

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, MARCH 14, 2002.

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2002-10 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.) **Staff briefing on Alcohol Ban in City Parks.** (Presented by Malcolm Matthews, Director of Parks and Recreation.)

The Council members present were: Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: Perez.

The "B" Session adjourned at 10:50 A.M.

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2002-10 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: Perez.

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2002-10 Invocation by Rev. Samuel Howard, Greater Ball Tabernacle African Methodist Episcopal Church.

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2002-10 Pledge of Allegiance to the flag of the United States.

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2002-10 **PRESENTATION OF PROCLAMATION FOR ROTARACT WEEK**

Mayor Garza read a Proclamation in recognition of Rotaract Week and presented it to Mr. Leroy Allowy. Mr. Allowy spoke of the organization and the many services the memberships provides to the communities locally and nationally.

Members of the City Council commended the Rotaract organization for their contributions.

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2002-10 PRESENTATION OF PROCLAMATION FOR REBUILDING TOGETHER WITH CHRISTMAS IN APRIL

Mayor Garza invited the delegation to the podium and read a Proclamation in honor of 'Rebuilding Together with Christmas in April' and presented it to Mr. Dan Bierstedt, President of the Organization. He thanked the City Council for the recognition and introduced members of the delegation. He expounded on the numerous community groups who have participated in the program.

Mr. Barrera recognized the organization for their coordination efforts to bring volunteers to help rebuild needy homes in the community. Members of the City Council extended their heartfelt appreciation for their commitment of man-hours, time and sacrifices to help their fellow man.

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2002-10 PRESENTATION OF AWARD TO SAN ANTONIO INTERNATIONAL AIRPORT

Members of the City Council extended their congratulations to Kevin Dolliole, Director of Aviation, and airport staff members for their outstanding work, commitment, and professionalism.

City Manager Terry M. Brechtel, congratulated Mr. Dolliole, and spoke of the many events which have occurred in the past few months specifically noting the 9/11 event, its effect, and the extraordinary team work of the staff to assure the continued efficient operation of the airport.

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2002-10 Minutes of the regular City Council of February 28, 2002 were approved.

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DISTRICT 1, WITH ALAMO WHOLESALE TO THE PUBLIC D/B/A THE SUTLER COUNTRY STORE TO CHANGE LEASE LOCATION FROM BUILDING 14 TO BUILDING 24.

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AN ORDINANCE 95439

APPROVING AMENDMENT NUMBER 1 TO A LA VILLITA RETAIL LEASE AGREEMENT IN THE CITY'S LA VILLITA, LOCATED IN CITY COUNCIL DISTRICT 1, WITH JEAN M. ENGEL D/B/A MUSTANG GREY'S TO CHANGE LEASE LOCATION FROM BUILDING 17 TO BUILDING 16.

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AN ORDINANCE 95440

APPROVING AMENDMENT NUMBER 2 TO A LEASE AGREEMENT WITH THE CITY OF ALAMO HEIGHTS FOR USE OF PARK PROPERTY IN OLMOS BASIN PARK LOCATED IN CITY COUNCIL DISTRICT 9 TO ADD AN ADDITIONAL 1.93 ACRES TO THE LEASED AREA.

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AN ORDINANCE 95441

AUTHORIZING A FIVE (5) YEAR LEASE AGREEMENT WITH MULE RESTAURANT GROUP, L.L.C. D/B/A THE LINKS GRILLE FOR APPROXIMATELY 118.93 SQUARE FEET OF RIVER WALK SIDEWALK SPACE IN CITY COUNCIL DISTRICT 1 TO BE USED FOR OUTDOOR DINING PURPOSES FOR ANNUAL RENT OF \$2,140.72 IN YEAR ONE, \$2,197.81 IN YEAR TWO, \$2,254.89 IN YEAR THREE, \$2,311.98 IN YEAR FOUR, AND \$2,369.06 IN YEAR FIVE.

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AN ORDINANCE 95442

AUTHORIZING AND CONSENTING TO THE ASSIGNMENT OF LEASE NO. 200600, AUTHORIZED BY ORDINANCE NO. 64212 OF DECEMBER 18, 1986 AND AMENDED BY ORDINANCE NO. 86979 OF NOVEMBER 20, 1997, AT STINSON

MUNICIPAL AIRPORT, FROM JOHN D. TOSH D/B/A TEXAS AVIATION SERVICES TO HERTZ CORPORATION, FOR 295 SQUARE FEET OF OFFICE SPACE IN THE ADMINISTRATION BUILDING AT STINSON MUNICIPAL AIRPORT; APPROVING AN AMENDMENT OF SAID LEASE AGREEMENT TO EXTEND THE LEASE FOR A TWO (2) YEAR PERIOD BEGINNING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2004, ADDING FOUR (4) PREFERENTIAL USE PARKING SPACES IN THE STINSON TERMINAL PARKING LOT; AND AUTHORIZING HERTZ CORPORATION TO USE THE ASSIGNED PREMISES AS AN ANNEX TO HERTZ' LEASED PREMISES AT SAN ANTONIO INTERNATIONAL AIRPORT IN CONNECTION WITH THE CAR RENTAL CONCESSION AGREEMENT BETWEEN HERTZ AND THE CITY OF SAN ANTONIO. (AMENDS ORDINANCE NOS. 64212, DECEMBER 18, 1986; ORDINANCE NO. 86979, NOVEMBER 20, 1997.)

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AN ORDINANCE 95443

ACCEPTING A \$145,000.00 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION'S "CLICK IT OR TICKET" SELECTIVE TRAFFIC ENFORCEMENT PROGRAM, WHICH WILL BE USED TO FUND AN OVERTIME PROGRAM FOR SEAT BELT AND CHILD SAFETY SEAT ENFORCEMENT FOR THE GRANT PERIOD MAY 20, 2002, THROUGH DECEMBER 1, 2002.

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AN ORDINANCE 95444

AUTHORIZING THE ACCEPTANCE OF CASH SUPPORT TOTALING \$77,195.00 FROM THE TEXAS DEPARTMENT OF HEALTH TO RENEW ONGOING PROGRAMS OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; AUTHORIZING THE USE OF SAID SUPPORT FOR THE FOLLOWING PROJECTS: HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) \$53,195.00 AND HEPATITIS C SCREENING/INTERVENTION \$24,000.00; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2001/2002-FEDERAL ESTABLISHED IN ORDINANCE NO. 93174 PASSED AND APPROVED ON JANUARY 4, 2001; AND REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT

PROJECT 2001/2002-STATE ESTABLISHED IN ORDINANCE NO. 94558 PASSED AND APPROVED ON SEPTEMBER 20, 2001.

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AN ORDINANCE 95445

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$31,640.70 IN CASH FROM THE NATIONAL OPINION RESEARCH CENTER TO EXTEND FUNDING OF THE UNITED STATES DEPARTMENT OF JUSTICE ARRESTEE DRUG ABUSE MONITORING PROGRAM CONDUCTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH MARCH 31, 2002; AUTHORIZING EXECUTION OF THE SUBCONTRACT MODIFICATION WITH THE NATIONAL OPINION RESEARCH CENTER; AND REVISING THE PROJECT BUDGET ESTABLISHED THROUGH ORDINANCE NO. 94848 PASSED AND APPROVED ON NOVEMBER 1, 2001. (AMENDS ORDINANCE NO. 94848, NOVEMBER 1, 2001.)

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AN ORDINANCE 95446

AUTHORIZING THE ACCEPTANCE OF A CASH AWARD IN THE AMOUNT OF \$356,702.00 FROM THE TEXAS DEPARTMENT OF HEALTH TO SUPPORT THE ONGOING TUBERCULOSIS PREVENTION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT, DURING THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; AUTHORIZING EXECUTION OF THE CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF HEALTH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002/2003-FEDERAL ACCOUNT ESTABLISHED IN ORDINANCE NO. 94306 PASSED AND APPROVED AUGUST 9, 2001; AUTHORIZING PAYMENT FOR CONTRACTUAL SERVICES; AND APPROVING A PERSONNEL COMPLEMENT. (AMENDS ORDINANCE NO. 94306, AUGUST 9, 2001.)

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AN ORDINANCE 95447

AUTHORIZING THE DEVELOPMENT OF THE TITLE V FAMILY PLANNING PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT;

APPROVING THE TRANSFER OF \$785,470.00 IN GRANT FUNDING AND \$6,000.00 IN PATIENT CO-PAYMENTS FROM THE ONGOING TITLE V MATERNAL AND CHILD HEALTH PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT INTO THE TITLE V FAMILY PLANNING PROJECT; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH; AMENDING THE BUDGET AND PERSONNEL COMPLEMENT OF THE TITLE V MATERNAL AND CHILD HEALTH PROJECT ESTABLISHED THROUGH ORDINANCE NO. 94559 PASSED AND APPROVED ON SEPTEMBER 20, 2001; ESTABLISHING THE BUDGET FOR THE TITLE V FAMILY PLANNING PROJECT FOR THE PERIOD SEPTEMBER 1, 2001 THROUGH AUGUST 31, 2002; APPROVING THE PERSONNEL COMPLEMENT FOR THE TITLE V FAMILY PLANNING PROJECT; AND AUTHORIZING PAYMENT FOR CONTRACTUAL SERVICES. (AMENDS ORDINANCE NOS. 94392, AUGUST 23, 2001; ORDINANCE NO. 94559, SEPTEMBER 20, 2001.)

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AN ORDINANCE 95448

AUTHORIZING PAYMENT IN THE AMOUNT OF \$657,000.00 FOR THE SETTLEMENT OF TWO LAWSUITS STYLED JULIUS SPILMAN, INDIVIDUALLY AND ON BEHALF OF THE WRONGFUL DEATH BENEFICIARIES, AND ON BEHALF OF THE ESTATE OF SARAH SUPRUN VS. CITY OF SAN ANTONIO ET AL, CAUSE NO. 99-CI-10880 (166TH DISTRICT COURT, BEXAR COUNTY, TEXAS) AND LEONIDES MUNOZ AND JANIE MUNOZ, ET AL VS. CITY OF SAN ANTONIO, ET AL, CAUSE NO. 2000-CI-12265 (288TH DISTRICT COURT, BEXAR COUNTY, TEXAS).

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AN ORDINANCE 95449

APPROVING A LEGAL SERVICES CONTRACT IN THE AMOUNT OF \$21,500.00 WITH THE LAW FIRM OF LLOYD, GOSSELINK, BLEVINS, ROCHELLE, BALDWIN & TOWNSEND TO PROVIDE SERVICES IN CONNECTION WITH POST CONSTRUCTION CLAIMS ON THE HENRY B. GONZALEZ CONVENTION CENTER EXPANSION PROJECT; AMENDING ORDINANCE NO. 93163, DATED JANUARY 4, 2001, TO REPLACE SAID FIRM WITH THE FIRM OF PLUNKETT & GIBSON TO SERVE AS THE CITY REPRESENTATIVE ON THE DISPUTES REVIEW BOARD ESTABLISHED UNDER THE CITY'S CONSTRUCTION CONTRACT WITH BROWNING CONSTRUCTION (PHASE 1C RENOVATION); APPROVING A CONTRACT IN THE AMOUNT OF \$15,000.00 WITH THE LATTER

LAW FIRM FOR THESE SERVICES; AND PROVIDING FOR PAYMENT.
(AMENDS ORDINANCE NOS. 87636, APRIL 9, 1998; ORDINANCE NO. 93163,
JANUARY 4, 2001.)

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AN ORDINANCE 95450

APPOINTING RAMIRO NAVA (DISTRICT 5) AND JOSEPH M. DE LA GARZA
(DISTRICT 5) TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR
TERMS OF OFFICE TO EXPIRE ON MAY 9, 2005 AND MAY 9, 2004,
RESPECTIVELY.

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AN ORDINANCE 95451

APPOINTING MARCO BARROS (DISTRICT 7) TO THE AIRPORT ADVISORY
COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2002.

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2002-10 Agenda Item 10, being a proposed ordinance authorizing the execution of a License Agreement between the City of San Antonio and Service Life & Casualty Insurance, a Texas Corporation to occupy space over and under a sidewalk adjacent to Lot A-11, New City Block 423, located between E. Houston and E. Crockett streets, for an existing basement, maintenance of a freight elevator, an eight (8) foot awning overhang, and a loading and unloading ramp for a ten (10) year term and the total consideration of \$5,000.00, was pulled from consideration by the City Manager.

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2002-10 **INDIVIDUAL ITEMS-CITIZEN COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to Item 19 regarding the legal settlement and expressed concern on the lack of barricades on certain dangerous areas in the City.

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AN ORDINANCE 95453

ACCEPTING A GRANT OF \$1,419,051.00 IN CASH, \$2,054,178.00 OF IN-KIND VACCINE SUPPORT AND \$51,841.00 OF IN-KIND PERSONNEL SUPPORT FROM THE U.S. PUBLIC HEALTH SERVICE IN SUPPORT OF THE OPERATION OF THE CHILDHOOD IMMUNIZATION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; ESTABLISHING A FUND; ADOPTING A BUDGET AND APPROVING A PERSONNEL COMPLEMENT.

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Ms. Moorhouse made a motion to approve the proposed Ordinance. Mr. Schubert seconded the motion.

Dr. Fernando Guerra, Director of Metropolitan Health District, narrated a slide presentation on the federal childhood immunization project, a copy of which presentation is on file with the papers of this meeting. He outlined the respective projects to be funded through the program, noting that the U.S. Public Health Service awards the City financial and direct assistance during the course of the calendar year. He further amplified on the monies directed for infrastructure and vaccine and in-kind, and other initiatives such as vaccine studies, foreign travel immunizations, and the seasonal influenza immunization programs that are also supported.

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

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95454

AUTHORIZING A DECREASE IN THE AMOUNT OF \$4,000.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND AND REPROGRAMMING THE FUNDS BY INCREASING THE DISTRICT 3 ADMINISTRATIVE ASSISTANCE FUND BUDGET BY \$4,000.00, AS REQUESTED BY COUNCILWOMAN ANTONIETTE "TONI" MOORHOUSE.

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

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

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95455

AMENDING ORDINANCE NO. 94578, BY REDUCING THE DISTRICT 6 CONTINGENCY ACCOUNT FUND IN THE AMOUNT OF \$15,000.00, AND REPROGRAMMING THE FUNDS BY INCREASING THE DISTRICT 6 ADMINISTRATIVE ASSISTANT FUND BUDGET BY \$15,000.00; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

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

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

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95456

AUTHORIZING THE EXPENDITURE OF \$165.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO FUERZA UNIDA, TO BE USED TO PAY FOR THE INSURANCE NEEDED FOR THE INTERNATIONAL WOMEN'S DAY MARCH SPONSORED BY FUERZA UNIDA, THAT WAS HELD ON MARCH 9, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN.

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Mr. Carpenter 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:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95457

AUTHORIZING THE EXPENDITURE OF \$100.00 FROM EACH OF THE DISTRICTS' 2, 3, 4, 5, 6, 7, 8, 9, AND 10 CONTINGENCY ACCOUNT FUNDS, \$100 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, AND \$200 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO CYNTHIA L. JAHN ON BEHALF OF BEXAR COUNTY NATIONAL CRIME VICTIMS' RIGHTS WEEK COALITION, TO BE USED TO DEFRAY COSTS ASSOCIATED WITH THEIR CHILDREN'S AWARENESS PICNIC, TO BE HELD ON FRIDAY, APRIL 5, 2002 AT MILAM PARK; AS REQUESTED BY COUNCILMAN DAVID A. GARCIA.

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Mr. Garcia made a motion to approve the proposed Ordinance of \$100 from District 5 with additional funding from the following districts: District 1 - \$200; District 2 - \$100; District 3 - \$100; District 4 - \$100; District 6 - \$100; District 7 - \$100; District 8 - \$100; District 9 - \$100; District 10 - \$100; and MAYOR - \$100. Mr. Martin seconded the motion.

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

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95458

AUTHORIZING THE EXPENDITURE OF \$2,000.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND AND \$1,000.00 FROM THE MAYOR'S CONTINGENCY ACCOUNT FUND, PAYABLE TO THE CITY OF SAN ANTONIO'S PARKS AND RECREATION DEPARTMENT, TO BE USED TO OFFSET THE COSTS ASSOCIATED WITH THE NEAR NORTHWEST COMMUNITY FESTIVAL, TO BE HELD ON SUNDAY, MARCH 17, 2002 AT WOODLAWN LAKE PARK; AS REQUESTED BY COUNCILMAN JULIAN CASTRO.

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Mr. Martin made a motion to approve the proposed Ordinance with an additional \$1,000 from Mayor Garza. Ms. Moorhouse seconded the motion.

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

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95459

AUTHORIZING THE EXPENDITURE OF \$150.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE ST. DOMINICK'S TIGERS BASEBALL TEAM, TO BE USED TO COVER EXPENSES FOR UNIFORMS AND TROPHIES FOR THE TEAM MEMBERS; AS REQUESTED BY COUNCILMAN JULIAN CASTRO.

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

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

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2002-10 The Clerk read the following Ordinance:

AN ORDINANCE 95460

AUTHORIZING THE EXPENDITURE OF \$150.00 FROM THE DISTRICT 7 CONTINGENCY ACCOUNT FUND AN \$100.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SAN ANTONIO STREET DANCE AND DRUM CO., TO BE USED TO OFFSET THE GROUP'S TRAVEL EXPENSES TO NEW ORLEANS FROM FEBRUARY 7-9, 2002, AS REPRESENTATIVES OF THE CITY OF SAN ANTONIO IN THE MARDI GRAS CELEBRATION; AS REQUESTED BY COUNCILMAN JULIAN CASTRO.

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Mr. Martin made a motion to approve the proposed Ordinance with an additional \$500 from District 5. Mr. Garcia seconded the motion.

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

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2002-10 **ZONING HEARINGS – CITIZEN COMMENTS**

Ms. Julie Iris Oldham, P.O. Box 40263, spoke to the various zoning cases.

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2002-10 **ZONING HEARINGS**

4A.) CASE NUMBER #Z2001211 - The request of Beatrice & Nestor Trevino, Applicant, for Beatrice & Nestor Trevino, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MF-40" Multi-Family District on Lots 26, 27 and N 5FT of 28, Block 10, NCB 3129, 205 Castillo 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 case.

Mr. Carpenter made a motion to continue this rezoning case until the City Council meeting of March 28, 2002. Mr. Sanders seconded the motion.

After consideration, the motion to continue this case until March 28, 2002, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

Zoning Case Z2001211 was continued to the Council meeting of March 28, 2002.

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4B.) CASE NUMBER #Z2002016 - The request of Mauro R. Garza, Applicant, for Mauro R. Garza, Owner(s), for a change in zoning from "C-1" Commercial District to "C-2" Commercial District on Lot 4, Block 22, NCB 385, 111 E. Laurel Street. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 1)

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 March 28, 2002. Mr. Sanders seconded the motion.

After consideration, the motion to continue this case until March 28, 2002, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

Zoning Case Z2002016 was continued to the Council meeting of March 28, 2002.

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

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4C.) CASE NUMBER #Z2002025 - The request of Aaron Acosta, Applicant, for Aaron Acosta, Owner(s), for a change in zoning from "R-4" Residential Single Family District to "O-1" Office District on Lot 2, Block 2, NCB 9793, 1355 Basse Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

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

Mr. Carpenter 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:** Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Garcia.

AN ORDINANCE 95461

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 2, BLOCK 2, NCB 9793, 1355 BASSE ROAD, FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

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4D.) CASE NUMBER #Z2001256 - The request of Phil Garay, Applicant, for Jesse Maldonado, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3 NA" Commercial District Nonalcoholic Sales on Lots 3 thru 5 & West 10' of Lot 6 & East 20' of Lot 2, Block 57, NCB 7960, 5702 S. Zarzamora Street. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 4)

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.

The following citizen(s) appeared to speak:

Mr. Socorro Alvarado, expressed concern with the type of business being established, and the traffic congestion.

Mr. Martin stated that a buffer would be placed in order to separate the neighborhood community from the business.

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

AN ORDINANCE 95462

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 3 THRU 5 & WEST 10' OF LOT 6 & EAST 20' OF LOT 2, BLOCK 57, NCB 7960, 5702 S. ZARZAMORA STREET, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA" COMMERCIAL DISTRICT NONALCOHOLIC SALES.

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4E.) CASE NUMBER #Z2002011 - The request of DFGG of Texas, Ltd., Applicant, for DFGG of Texas, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District and "O-2" Office District to "R-4" Residential Single Family District on P-3C, NCB 15850, Potranco Road & Hunt Lane. 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. Carpenter made a motion to approve the proposed rezoning. Ms. Moorhouse seconded the motion.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, spoke in favor of the zoning change as long as the conditions were met, however noted that the neighborhood representatives would consider any suggestions with regard to the one ingress/egress venue.

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

AN ORDINANCE 95463

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-3C, NCB 15850, POTRANCO ROAD & HUNT LANE, FROM "C-2" COMMERCIAL DISTRICT AND "O-2" OFFICE DISTRICT TO "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT.

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4F.) CASE NUMBER #Z2002022 - The request of Robert C. Zamora, Applicant, for Robert C. Zamora, Owner(s), for a change in zoning from "R-4" Single-Family Residence District to "C-2 NA" Commercial, Nonalcoholic Sales District on a 0.117 acre tract out of NCB 11071 and the E 80 ft of the N 170 ft of Lot 5, Block 101, NCB 11071, 1204 Gillette Blvd. Staff's recommendation was for denial as requested and approval of "C-1."

Zoning Commission has recommended approval of "C-2 NA". (Council District 4)

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

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

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

AN ORDINANCE 95464

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS A 0.117 ACRE TRACT OUT OF NCB 11071 AND THE E 80 FT OF THE N 170 FT OF LOT 5, BLOCK 101, NCB 11071, 1204 GILLETTE BLVD., FROM "R-4" SINGLE-FAMILY RESIDENCE DISTRICT TO "C-2 NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT.

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4G.) CASE NUMBER #Z2002023 - The request of City of San Antonio, Applicant, for Maria Mendiola, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 C" Residential Single Family District with a conditional use for two existing residences on Lot 19, Blk 51, NCB 8939, 305 McLaughlin Avenue. 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. Carpenter made a motion to approve the proposed rezoning. Ms. Moorhouse seconded the motion.

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

AN ORDINANCE 95465

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 19, BLK 51, NCB 8939, 305 MCLAUGHLIN AVENUE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 C" RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR TWO EXISTING RESIDENCES.

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4H.) CASE NUMBER #Z2001142S - The request of Kaufman and Associates, Applicant, for Charles C. Schoenfeld, Owner(s), for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-3 ERZD" Commercial Edwards Recharge Zone District with City Council approval and a Special Use Permit for a Batch Plant on P-1 NCB 14853, 5197 Loop 1604 N. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "C-3 ERZD". (Council District 8)

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

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

After discussion, Ms. Conner made a motion to reconsider the proposed rezoning at a later time when the applicant would be available to present his case. Mr. Sanders seconded the motion.

The zoning case was pulled for consideration at a later time.

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4I.) CASE NUMBER #Z2001207 - The request of Hausman 18 Joint Venture, Applicant, for Hausman 18 Joint Venture, Owner(s), for a change in zoning from "C-2" ERZD Commercial Edwards Recharge Zone District and "C-2 NA" ERZD Commercial Non Alcoholic Sales Edwards Recharge Zone District to "RM-4" PUD ERZD Residential Mixed Planned Unit Development Edwards Recharge Zone District on P-5A, NCB 14865, 7500 Hausman Rd.. 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. Ms. Moorhouse seconded the motion.

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

AN ORDINANCE 95467

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-5A, NCB 14865, 7500 HAUSMAN RD., FROM "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "C-2 NA" ERZD COMMERCIAL NON ALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT TO "RM-4" PUD ERZD RESIDENTIAL MIXED PLANNED UNIT DEVELOPMENT EDWARDS RECHARGE ZONE DISTRICT.

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4J.) CASE NUMBER #Z2001237S - The request of Brundage Management, Applicant, for Thomas O. Brundage, Owner(s), for a change in zoning from "C-3 R" Restrictive Business District to "C-3 S" Commercial District with a Specific Use Permit for a Mini-Storage facility on a site of 3.134 acres out of NCB 18163, Loop 1604 and north of New Guilbeau Rd. 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 with restrictions as submitted. Ms. Moorhouse seconded the motion.

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

AN ORDINANCE 95468

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 3.134 ACRES OUT OF NCB 18163, LOOP 1604 AND NORTH OF NEW GUILBEAU RD., FROM "C-3 R" RESTRICTIVE BUSINESS DISTRICT TO "C-3 S" COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A MINI-STORAGE FACILITY.

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 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: 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 35-491.

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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(At this point at 2:35 P.M., Mayor Garza returned to the meeting to preside.)

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4K.) CASE NUMBER #Z2002015 - The request of Anthony J. Ferro, Applicant, for Anthony J. Ferro, Owner(s), for a change in zoning from "R-4" Residential Single Family District and "MF-33" Multi Family District to "C-1 C" Commercial District with a conditional use for a wheel alignment service and parking of vehicles to be repaired on Lots 9 and 30, Block B, NCB 10110, 112 Nova Mae. Staff's

recommendation was for denial as requested and approval of "C-1 C" Commercial District.

Zoning Commission has recommended approval with conditions. (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 conditions. 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, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

AN ORDINANCE 95469

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 9 AND LOT 30, BLOCK B, NCB 10110, 112 NOVA MAE, FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT AND "MF-33" MULTI FAMILY DISTRICT TO "C-1 C" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A WHEEL ALIGNMENT SERVICE AND PARKING OF VEHICLES TO BE REPAIRED.

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 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" 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:

1. A 6' solid screen fence shall be constructed and maintained along the west and south property lines.
2. Dumpsters shall be on the owner's property and screened from public view.
3. Lighting shall be directional so as not to offend the nearby residences.
4. Non-working vehicles parked on the subject property must have current license and registration.

SECTION 4: 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 35-491.

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4L.) CASE NUMBER #Z2002021 - The request of Lisa & Theodore C. Musial, Applicant, for Lisa & Theodore C. Musial, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 34, NCB 17860, 14255 Blanco 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. Carpenter 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, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

AN ORDINANCE 95470

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 34, BLOCK O, NCB 17860, 14255 BLANCO ROAD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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4M.) CASE NUMBER #Z2001132A - The request of City of San Antonio, Applicant, for Six Star Partnership, Owner(s), for a change in zoning from "QD S ERZD" Quarry Edwards Recharge Zone District with a Special Use Permit for Blasting and Asphaltic Concrete to "C-2 NA ERZD" Commercial Edwards Recharge Zone

District on a 109.023 acre tract of land out of NCB 17728, East side of Bulverde Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "C-2 NA ERZD" Commercial Non Alcoholic Sales Edwards Recharge Zone District. (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 April 25, 2002. Mr. Garcia seconded the motion.

After consideration, the motion to continue this case until April 25, 2002, prevailed by the following vote: **AYES:** Sanders, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

Zoning Case Z2001132A was continued to the Council meeting of April 25, 2002.

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4N.) CASE NUMBER #Z2002028 - The request of Wetmore-Thousand Oaks, Ltd., Applicant, for Wetmore-Thousand Oaks, Ltd., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "L" Light Industrial District on Lot P-65, NCB 15687, 3897 Stahl Rd.. 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. 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, Garza. **NAYS:** None. **ABSENT:** Perez, Moorhouse.

AN ORDINANCE 95471

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-65, NCB 15687, 3897 STAHL RD., FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT.

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2002-10 EXECUTIVE SESSION

The City Council recessed its regular session at 2:39 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-client consultation regarding the status of the negotiations of a Development Services Agreement on the terms and conditions of the possible donation to the City of San Antonio of certain real property and the terms and conditions of the acquisition by the City of San Antonio of certain real property by purchase, exchange, lease or value of real property as a component of the Development Services Agreement between the City of San Antonio and the proposed Cibolo Canyon Conservation and Improvement District No. 1, Bexar County, Texas.
- B.) Attorney-Client consultation regarding the status of the Right-of-Way Use Agreement negotiations with Grey Forest Utilities.

The City Council adjourned the Executive Session at 3:30 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2002-10 BRIEFING TO CITY COUNCIL ON DEVELOPMENT AGREEMENT W/CIBOLO CANYON CONSERVATION AND IMPROVEMENT DISTRICT NO. 1

Mr. Chris Brady, Assistant City Manager, narrated a slide presentation on the proposed Cibolo Canyon Conservation and Improvement District No. 1 negotiations, a copy of which presentation is on file with the papers of this meeting. He outlined the history of

the ongoing negotiations, proposed location, development agreement, environmental management plan, timeline, jurisdiction, legislative authority, and powers. He further detailed the development rights with respect to the Preliminary Overall Development Plan (POADP), execution date, development documents for the hotel and the PGA, and dates for the hotel commencement and completion. Mr. Brady cited the public improvements to be made by the District and the developer, the proposed land use, open space tracts, land use restrictions which included for the non-golf course areas, and golf course areas, and the enforcement for the land use restrictions.

Mr. Eugene Habiger, Gen. (Ret.), San Antonio Water System, stated that an environmental management plan was developed, noting it was a viable plan, and introduced Mr. Scott Halty who would further outline details on the plan.

Mr. Scott Halty, San Antonio Water System, narrated a slide presentation on the Cibolo Canyon Environmental Management Plan, a copy of which presentation is on file with the papers of this meeting. He delineated the purpose of the proposed plan, key components of the plan, which encompassed the design, water pollution abatement, stormwater construction, materials management, and integrated pest management. He also gave an overview of the nutrient management, turf management, irrigation, and the monitoring of the surface water, leachate, and groundwater.

Mr. Milo Nitschke, Director of Finance outlined the issues with respect to financing, issuance of bonds, debt categories, bondholder security, priority of cash flow, and bond redemptions.

Mr. Brady further detailed issues regarding the annexation, termination events, benefits to the City, the environmental protection, and the timeline.

Mayor Garza stated this represented a working draft development agreement, noting that the City Council would continue to work on specific issues. He announced that a public hearing would be held the following Thursday, on March 21, 2002 and that citizens would be allowed to address this issue. He further added that all stakeholders and groups would have an opportunity to hear all concerns and issues, and all efforts would be made to have as much public input as possible. Mayor Garza emphasized the importance of adding provisions and language to protect the environment, water quality, and assure accountability measures.

The following citizen(s) appeared to speak:

Mr. Jerry Morrissey, Smart Growth Coalition, spoke to the budget constraints and water quality issues. He also expressed concern on the parking situation where the public is unable to attend such forums.

Ms. Jill Souter, President of San Antonio Conservation Society, expressed concern with the development of the PGA over the Edwards Recharge Zone.

Mr. Jerry Green, spoke in opposition to the PGA, however noted he would review the plan further and would seek more input from the City Council. He further urged that more input be allowed from the citizens.

Ms. Kathleen Trenchard, spoke in opposition to the development over the Recharge Zone, and urged the City Council to consider the masterplan in place.

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

Mr. Bob Comeaux, spoke of the importance of maintaining water quality, and noted that it was the responsibility of the City Council to assure the safety of our drinking water.

Ms. Joleen Garcia, expressed concern on the health and safety of the citizenry, adding that the PGA development would jeopardize the water quality.

Mr. George Rice, urged the City Council not to vote on the development agreement, and encouraged that the agreement be placed on the website as soon as possible.

Mrs. Maria Berriozabal, stated there was no assurance that no contamination would take place with the PGA development. She noted there were a number of issues and concerns that still needed to be addressed, and expressed concern over allowing another City to be developed in the recharge area, expanded growth, subsidizing businesses, and urged the City Council to vote for the people.

Mr. Jose Chavez, spoke to the safety of water quality and the assurance that safety precautions would be exercised appropriately by those builders conducting the work on the recharge area.

Mr. Robert Hanley, spoke in opposition to the development over the Edwards Aquifer.
Ms. Leticia Vela, spoke in opposition to the special taxing district being created, and expressed concern on the water quality, growth generation, and low-wage jobs to be created by the PGA.

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2002-10 **RECONSIDERATION OF ZONING CASE NO. 4H (ZC 2001142S)**

Councilwoman Conner moved to reconsider Zoning Case No. 4H for the purposes of hearing the applicant who had not been called to present his case. Mr. Sanders seconded the motion.

Ms. Conner made a motion to approve the proposed rezoning in accordance with the recommendation made by the zoning commission. Mr. Garcia seconded the motion.

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

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

The following citizen(s) appeared to speak:

Mr. Bill Kaufmann, representing the applicant, spoke to the staff's recommendation of approval with a special use permit to allow a batch plant because of the already current land uses that surround the subject property which includes vacant land and existing graneries. He further explained the area involved, presented views of the small tract of property, and urged the City Council to approve.

Ms. Conner made a motion to approve "C-3" as recommended by the Zoning Commission. Mr. Garcia seconded the motion.

The amendment to the motion as presented by Councilwoman Conner in agreement to the recommendations made by the Zoning Commission was approved by the following roll call vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Garza.

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

AN ORDINANCE 95466

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-1 NCB 14853, 5197 LOOP 1604 N., FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO

"C-3 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH CITY COUNCIL APPROVAL AND A SPECIAL USE PERMIT FOR A BATCH PLANT.

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2002-10

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CITIZENS TO BE HEARD

MR. MARLIN LYTLE

Mr. Marlin Lytle expressed concern on the number of people drinking and driving with no regard to the safety of the public.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Perez spoke on the drag racing and the increase of traffic problems, especially with the youth.

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MR. FARIS HODGE

Mr. Hodge stated he looked forward to additional opportunities to speak on the PGA, and encouraged that the City employees be required to attend diversity classes.

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2002-10

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ON A POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Sanders took exception to an item he has asked be discussed in Executive Session at today's meeting and was not notified that this issue would not be addressed in today's meeting. The issue had been signed by over six members of the City Council and, therefore, was handled properly, however he has not been apprised of the status of the request. Councilman Garcia and Ms. Moorhouse asked that staff be directed to respond to this request within this week. Bishop stated that there was a miscommunication in terms of the placement of this item on the agenda. Both Asst.

City Manager Vossmer and Asst. City Attorney stated that they would be getting back to Councilman Sanders with a response.

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2002-10 There being no further business to come before the City Council, the meeting was adjourned at 5:30 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMCAAE
City Clerk