBER 6, 2001, SPECIAL ELECTION FOR THE PURPOSE OF AMENDING THE CHARTER OF THE CITY OF SAN ANTONIO, RELATED TO THE CITY AUDITOR, CITY ATTORNEY'S OFFICE AND CIVIL SERVICE SECTIONS, AS REQUESTED BY THE CITY COUNCIL CHARTER REVIEW COMMITTEE; SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE INVOLVED ENTITIES; AND AUTHORIZING PAYMENT THEREFORE.

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Mr. Perez made a motion to approve the proposed Ordinance. Mr. Martin seconded the motion.

City Clerk Norma Rodriguez, made a presentation on the November 6, 2001 Election, and highlighted the proposed contract with Bexar County to conduct the election. She noted the shared costs for Election day and Early Voting, which includes rental of sites, hiring of election workers, and all materials necessary to conduct the election. Mrs. Rodriguez added that the combined election would facilitate voting for all the citizens of San Antonio and Bexar County, a copy of the presentation is on file with the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to the contract process for the Election, and urged that the election be postponed until next year, noting that term limits should be maintained.

Ms. Nancy Englebert, 10486 Pine Glade, expressed concern on the postponement of the public hearing for term limits. She also advised the City Council on an upcoming neighborhood event, which would benefit scholarship programs.

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

2000-34 ZONING HEARINGS

4A) CASE NUMBER #Z2001162C - The request of Karen Barnes, Applicant, for Edward R. Acosta, Owner(s), for a change in zoning from "B" Residential District, to "RM-6C" Residential Mixed District, with a Conditional Use Permit for a non-commercial parking lot on Lot 7, Block 61, NCB 7216, 2919 Blanco Rd. Staff's recommendation was for denial as requested and approval of "R6- C", with a Conditional Use Permit for a non-commercial parking lot.

Zoning Commission has recommended approval of "RM-6C." (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Jesus Rivera spoke in support of the zoning change.

Mr. Perez made a motion to approve the proposed rezoning. Mr. Garcia seconded the motion.

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

AN ORDINANCE 94527

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 7, BLOCK 61, NCB 7216, 2919 BLANCO RD., FROM "B" RESIDENTIAL DISTRICT, TO "RM-6C" RESIDENTIAL MIXED DISTRICT, WITH A CONDITIONAL USE PERMIT FOR A NON-COMMERCIAL PARKING LOT AND APPROVAL OF "RM-6C", WITH A CONDITIONAL USE PERMIT FOR A NON-COMMERCIAL PARKING LOT. IT SHOULD BE NOTED THAT THE APPLICANT IS REQUIRED TO INSTALL AND REGULARLY MAINTAIN A SIX-FOOT PRIVACY FENCE ALONG ALL PROPERTY BOUNDARIES ADJACENT TO MORE RESTRICTIVE RESIDENTIAL ZONING DISTRICTS (UDC PAGE 5-136.)

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SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-3258, "Special Use Permit" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-3258, "Special Use Permit" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: The City Council approves this Special Use Permit so long as the following conditions are met:

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4B) CASE NUMBER #Z2001182 - The request of Randy Cunniff, Applicant, for Orville Carr and Associates, Owner(s), for a change in zoning from "B-2NA" Business, Non-alcoholic Sales District and "B-2NA UC" Business, Non-alcoholic Sales, Urban Corridor District to "C-3" Commercial District and "C-3 UC" Commercial, Urban Corridor District on Lot 9 and 11, NCB 386, 1500 N. Main Avenue. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning.

Mr. Perez made a motion to continue this rezoning case until the City Council meeting of September 27, 2001. Mr. Garcia seconded the motion.

After consideration, the motion to continue this case until September 27, 2001, prevailed by the following vote: **AYES:** Perez, Sanders, Garcia, Barrera, Castro, Schubert. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Conner, Carpenter, Garza.

Zoning Case Z2001182 was continued to the Council meeting of September 27, 2001.

4C) CASE NUMBER #Z2001172 - The request of Earl & Brown, P.C., Applicant, for McPherson Plaza, L.L.C., J.R. Hurd ("Lessor"), Owner(s), for a change in

zoning from Temporary "R-1" Single-Family Residence District to "MH" Manufactured Housing District on a 47.4 acre tract of land out of NCB 17739, Northwest side of Walzem Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Sanders made a motion to approve the proposed rezoning. Mr. Perez seconded the motion.

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

AN ORDINANCE 94528

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 BEING A 47.4 ACRE PARCEL OF LAND OUT OF NCB 17739, NORTHWEST SIDE OF WALZEM ROAD, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "MH" MANUFACTURED HOUSING DISTRICT.

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4D) CASE NUMBER #Z2001077 - The request of KB HOME, Applicant, for KB HOME, Owner(s), for a change in zoning from Temporary "R-1" Single Family Residence District to "R-5" Single Family Residence District on 49.913 acres out of NCB 34362B, Potranco Road. Staff's recommendation was for approval.

Zoning Commission has recommended Approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Martin made a motion to continue this rezoning case until the City Council meeting of November 8, 2001. Mr. Perez seconded the motion.

After consideration, the motion to continue this case until November 8, 2001, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Garcia, Garza.

Zoning Case Z2001077 was continued to the Council meeting of November 8, 2001.

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2001-34 **DISCUSSION OF ZONING CASE #4I**

At this time, Zoning Case #4I was brought up for discussion by Council.

4I) CASE NUMBER #Z2001136 - The request of David W. Monnich, Applicant, for HRS Partnership, Owner(s), for a change in zoning from Temporary "R-1" Single-Family Residence District; "R-5" Single-Family Residence District; and "R-7" Small Lot Residence District to "B-3" Business District on 7.02 acres out of NCB 17636 (Tract A); 8.92 acres out of NCB 17636 (Tract B); and 5.89 acres out of NCB 17636 (Tract C), 7510 West Loop 1604. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Barrera made a motion to approve the proposed rezoning. Mr. Perez seconded the motion.

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

AN ORDINANCE 94529

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 7.02 ACRES OUT OF NCB 17636 (TRACT A); 8.92 ACRES OUT OF NCB 17636 (TRACT B); AND 5.89 ACRES OUT OF NCB 17636 (TRACT C), 7510 WEST LOOP 1604, FROM TEMPORARY "R-1" SINGLE-FAMILY

RESIDENCE DISTRICT; "R-5" SINGLE-FAMILY RESIDENCE DISTRICT; AND "R-7" SMALL LOT RESIDENCE DISTRICT TO "B-3" BUSINESS DISTRICT.

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2001-34 **DISCUSSION OF ZONING CASE #4E**

At this time, Zoning Case #4E was brought up for discussion by Council.

4E) CASE NUMBER #Z2001131 - The request of Jose Garcia Garcia, Applicant, for Jose Garcia Garcia, Owner(s), for a change in zoning from "R-2" Two Family Residence District to "NC" Neighborhood Commercial District on Lot 34, Block 3, NCB 11189, 323 Palo Alto Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Martin made a motion to reject the recommendation of the Zoning Commission and to deny the requested rezoning. Mr. Perez seconded the motion.

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

Zoning Case Z2001131 was denied.

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4F) CASE NUMBER #Z2001148C - The request of Harry Hausman, Applicant, for Harry Hausman, Owner(s), for a change in zoning from Temporary "R-1" Single-Family Residence District to "C-2 C" Commercial District with a Conditional Use for an office warehouse and storage of drywall materials (4.254 acre tract) and "C-3R" Commercial District, Restrictive Alcoholic Sales with 50 feet of "C-2NA" Commercial District, Nonalcoholic Sales along the south property line (4.665 acre tract) on 8.919 acre tract of land out of NCB 18087, southeast and southwest corners of Hunters Pond & Loop 410 Southwest Expressway. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Martin made a motion to continue this rezoning case until the City Council meeting of October 11, 2001. Mr. Perez seconded the motion.

After consideration, the motion to continue this case until October 11, 2001, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Moorhouse, Garcia, Carpenter, Garza.

Zoning Case Z2001148C was continued to the Council meeting of October 11, 2001.

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4G) CASE NUMBER #Z2001151 - The request of Priscilla D. Jeffreys, Applicant, for Willis R. Jeffreys, Owner(s), for a change in zoning from Temporary "R-1" Single Family Residence District to "MH" Manufactured Housing District on Lot 31, Block 2, NCB 15633, 5343 Gwenda Lea. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Martin made a motion to continue this rezoning case until the City Council meeting of January 10, 2002. Mr. Sanders seconded the motion.

After consideration, the motion to continue this case until January 10, 2002, prevailed by the following vote: **AYES:** Sanders, Martin, Barrera, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Garcia, Carpenter, Garza.

Zoning Case Z2001151 was continued to the Council meeting of January 10, 2002.

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4H) CASE NUMBER #Z2001177 - The request of Fisher Engineering, Inc. - Bill Fey, Applicant, for Senior Housing Services, Inc., Owner(s), for a change in zoning from "R-1" Single-Family Residence District, "B-3 R" Restrictive

Business District and "B-2" Business District to "R-5" Single Family Residence District on 8.820 acres out of NCB 15910, the intersection of Potranco Road and Fillmore Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Martin made a motion to continue this rezoning case until the City Council meeting of September 27, 2001. Mr. Barrera seconded the motion.

After consideration, the motion to continue this case until September 27, 2001, prevailed by the following vote: **AYES:** Sanders, Martin, Barrera, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Garcia, Carpenter, Garza.

Zoning Case Z2001177 was continued to the Council meeting of September 27, 2001.

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2001-34 **DISCUSSION OF ZONING CASE #4J**

At this time, Zoning Case #4J was brought up for discussion by Council.

4J) CASE NUMBER #Z2001157 - The request of Robert Herbage, Hospitality Design Group, Applicant, for Reza Sehat, Owner(s), for a change in zoning from Temp "R-1" Single-Family Residence District to "C-2NA" General Commercial, NonAlcoholic Sales District on Lot P-83F, Block 53, NCB 15591, 7000 Military Dr. W. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Barrera made a motion to approve the proposed rezoning. Mr. Sanders seconded the motion.

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

AN ORDINANCE 94530

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-83F, BLOCK 53, NCB 15591, 7000 MILITARY DR. W., FROM TEMP "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "C-2NA" COMMERCIAL DISTRICT EXCEPT THAT NO SALES OF ALCOHOLIC BEVERAGES FOR ON-PREMISES OR OFF-PREMISES CONSUMPTION SHALL BE PERMITTED ON THE PROPERTY.

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2001-34 **DISCUSSION OF ZONING CASE #4L**

At this time, Zoning Case #4L was brought up for discussion by Council.

4L) CASE NUMBER #Z2001128 - The request of HM Dominion Ridge LTD (Jay Hanna, Pres.), Applicant, for HM Dominion LTD - Jay Hanna (Tract 1) and Sarah Jane Watson (Tract 2), Owner(s), for a change in zoning from Temporary "R-1" Single-Family Residence District and Temporary "R-1 UC-1 Single-Family Residence Urban Corridor District to "(P-1) R-1" Planned Unit Development Single-Family Residence District and to "(P-1) R-1 UC-1" Planned Unit Development Single-Family Residence Urban Corridor District on 104.7 acres (Tract 1) out of CB4729 (NCB 18338) and 1.407 acres (Tract 2) out of CB 4754 (NCB 18338), I.H. 10 West Expressway. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Ms. Conner made a motion to approve the proposed rezoning. Mr. Carpenter seconded the motion.

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

AN ORDINANCE 94531

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 104.7 ACRES (TRACT 1) OUT OF CB4729 (NCB 18338) AND 1.407 ACRES (TRACT 2) OUT OF CB 4754 (NCB 18338), I.H. 10 WEST EXPRESSWAY, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT AND TEMPORARY "R-1 UC-1" SINGLE-FAMILY RESIDENCE URBAN CORRIDOR DISTRICT TO "(P-1) R-1" PLANNED UNIT DEVELOPMENT SINGLE-FAMILY RESIDENCE DISTRICT AND TO "(P-1) R-1 UC-1" PLANNED UNIT DEVELOPMENT SINGLE-FAMILY RESIDENCE URBAN CORRIDOR DISTRICT.

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4M) CASE NUMBER #Z2001146 - The request of Robert Goldberg, E.P.P. Associates, LLC, Applicant, for Robert Goldberg, E.P.P. Associates, LLC, Owner(s), for a change in zoning from Temporary "R-1 UC-1" Single-Family Residence Urban Corridor District and Temporary "R-1" Single-Family Residence District to "O-1 UC-1" Office Urban Corridor District and "O-1" Office District on Lot 1, Blk. 1, NCB 34732, 23705 IH 10 W. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Ms. Conner made a motion to approve the proposed rezoning. Mr. Schubert seconded the motion.

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

AN ORDINANCE 94532

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, BLK. 1, NCB 34732, 23705 IH 10 W., FROM

TEMPORARY "R-1 UC-1" SINGLE-FAMILY RESIDENCE URBAN CORRIDOR DISTRICT AND TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "O-1 UC-1" OFFICE URBAN CORRIDOR DISTRICT AND "O-1" OFFICE DISTRICT.

* * * *

4N) CASE NUMBER #Z2001163 - The request of Tecnopro, Inc., Applicant, for Tecnopro, Inc., Owner(s), for a change in zoning from "R-3" Multiple-Family Residence District to "MF-33" (PUD) Multi-Family District Planned Unit Development on 5.1776 acres out of NCB 13664, Lamb Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Ms. Conner made a motion to approve the proposed rezoning. Mr. Schubert seconded the motion.

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

AN ORDINANCE 94533

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 5.1776 ACRES OUT OF NCB 13664, LAMB ROAD – SOUTHWEST OF ROWLEY ROAD, FROM "R-3" MULTIPLE-FAMILY RESIDENCE DISTRICT TO "MF-33" (PUD) MULTI-FAMILY DISTRICT PLANNED UNIT DEVELOPMENT.

* * * *

40) CASE NUMBER #Z2001169 - The request of Kimberly A. Marks, Applicant, for George and Diane Louise Ahlstrom, Owner(s), for a change in zoning from "A" Single-Family Residence District to "C-1" Commercial District on East 72.6 feet of Lot 30, NCB 11888, 150 West Sunset Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Schubert made a motion to approve the proposed rezoning. Mr. Garcia seconded the motion.

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

AN ORDINANCE 94534

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 EAST 72.6 FEET OF LOT 30, NCB 11888, 150 WEST SUNSET ROAD, FROM "A" SINGLE-FAMILY RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT.

* * * *

4P) CASE NUMBER #Z2001170 - The request of John C. Shumate, Applicant, for Lindenmuth Real Estate Partners II, LTD., Owner(s), for a change in zoning from "B-2" Business District to "C-2" Commercial District on 0.099 acre tract of land out of Lot 90, NCB 11888, 7959 Broadway, Building Number 300, Suite 302. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Schubert made a motion to approve the proposed rezoning. Mr. Garcia seconded the motion.

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

AN ORDINANCE 94535

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 0.099 ACRE TRACT OF LAND OUT OF LOT 90, NCB 11888, 7959 BROADWAY, BUILDING NUMBER 300, SUITE 302, FROM "B-2" BUSINESS DISTRICT TO "C-2" COMMERCIAL DISTRICT.

* * * *

4Q) CASE NUMBER #Z2001178 - The request of Randy Schumacher, Applicant, for Cheryl Lueaeke Grote, Owner(s), for a change in zoning from "B-3 NA ERZD" Business, Non-Alcoholic Sales Edwards Recharge Zone District to "C-3 ERZD" Commercial, Edwards Recharge Zone District on 4.714 acres out of CB 4952 (NCB 15671), 18747 Redland Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Schubert made a motion to approve the proposed rezoning with deed restrictions. Mr. Garcia seconded the motion.

Mr. Schubert then read a letter from the property owner citing the conditions that he would adhere to, a copy of which is on file with the papers of this meeting.

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

AN ORDINANCE 94536

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 4.714 ACRES OUT OF CB 4952 (NCB 15671), 18747 REDLAND ROAD, FROM "B-3 NA ERZD" BUSINESS, NON-ALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD" COMMERCIAL, EDWARDS RECHARGE ZONE DISTRICT.

* * * *

Field notes describing the above mentioned tract are attached hereto and incorporated herein for all purposes.

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

1. The following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
 - A. A WPAP shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Natural Resource Conservation Commission approving each WPAP,
 - D. A copy of the approved WPAP.
2. If applicable, all stormwater run-off from the commercial development shall be directed to a stormwater abatement system that shall be approved by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits.
3. If applicable, after the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392 to schedule a site inspection.
4. If applicable, if the water pollution abatement structure fails to drain properly, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392.
5. If applicable, all water pollution abatement structures shall be properly maintained and kept free of trash and debris.
6. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new

property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.

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

8. If applicable, all water wells shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified Development Code (UDC), and 30 Texas Administrative Code (TAC) section 338.

9. Prior to obtaining sewer service from SAWS, the owner shall be properly decommission all septic tanks located on the property according to the rules and regulations of the Bexar County Public Works Department.

10. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

11. The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.

12. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal Law.

13. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

14. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

15. The Aquifer Protection & Evaluation Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 1024.

SECTION 3: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4: This ordinance is not severable.

* * * *

(At this point, Mayor Garza returned to the meeting and presided.)

4R) CASE NUMBER #Z2001098 - The request of City of San Antonio, Applicant, for Steubing-Poerner Limited Partnership, Owner(s), for a change in zoning from Temporary "R-1 ERZD" Single-Family Residence Edwards Recharge Zone District to "QD ERZD CC" Quarry Edwards Recharge Zone District with City Council approval for blasting on 399.141 acre tract of land out of NCB 17728, save and except the north 1146 feet., north of Judson Road, east of Bulverde Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval with conditions. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to continue this rezoning case until the City Council meeting of September 27, 2001. Mr. Garcia seconded the motion.

After consideration, the motion to continue this case until September 27, 2001, prevailed by the following vote: **AYES:** Sanders, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse, Martin.

Zoning Case Z2001098 was continued to the Council meeting of September 27, 2001.

4S) CASE NUMBER #Z2001140 - The request of Wesley J. Ward, Applicant, for the Church of Jesus Christ of Latter Day Saints, Owner(s), for a change in zoning from Temporary "R-1ERZD" Single-Family Residence Edwards Recharge

District to "B-2NA ERZD" Business Non-Alcohol Sales Edwards Recharge Zone District on Parcel 10D and Parcel 10E, NCB 17725, Jones-Maltsberger Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to approve the proposed rezoning with conditions as recommended by the Zoning Commission. Mr. Barrera seconded the motion.

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

AN ORDINANCE 94537

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 PARCEL 10D AND PARCEL 10E, NCB 17725, JONES-MALTSBERGER ROAD, FROM TEMPORARY "R-1 ERZD" SINGLE-FAMILY RESIDENCE EDWARDS RECHARGE DISTRICT TO "B-2NA ERZD" BUSINESS NON-ALCOHOL SALES EDWARDS RECHARGE ZONE DISTRICT.

* * * *

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

1. The following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
 - A. A WPWP shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Natural Resource Conservation Commission approving each WPAP,
 - D. A copy of the approved WPAP.
2. All stormwater run-off from the commercial development shall be directed to a stormwater abatement system that shall be approved by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits.

3. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
4. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392 to schedule a site inspection.
5. If the water pollution abatement structure fails to drain properly, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392.
6. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
7. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
8. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
9. The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.
10. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal Law.
11. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
12. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

13. The Aquifer Protection & Evaluation Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after construction of the project.

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 1024.

SECTION 3: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4: This ordinance is not severable.

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4T) CASE NUMBER #Z2001144 - The request of Earl & Brown, P.C., Applicant, for Dugas Diversified Development-Norman Dugas, President, Owner(s), for a change in zoning from Temporary "R-1" Single-Family Residence District to "B-2" Business District on Lot 90, Block 7, NCB 17825, 14093 Bulverde Road. Staff's recommendation was for denial of "B-2" Business and approval of "O-1" Office District.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to approve the proposed rezoning with restricted covenants, a copy of which is on file with the papers of this meeting. Mr. Sanders seconded the motion.

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

AN ORDINANCE 94538

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 90, BLOCK 7, NCB 17825, 14093 BULVERDE

ROAD, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "B-2" BUSINESS DISTRICT.

* * * *

4U) CASE NUMBER #Z2001158S - The request of Earl & Brown, P.C., Applicant, for Marylyn M. House & Randall H. House - Matiraan Corporation, Owner(s), for a change in zoning from Temporary "R-1" Single-Family Residence District and Temporary "R-1 ERZD" Single-Family Residence Edwards Recharge Zone District to "QD - S" Quarry District with a Specific Use Permit for blasting and asphaltic concrete and "QD ERZD - S" Quarry Edwards Recharge Zone District with a Specific Use Permit for blasting and asphaltic concrete on 498.883 acres out of NCB 34917, NCB 34958, NCB 34958A and NCB 34963, 19440 Judson Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to approve the proposed rezoning. Mr. Barrera seconded the motion.

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

AN ORDINANCE 94539

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 BEING 498.883 ACRES OUT OF NCB 34917, NCB 34958, NCB 34958A AND NCB 34963, 19440 JUDSON ROAD, FROM TEMPORARY "R-1" SINGLE-FAMILY RESIDENCE DISTRICT AND TEMPORARY "R-1 ERZD" SINGLE-FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "QD - S" QUARRY DISTRICT WITH A SPECIFIC USE PERMIT FOR BLASTING AND ASPHALTIC CONCRETE AND "QD ERZD - S" QUARRY EDWARDS RECHARGE

ZONE DISTRICT WITH A SPECIFIC USE PERMIT FOR BLASTING AND ASPHALTIC CONCRETE.

* * * *

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

1. The following shall be submitted to the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to the release of any building permits:
 - A. A WPWP shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Natural Resource Conservation Commission approving each WPAP,
 - D. A copy of the approved WPAP.
2. Disturbances within the 100 Year Floodplain are strictly regulated. Activities shall commence prior to approval by all applicable agencies. A variance to the terms and requirements of Subdivision D, Chapter 34, Article VI, Section 34-912 and 34-913 of the Aquifer Protection Ordinance must be submitted to go and granted by the Aquifer Protection & Evaluation Division of the San Antonio Water System prior to any allowable activities or any disturbances within the 100 Year Floodplain. The variance request must be submitted in accordance with Subdivision F Variance and Appeal, Chapter 34, Article VI, Division 6, Sections 34-980 of the Aquifer Protection Ordinance.
3. The portion of the property that is traversed by Elm Creek shall remain in its natural undisturbed condition.
4. All rock and earthen berms, silt fences, gabions, vegetated filter strips, and other pollution abatement structures shall be properly maintained and inspected every month or after rainfall even greater than one inch. If applicable, the on site sewage facility (septic tank) shall be decommissioned in accordance with the rules and regulations of the Public Works Department of Bexar County.
5. All aboveground storage tanks (AST) containing fuels, oils, admixtures, and lubricants shall be placed within a concrete containment area designed to capture and retain 150 percent of the maximum storage volume of the AST's. All fittings, pipings, valves, and dispensing hardware shall be located within the boundaries of the concrete containment area.
6. According to the provisions contained in the approved WPAP, the containment area shall be coated with Eucopoxy Tufcoat, a penetrating epoxy sealant, and shall be applied in accordance with the manufacturer's recommendations. The containment area shall be covered to prevent the accumulation of stormwater during rain events. Any accumulation

of stormwater within the containment area shall be disposed of in accordance with the TNRCC requirements.

7. If applicable, the water well located on the property shall be plugged in accordance with Chapter 34, Article VI, Section 34-574 of the Unified Development Code (UDC) and 30 Texas Administrative Code (TAC) 338.

8. Blasting shall be conducted in compliance with all federal, state, and local rules and regulations.

9. All rock and earthen berms, silt fences, gabions, and vegetated filter strips shall be checked and maintained periodically to ensure proper performance.

10. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.

11. If applicable, after the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Source Water & Watershed Protection Department at (210) 704-7392 to schedule a site inspection. If the water pollution abatement structure fails to drain properly, the owner shall notify the Source Water & Watershed Protection Department.

12. If applicable, all water pollution abatement structures shall be properly maintained and kept free of trash and debris.

13. The proposed land use shall be re-zoned in accordance with the Table of Permitted Uses if reclamation of the development occurs after quarrying operations have ended permanently.

14. The land uses within the commercial zoned areas shall be in conformance with the Table of Permitted Uses at the time the rezoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for rezoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.

15. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

16. Areas within 1000 feet downgradient of the property shall be inspected at least quarterly for accumulations of silt and other contaminants from the site. If evidence is

found that the perimeter berms and other pollution abatement measures are not providing containment of all flow from the quarry, then additional pollution abatement shall be required. Inspection reports, including photographs, shall be kept on site for review by the Aquifer Protection and Evaluation Division. Reviewed plans shall be submitted to the TNRCC and the Aquifer Protection and Evaluation Division for review and approval if additional pollution abatement structures or measures are needed.

17. A groundwater sampling program shall be designed by the applicant/operator or their agent to monitor potential impacts from quarrying activities. This program shall be submitted to the Aquifer Protection and Evaluation Division for approval within 90 days from approval of this zoning case by City Council.

18. The owner/operator of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.

19. The storage, handling, use and disposal of all over the counter hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal Law.

20. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

21. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7392.

22. The Aquifer Protection & Evaluation Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after the construction project.

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 1024.

SECTION 4: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 5: This ordinance is not severable.

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4V) CASE NUMBER #Z2001164 - The request of KB Homes, Applicant, for Ella Jean Beck, Owner(s), for a change in zoning from "A" Residential District, to "RM-4" (PUD) Small Lot Residential Planned Unit Development on 24.109

acres out of NCB 13808, on Randolph Blvd., north of Weidner. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to approve the proposed rezoning. Mr. Sanders seconded the motion.

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

AN ORDINANCE 94540

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 BEING 24.109 ACRES OUT OF NCB 13808, ON RANDOLPH BLVD., NORTH OF WEIDNER, FROM "A" RESIDENTIAL DISTRICT, TO "RM-4" (PUD) SMALL LOT RESIDENTIAL PLANNED UNIT DEVELOPMENT.

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4W) CASE NUMBER #Z2001167 - The request of Bulverde Road Properties, c/o Laddie Denton, Applicant, for Bulverde Road Properties, c/o Laddie Denton, Owner(s), for a change in zoning from "R-1" Single-Family Residence District to "RM5" (PUD) Residential Mixed District Planned Unit Development on 26.93 acres tract of land being out of NCB 17726, northeast side of O'Connor Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to approve the proposed rezoning. Mr. Sanders seconded the motion.

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

AN ORDINANCE 94541

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 BEING 26.93 ACRES TRACT OF LAND BEING OUT OF NCB 17726, NORTHEAST SIDE OF O'CONNOR ROAD, FROM "R-1" SINGLE-FAMILY RESIDENCE DISTRICT TO "RM5" (PUD) RESIDENTIAL MIXED DISTRICT PLANNED UNIT DEVELOPMENT.

* * * *

4X) CASE NUMBER #Z2001174CS - The request of Steve Clark Trust, Applicant, for A-K Texas Venture Capital, L.C., Owner(s), for a change in zoning from "B-2" Business District to "C-2 CS" Commercial District with Conditional Zoning for a mini warehouse and Specific Use Authorization for a mini warehouse site over 2.5 acres on Lot P-134, NCB 13740, 3400 Block of Thousand Oaks Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to approve the proposed rezoning with restrictions on the property. Mr. Sanders seconded the motion.

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

AN ORDINANCE 94542

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 BEING LOT P-134, NCB 13740, 3400 BLOCK OF THOUSAND OAKS DRIVE, FROM "B-2" BUSINESS DISTRICT TO "C-2 CS" COMMERCIAL DISTRICT WITH CONDITIONAL ZONING FOR A MINI WAREHOUSE AND SPECIFIC USE AUTHORIZATION FOR A MINI WAREHOUSE SITE OVER 2.5 ACRES.

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4Y) CASE NUMBER #Z2001179S - The request of Tammy Lyn Jamieson, Applicant, for Tammy Lyn Jamieson and Brian Kevin Jamieson, Owner(s), for a change in zoning from "R-1" Single-Family Residence District to "R-6S" Residential Single-Family District, Specific Use Permit for a group day-care home for seven (7) to twelve (12) children on Lot 36, Block 12, NCB 15906, 13811 Landmark Hill Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Carpenter made a motion to continue this rezoning case until the City Council meeting of October 11, 2001. Mr. Sanders seconded the motion.

After consideration, the motion to continue this case until October 11, 2001, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Garcia.

Zoning Case Z2001179S was continued to the Council meeting of October 11, 2001.

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2001-34 DISCUSSION OF ZONING CASE #4K

At this time, Zoning Case #4K was brought up for discussion by Council.

4K) CASE NUMBER #Z2001120 - The request of Woodstone Oaks Business Park Ltd, Applicant, for Woodstone Oaks Business Park Ltd., Owner(s), for a change in zoning from "R-1" Single Family Residence District to "B1" Business District on Parcel 123 NCB 18553, 8900 Block Guilbeau Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Mr. Castro made a motion to reject the recommendation of the Zoning Commission and to deny the requested rezoning. Mr. Carpenter seconded the motion.

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

Zoning Case Z2001120 was denied.

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2001-34 The Clerk read the following Ordinance:

AN ORDINANCE 94543

APPROVING RECOMMENDATIONS RESULTING FROM THE NEIGHBORHOOD COMMERCIAL REVITALIZATION (NCR) PROGRAM REVIEW; AUTHORIZING THE EXECUTION OF AMENDMENTS TO NINE (9) NCR CONTRACTS TO INCORPORATE SAID RECOMMENDATIONS INCLUDING 1) AN INCREASE IN THE AMOUNT PAID TO SEVEN REVITALIZATION PROJECT CONTRACTS: MAINSTREET ALLIANCE OF SAN ANTONIO/SOUTHTOWN BY \$190,000.00; TO AVENIDAS, INC., JEFFERSON/WOODLAWN LAKE COMMUNITY DEVELOPMENT CORPORATION, MIDTOWN ON BLANCO, AND NEIGHBORHOODS ACTING TOGETHER (FOR E. COMMERCE STREET) BY \$200,000.00 EACH; AND TO COMMUNITY ECONOMIC REVITALIZATION AGENCY, INC. AND NEIGHBORHOODS ACTING TOGETHER (FOR E. HOUSTON STREET) BY \$185,000.00 EACH; AND TO TWO PARTNERSHIP PROJECT CONTRACTS: FOR FORT SAM HOUSTON GATEWAY BUSINESS ASSOCIATION, INC. AND CASTROVILLE CUPPLES ROAD COMMUNITY DEVELOPMENT CORPORATION BY \$2,000.00 EACH, SUBJECT TO FUNDING AVAILABILITY, AND 2) AN EXTENSION OF THE TERM OF SUCH CONTRACTS BY THREE YEARS FOR REVITALIZATION PROJECTS AND BY ONE YEAR FOR PARTNERSHIP PROJECTS; AND AUTHORIZING AMENDMENT OF ORDINANCE NO. 92668 TO PROVIDE FOR IMPLEMENTATION OF NCR

OPERATION FACELIFT REQUIREMENTS AND GUIDELINES IN NON-CDBG ELIGIBLE AREAS THROUGH THE USE OF GENERAL FUNDS IN CONNECTION WITH THE NCR PROGRAM.

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Mr. Carpenter made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

Mr. David Garcia, Director of Neighborhood Action, narrated a slide presentation on the NCR Program, a copy of which presentation is on file with the papers of this meeting. He outlined the existing NCR projects, program results, the program review and process, and the recommendations for the revitalization projects, noting the City of San Antonio's role in this initiative.

Mayor Garza spoke on the level of interest that has increased on the NCR programs, making it even better. He noted there were still issues such as zoning, setback and utility concerns, and urged staff to focus more attention and resources, and become more creative in order to make this initiative happen. He stressed the importance of continuing efforts to attract the private sector to participate, thus increasing the opportunity for development and revitalization.

Mr. Schubert expressed concern on the amount of dollars to extend the project, and stated there should be adequate discussion in order to apprise the taxpayer fully of all issues.

Mayor Garza noted that this issue had already gone through two Council Committees to assure full knowledge to all Council members. He expressed concern on spending more time on administrative matters rather than focusing efforts to raise more dollars. He emphasized the return to the property values and the need to assure that the NCR programs are available.

City Manager Terry Brechtel assured Mr. Schubert that more information would be made available to allow full understanding of the program.

Mr. Schubert further expressed concern on the number of incomplete projects and requested that more accountability measures be implemented.

Mr. Castro also stressed the importance and value of the NCR program in the revitalization efforts, and urged staff to assure that partnerships are made with reliable sources. He added that the opportunity to gauge fiscal responsibility should be in place before taxpayer dollars are issued.

Mr. Perez spoke of the successful projects through the NCR program, and noted how the property bases would be increased thus enhancing infrastructure development, revitalization, and economic development. He stated that the monies to be returned would be ten-fold, and noted that although there were some deficiencies, those had been resolved.

Mr. Sanders spoke in support of the NCR projects, and noted that the City Council has the responsibility to assure the organizations involved are accountable.

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

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2001-34 Item 30 being a proposed ordinance designating the Austin Highway Revitalization Partnership organization as a Revitalization Project and grantee of the Neighborhood Commercial Revitalization (NCR) Program's 2001 Selection Round; and authorizing the execution of a contract with said organization in the amount of \$370,000.00 subject to funding availability, beginning October 1, 2001 and ending September 30, 2007; and providing for payment.

Mr. Sanders made a motion to postpone the proposed ordinance. Mr. Perez seconded the motion.

After discussion, the motion to postpone this item, prevailed by the following vote: **AYES:** Perez, Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse.

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2001-34 The Clerk read the following Resolution:

A RESOLUTION
NO. 2001-34-36

APPROVING THE SUBMITTAL OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION STATEWIDE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE SOUTH TEXAS MEDICAL CENTER

ROADWAY ENHANCEMENTS PROJECT NOMINATION AS PROVIDED BY THE
TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.

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Mr. Perez made a motion to approve the proposed Resolution. Mr. Barrera seconded the motion.

Ms. Manuela "Nellie" Shannon, Assistant Director of Public Works, narrated a slide presentation on the South Texas Medical Center Roadway Enhancement Project, a copy of which presentation is on file with the papers of this meeting. She outlined the background, statistical data, scope of work, and presented a view design of Floyd Curl and Medical/Ewing Halsell location.

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

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2001-34 **TRAVEL AUTHORIZATION - Granted:**

Confirmation and approval of Travel Authorization for Mayor Ed Garza and Councilwoman Antoniette Moorhouse, Council District 3, who traveled to Calgary, Canada to attend the Tri-lateral Business Leaders Conference from Sunday, September 9, 2001 through Tuesday, September 11, 2001.

Mr. Perez made a motion to approve the proposed Travel Authorization. Mr. Garcia seconded the motion.

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

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2001-34 The Clerk read the following Ordinance:

AN ORDINANCE 94544

AUTHORIZING THE EXPENDITURE OF \$275.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT AND \$275.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT, FOR A TOTAL OF \$550.00, PAYABLE TO THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT FOR USE OF THE SHOWMOBILE, WITH SOUND SYSTEMS, BY THE SACRED HEART CHURCH FESTIVAL COMMITTEE FOR THEIR ANNUAL FESTIVAL SCHEDULED FOR SUNDAY, OCTOBER 7, 2001; AS REQUESTED BY COUNCILMEMBERS BOBBY PEREZ AND DAVID A. GARCIA.

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Mr. Perez made a motion to approve the proposed Ordinance. Mr. Martin seconded the motion.

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

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2001-34 The Clerk read the following Ordinance:

AN ORDINANCE 94545

AMENDING ORDINANCE NO. 92511 AND SUCH OTHER ORDINANCES AS MAY BE NECESSARY TO EFFECT THE FOLLOWING ADJUSTMENTS TO FY 2000-2001 NIP DISTRICT 3 SPEED HUMPS PROJECT BY REDUCING THE AMOUNT SET ASIDE FOR DISTRICT 3 SPEED HUMPS IN DISTRICT 3 2000-2001 BUDGET FROM \$10,000.00 TO \$1,749.02 AND INCREASING THE BUDGET FOR THE DISTRICT 3 2000-2001 NEIGHBORHOOD ACCESSIBILITY AND MOBILITY PROGRAM (NAMP) BUDGET BY \$8,250.98; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE. (AMENDS ORDINANCE NO. 92511, SEPTEMBER 14, 2000.)

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Mr. Garcia made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

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

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2001-34 The Clerk read the following Ordinance

AN ORDINANCE 94546

AUTHORIZING THE EXPENDITURE OF \$75.00 FROM THE DISTRICT 6 CONTINGENCY ACCOUNT FUND TO ASSIST THE CABLE-WESTWOOD NEIGHBORHOOD ASSOCIATION TO REIMBURSE TUITION COSTS FOR PARTICIPATION IN THE NEIGHBORHOOD LEADERSHIP DEVELOPMENT PROGRAM; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

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Mr. Barrera made a motion to approve the proposed Ordinance. Mr. Perez seconded the motion.

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

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2001-34 **PUBLIC HEARING – APPEAL**

Mr. Michael Clack, Assistant Director of Development Services, narrated a slide presentation on the appeal of the Electrical Examining and Supervising Board, a copy of which is on file with the papers of this meeting. He explained the board's action based on insufficient documentation on the electrician's experience as required by City ordinance. He outlined the requirements for a master electrician's license for Laredo as opposed to San Antonio.

Mr. Harold Hughes, applicant, spoke of his extensive experience, and urged the City Council to reconsider his request and approve it.

In response to Mr. Perez regarding the requirements, Mr. Clack explained the differences in the ordinance of Laredo's to the City of San Antonio's requirements.

Mr. Perez made a motion to rely on the Board's recommendation due to their expertise and uphold the decision made by the Electrical Examining and Supervising Board. Mr. Carpenter seconded the motion.

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

The Clerk then read the following Resolution:

A RESOLUTION
NO. 2001-34-37

CONSIDERING THE APPEAL FROM HAROLD HUGHES REGARDING THE DECISION OF THE ELECTRICAL EXAMINING AND SUPERVISING BOARD RECOMMENDING DISAPPROVAL OF THE APPLICATION FOR MASTERS EXAM ON AUGUST 14, 2001.

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The City Council of San Antonio, having heard all arguments regarding the appeal from Harold Hughes of the August 14, 2001 decision of the Electrical Examining and Supervising Board recommending disapproval of his application for Masters exam, hereby finds that there is not sufficient reason to overrule the Board's decision, and the decision is, therefore, upheld.

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2001-34 The regular Council was recessed at 3:55 to resume the "B" Session.

BUDGET PRESENTATION

Parks and Recreation
Library
Aviation
Information Services Department

The "B" Session adjourned at 6:00 P.M.

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2001-34 The Regular City Council meeting reconvened at 6:01 P.M.

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2001-34 **CITY MANAGER'S REPORT**

City Manager Terry Brechtel spoke of the upcoming Executive Team E-rally to take place on September 28, 2001, and invited the City Council to participate.

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2001-34 **CITIZENS TO BE HEARD**

MS. MARY CANTU

Ms. Mary Cantu, representing Project Learn to Read, spoke to their program and the services they provide in terms of addressing the literacy problem in San Antonio. She then spoke to the Council urging them to approve the staff recommended budget allocation for their program for this upcoming Fiscal Year 2001-2002.

Ms. Lily M. Castoreno reiterated statements by Ms. Cantu and how this program has helped her in the community.

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MR. KYLE HENDRICKS

Mr. Kyle A. Hendricks, 9723 Villamain Rd., spoke to the City Council about a particular situation with regard to receiving a 15-day suspension with regard to his taxicab operations.

Mr. Sanders asked the City Attorney to review Mr. Hendricks case with regard to the fifteen-day suspension and to report back to him.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to the City Council about various issues including the recent tragic events in New York City and Washington, D.C.

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MR. JOHN ANDREW ELIZONDO

Mr. John Andrew Elizondo, invited the City Council to attend and visit the Planning Advisory Committee meetings for the Center for Health Care Services.

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2001-34 There being no further business to come before the City Council, the meeting was adjourned at 6:17 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AAE
City Clerk