

Councilman Carpenter made a motion to approve the proposed Resolution of Respect. Councilman Martin seconded the motion.

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

Councilwoman Conner recognized Dr. Komet's service and leadership in the community.

Dr. Fernando Guerra, spoke of Dr. Komet's career, and his unselfish service and dedication to helping those in need.

A representative for the family spoke of Dr. Komet's service and thanked members of the City Council for their recognition.

Members of the City Council then thanked the members of his family for their presence, and further commended the service of Dr. Komet.

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2002-29 PRESENTATION OF RESOLUTION OF APPRECIATION FOR DEPUTY CITY ATTORNEY STEVE ARRONGE.

Mayor Garza recognized Deputy City Attorney Steve Arronge, soon to be retiring, and read a Resolution of Appreciation for his years of service to the City of San Antonio.

Councilwoman Moorhouse made a motion to approve the proposed Resolution of Appreciation. Councilman Garcia seconded the motion.

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

Mr. Arronge stated it was a great privilege and honor to serve the City of San Antonio.

Members of the City Council congratulated Mr. Arronge for his many years of dedicated public service. They commended his outstanding record of achievement, his expertise on land issues, zoning cases, noting the City was losing a wealth of information. They further extended their congratulations and best wishes upon his retirement.

City Manager Terry Brechtel, thanked Mr. Arronge for his 29 years of service, commending the excellent advice he always gave the City Manager's Office, and the City Council, in addition she recognized his service as Acting City Attorney.

City Attorney Andrew Martin, spoke of the outstanding work of Mr. Arronge which exemplified public service, adding that he would be missed by the entire staff.

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2002-29 **PRESENTATION OF CITATION FOR MCCOLLUM HIGH SCHOOL LEADERSHIP PROGRAM**

Mayor Garza recognized the students who are members of the McCollum High School Leadership program that took part in an important community project this past year. He stated that with the guidance of their sponsor Ms. Michelle Moreno, they had sought ways to improve Bellaire Park. He then read a Citation of Appreciation and presented it to the students and Ms. Moreno.

Ms. Moreno recognized the hard work and dedication of the students in serving their community.

A parent representative, spoke of the initiative of the students, and thanked the Council for the opportunity to participate in the ceremonial program, and for the support given to the students.

Councilwoman Moorhouse, recognized the work and dedication to this plan, noting the leadership class had been working for two years and had brought this project to fruition. She stated that they conducted the survey, and sought input from the community, as well as donations for equipment and materials. She spoke of the assistance given to the Parks Department, and emphasized the importance of having more students participate in this type of service for the benefit of their neighborhood and their community.

Members of the City Council commended the students for their initiative and hard work, noting this is what made the City so great and unique.

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2002-29 Minutes of the regular Council meeting of June 13, 2002, were approved.

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2002-29 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 7 through 16B, constituting the Consent Agenda. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96140

AUTHORIZING THE CITY OF SAN ANTONIO TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS TO PROVIDE FUEL, MAINTENANCE AND OTHER AUTOMOTIVE RELATED SERVICES FOR THEIR VEHICLE FLEET FOR ONE YEAR AND PROVIDING FOR FIVE ONE YEAR RENEWAL PERIODS, AND DESIGNATING THE CITY MANAGER TO EXECUTE SAID RENEWALS.

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AN ORDINANCE 96141

ACCEPTING THE LOW BID SUBMITTED BY RDO EQUIPMENT CO. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH TRACK LOADERS FOR A TOTAL SUM OF \$761,273.00.

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AN ORDINANCE 96142

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH READY MIX CONCRETE AND AGGREGATES, TRAFFIC SIGN MATERIALS, LIGHTING PARTS, AERIAL LIFT TRUCK RENTAL, LUMBER, VEHICLE GRAPHIC KITS, CENTRIFUGAL PUMP PARTS, ALUMINUM STREET SIGN BRACKETS ON AN ANNUAL CONTRACT BASIS FOR FY 2002-2003 FOR A TOTAL SUM OF APPROXIMATELY \$1,544,101.00. (COPIES OF BID PACKETS ARE AVAILABLE FOR REVIEW IN THE PURCHASING

DEPARTMENT AND A LIST OF SUCCESSFUL BIDDERS ARE AVAILABLE FOR REVIEW IN THE CITY CLERK'S OFFICE).

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AN ORDINANCE 96143

RESCINDING ORDINANCE NOS. 62005 AND 51907, PASSED AND APPROVED ON DECEMBER 19, 1985 AND FEBRUARY 28, 1980, RESPECTIVELY; AND GRANTING A LICENSE TO GEORGE N. NEWTON FOR THE CONTINUED USE OF PUBLIC RIGHTS OF WAY, WHICH CONSISTS OF A PORTION OF RODRIGUEZ STREET FOR AN EXISTING AWNING AND LANDSCAPING AND THE AIR RIGHTS OVER THE SAN ANTONIO RIVER FOR AN EXISTING BUILDING OVERHANG LOCATED AT 454 SOLEDAD STREET, IN NCB 139, FOR A TEN (10) YEAR TERM, FOR THE CONSIDERATION OF \$5,000.00.

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AN ORDINANCE 96144

APPROVING AN FIRST AMENDMENT TO THE LEASE AGREEMENT APPROVED BY ORDINANCE NO. 95134 PASSED ON JANUARY 10, 2002, FOR SPACE AT THE RIVERVIEW TOWERS, 111 SOLEDAD, WITH MACK-CALI TEXAS PROPERTY, L.P, AS LANDLORD, FOR THE PURPOSE OF REDUCING THE NUMBER OF PARKING SPACES AT A RATE OF \$79.00 PER MONTH FROM TEN (10) SPACES PER MONTH TO FOUR (4) SPACES PER MONTH ASSOCIATED WITH THE LEASE. (AMENDS ORDINANCE NO. 95134, JANUARY 10, 2002.)

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AN ORDINANCE 96145

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE FEDERAL RESERVE BANK OF DALLAS AND ACCEPTING (1) AN ANNUAL PAYMENT IN THE AMOUNT OF \$34,300.00 FROM THE FEDERAL RESERVE BANK OF DALLAS TO OFFSET THE LOSS OF PARKING FUND REVENUE ASSOCIATED WITH THE REMOVAL OF TWENTY-NINE (29) PARKING METERS ADJACENT TO THE FEDERAL RESERVE BANK BUILDING LOCATED AT 126 E. NUEVA STREET IN COUNCIL DISTRICT 1, AND (2) THE AMOUNT OF \$2,040.00 PAYABLE TO THE CITY OF SAN ANTONIO, DEPARTMENT OF PUBLIC

WORKS, TRAFFIC DIVISION, AS A ONE-TIME COST REIMBURSEMENT FOR MATERIALS AND LABOR FOR SIGNAGE FOLLOWING REMOVAL OF THE METERS.

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AN ORDINANCE 96146

AUTHORIZING THE EXECUTION OF A PARKING AGREEMENT WITH THE UNIVERSITY OF TEXAS AT SAN ANTONIO (DOWNTOWN CAMPUS LOCATION) FOR PARKING FACILITIES LOCATED UNDERNEATH I.H.-35, BETWEEN DURANGO AND GUADALUPE STREETS AND AT THE MUNICIPAL COURT LOT, LOCATED AT 401 S. FRIO, FOR EVENING HOUR AND WEEKEND USE FOR AN ESTIMATED ANNUAL PAYMENT OF \$105,000.00 DURING THE PRIMARY TERM FROM JULY 1, 2002 TO JUNE 30, 2004, WHICH ALSO PROVIDES FOR ANNUAL REVIEWS AND THREE (3) SUBSEQUENT ONE-YEAR RENEWAL OPTIONS.

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AN ORDINANCE 96147

ADOPTING SELF-MONITORING STANDARDS FOR THE CITY OF SAN ANTONIO'S AFTER SCHOOL CHALLENGE PROGRAM PER THE REQUIREMENTS OF THE TEXAS DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES REGULATION 42.041 (A) (14) AND AUTHORIZING ONE (1) FULL-TIME CLERICAL POSITION FOR ADMINISTRATION OF THE AFTER SCHOOL CHALLENGE PROGRAM TO BE FUNDED BY RESOURCES PROVIDED BY SAN ANTONIO INDEPENDENT SCHOOL DISTRICT.

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AN ORDINANCE 96148

AMENDING ORDINANCE NO. 94519, BY ACCEPTING ADDITIONAL GRANT FUNDS IN THE AMOUNT OF \$5,191.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO COVER UNANTICIPATED OPERATING EXPENDITURES AND TO ALLOW ADDITIONAL EQUIPMENT PURCHASE. (AMENDS ORDINANCE NO. 94519, SEPTEMBER 13, 2001.)

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AN ORDINANCE 96149

APPOINTING JANE VELASQUEZ TO THE SAN ANTONIO COMMISSION ON LITERACY (DISTRICT 7) FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2004.

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AN ORDINANCE 96150

APPOINTING JESSICA ELIZABETH RAMOS TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES (DISTRICT 7) FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2004.

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2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96151

RENAMING THE CITY OF SAN ANTONIO'S FRENCH CREEK PARK, LOCATED AT GUILBEAU AND FRENCH CREEK IN CITY COUNCIL DISTRICT 7, THE "NANI FALCONE COMMUNITY PARK".

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on the renaming of the City's French Creek Park to "Nani Falcone Community Park," a copy of which presentation is on file with the papers of this meeting. He outlined the background, delineating the community participation of Mr. Ernani "Nani" Falcone, and the public hearing process utilized for the renaming of the park.

Ms. Falcone, widow of the late Ernani Falcone, stated that "Nani" as he was affectionately known, had a deep love for San Antonio, and extended her appreciation to the Council for the honor and recognition of her husband.

Mr. George Bird, treasurer of Northwest Neighborhood Alliance, spoke of the tedious hours, the effort, and the work dedicated to the development of the park. He assured that the project would keep moving forward then stated he could not think of anyone more deserving than Mr. Falcone for the park renaming.

Mr. Jody Sherrill, encouraged the City Council to support the renaming of the park. He also spoke to Nani's outstanding service to the community.

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Mayor Garza, stated Nani was one of the kindest gentleman he had known, noting that the community park was an opportunity for citizens to come together to celebrate parks and open space, and to recognize a man who gave so much of himself to such an unselfish effort. He added that this effort had been started under Bob Ross' term, and that Nani had been the type of person to push this project forward and it seemed only appropriate to name the park after him.

Councilman Castro recognized Mr. Falcone's staunch work for the development of parks as a quality of life issue.

Councilwoman Conner welcomed Mrs. Falcone and the friends of Mr. Falcone, and stated that Nani had worked tirelessly to make this City a better place to live.

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

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2002-29 PUBLIC HEARING AND ORDINANCE: EAGLE RIDGE APARTMENT COMMUNITY.

Mayor Garza declared the Public Hearing to be open.

Ms. Diana Kinlaw, Vice President, Development and Asset Management Division, San Antonio Housing Authority, narrated a slide presentation on the Eagle Ridge Apartment Community multi-family housing revenue bonds, a copy of which presentation is on file with the papers of this meeting. She delineated details to the ownership, development and management, the apartment community, and the unit mix. She further outlined the site plan, the tax exempt mortgage bonds, impact of demographic shifts in affordable housing, and public benefits.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, spoke to the process of the Board of Directors, terms of office, noting that the Council should not serve as Directors of the Board.

Ms. Julie Iris Oldham, P.O. Box 40263, spoke to the location of the PGA development. She further added that the Housing Authority should be investigated.

There being no further citizens to speak the Mayor declared the Public Hearing to be closed.

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The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-29-31

A RESOLUTION APPROVING THE RESOLUTION ADOPTED BY THE SAN ANTONIO HOUSING FINANCE CORPORATION RELATING TO THE ISSUANCE, SALE, AND DELIVERY OF NOT TO EXCEED \$14,680,000.00 OF ITS MULTIFAMILY HOUSING REVENUE BONDS (GNMA COLLATERALIZED MORTGAGE LOAN - EAGLE RIDGE APARTMENTS PROJECT) SERIES 2002 TO FINANCE A PROJECT FOR THE BENEFIT OF 280SA EAGLE RIDGE, LTD.; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES.

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Councilwoman Moorhouse made a motion to approve the proposed Resolution. Councilman Sanders seconded the motion.

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

the San Antonio as River Overlay Districts within River Overlay District #2. Staff recommendation is for approval.

Zoning Commission has recommended approval. (Council District 1)

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

Councilman Perez made a motion to approve the proposed rezoning. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96152

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 5 THROUGH 9, 14 THROUGH 19, AND P-100, BLOCK 3, NCB 6791; AND LOT 2, BLOCK 1 D, NCB 7008, 1366 EAST ELMIRA STREET AND 102 WEST GRAYSON STREET ALONG THE SAN ANTONIO AS RIVER OVERLAY DISTRICTS WITHIN RIVER OVERLAY DISTRICT #2.

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2002-29 At this time Case Number 5E was brought before Council.

5E.) CASE NUMBER #Z2001223-6 - The request of the City of San Antonio, Applicant, for multiple property owners, Owners, for a change of zoning to designate those properties along the San Antonio River as "River Improvement Overlay District 6" and described as Beginning at the intersection of the centerlines of Southeast Military Drive and Old Corpus Christi Road; Thence, following the centerline of Old Corpus Christi Road southeast to its intersection with the northeast corner of Lot 5B, Block 2, NCB 10922; Thence, following the meandering southeast property line of Lot 5B, Block 2, NCB 10922, and Lot 5B, NCB 10919 to its intersection with centerline of Villamain Road; Thence, following the centerline of Villamain Road southeast to its intersection with the City Limit line; Thence, following the meandering City Limit line

northwest to its intersection with the southwest corner of Tract 8, NCB 11040; Thence, following the west property line of Tract 8, NCB 11040 to its intersection with the centerline of Chavaneaux Road; Thence, following the centerline of Chavaneaux Road west to its intersection with the southwest corner of Lot 31, NCB 11168; Thence, following the west property line of Lot 31, NCB 11168 to its intersection with the centerline of Southeast Loop 410; Thence, following the centerline of Southeast Loop 410 west to its intersection with the southwest corner of the west irregular 895 feet of the east 1722 feet of Tract C, NCB 11168; Thence, following the meandering west property line of the west irregular 895 feet of the east 1722 feet of Tract C, NCB 11168, and the east 447.45 of the west irregular 1389.85 feet of Tract B, NCB 11168, and Tract A, NCB 11168 to the northwest corner of Tract A, NCB 11168; Thence, to the southeast corner of Lot 30, NCB 11168; Thence, following the west property line of Lot 30, NCB 11168 to its intersection with the centerline of Rilling Road; Thence, following the centerline of Rilling Road west to its intersection with the southerly extension of the west property line of Lot 1, Block 1, NCB 14878; Thence, north to the southwest corner of Lot 1, Block 1, NCB 14878 and following the west property line of Lot 1, Block 1, NCB 14878 to the northwest corner of Lot 1, Block 1, NCB 14878; Thence, following the north property line of Lot 1, Block 1, NCB 14878, and Tract 5, NCB 11169 to its intersection with the centerline of Espada Road; Thence, following the centerline of Espada Road northeast to its intersection with the centerline of Mission Road; Thence, following the centerline of Mission Road northwest to its intersection with the centerline of March Avenue; Thence, following the centerline of March Avenue west to its intersection with southwest corner of Lot E, NCB 11176; Thence, following the west property line of Lot E and D, NCB 11176 to the northwest corner of Lot D, NCB 11176; Thence, following the north property line of Lot D, NCB 11176 to its intersection with the southeast corner of the east 300 feet of Tract C, NCB 11176; Thence, following the west property lines of the east 300 feet of Tract C, NCB 11176, and the east 300 feet of Lot 16, NCB 11177 to the southeast corner of Lot 15, NCB 11177; Thence, following the south property line of Lot 15, NCB 11177 west and the west property line of Lot 15 and 14, NCB 11177 north to its intersection with the south property line of Lot 153, NCB 11178; Thence, following the south property line west and the west property line north of Lot 153, NCB 11178 to its intersection with the centerline of E. Harding Boulevard; Thence, following the centerline of E. Harding Boulevard east to its intersection with the southwest corner of Lot 162, NCB 11178; Thence, following the northwest property lines of Lot 162 and 160, NCB 11178 to its intersection with the centerline of Southeast Military Drive; Thence, following the centerline of Southeast Military Drive southeast to the point of beginning. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilwoman Moorhouse made a motion to amend by having a certain piece of property removed from the River Overlay, specifically the tract of land 5 NCB 10169, 8514 Mission Road. Councilman Sanders seconded the motion.

The following citizen(s) appeared to speak:

Ms. Jill Souter, President of Conservation Society, stated that numerous entities have spent millions of dollars, and encouraged that all parcels be maintained in the river overlay.

Mr. Ken Brown, representing property owner, requested that the property be removed from the river overlay, noting that additional regulations would render the property as useless, with very limited opportunity for development.

Councilman Moorhouse stated that she was in favor of protecting the land, noting the property was located between Brooks and Stinson, and that it could only be commercial not residential. She further thanked the owner for dedicating the land to the National Parks Services.

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

AN ORDINANCE 96153

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 FOR A CHANGE OF ZONING TO DESIGNATE THOSE PROPERTIES ALONG THE SAN ANTONIO RIVER AS "RIVER IMPROVEMENT OVERLAY DISTRICT 6" AND DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF SOUTHEAST MILITARY DRIVE AND OLD CORPUS CHRISTI ROAD; THENCE, FOLLOWING THE CENTERLINE OF OLD CORPUS CHRISTI ROAD SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 5B, BLOCK 2, NCB 10922; THENCE, FOLLOWING THE MEANDERING SOUTHEAST PROPERTY LINE OF LOT 5B, BLOCK 2, NCB 10922, AND LOT 5B, NCB 10919 TO ITS INTERSECTION WITH CENTERLINE OF VILLAMAIN ROAD; THENCE, FOLLOWING THE CENTERLINE OF VILLAMAIN ROAD SOUTHEAST TO ITS INTERSECTION WITH THE CITY LIMIT LINE; THENCE, FOLLOWING THE MEANDERING CITY LIMIT LINE NORTHWEST TO ITS INTERSECTION WITH THE SOUTHWEST CORNER OF TRACT 8, NCB 11040; THENCE, FOLLOWING THE WEST

PROPERTY LINE OF TRACT 8, NCB 11040 TO ITS INTERSECTION WITH THE CENTERLINE OF CHAVANEUX ROAD; THENCE, FOLLOWING THE CENTERLINE OF CHAVANEUX ROAD WEST TO ITS INTERSECTION WITH THE SOUTHWEST CORNER OF LOT 31, NCB 11168; THENCE, FOLLOWING THE WEST PROPERTY LINE OF LOT 31, NCB 11168 TO ITS INTERSECTION WITH THE CENTERLINE OF SOUTHEAST LOOP 410; THENCE, FOLLOWING THE CENTERLINE OF SOUTHEAST LOOP 410 WEST TO ITS INTERSECTION WITH THE SOUTHWEST CORNER OF THE WEST IRREGULAR 895 FEET OF THE EAST 1722 FEET OF TRACT C, NCB 11168; THENCE, FOLLOWING THE MEANDERING WEST PROPERTY LINE OF THE WEST IRREGULAR 895 FEET OF THE EAST 1722 FEET OF TRACT C, NCB 11168, AND THE EAST 447.45 OF THE WEST IRREGULAR 1389.85 FEET OF TRACT B, NCB 11168, AND TRACT A, NCB 11168 TO THE NORTHWEST CORNER OF TRACT A, NCB 11168; THENCE, TO THE SOUTHEAST CORNER OF LOT 30, NCB 11168; THENCE, FOLLOWING THE WEST PROPERTY LINE OF LOT 30, NCB 11168 TO ITS INTERSECTION WITH THE CENTERLINE OF RILLING ROAD; THENCE, FOLLOWING THE CENTERLINE OF RILLING ROAD WEST TO ITS INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST PROPERTY LINE OF LOT 1, BLOCK 1, NCB 14878; THENCE, NORTH TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 1, NCB 14878 AND FOLLOWING THE WEST PROPERTY LINE OF LOT 1, BLOCK 1, NCB 14878 TO THE NORTHWEST CORNER OF LOT 1, BLOCK 1, NCB 14878; THENCE, FOLLOWING THE NORTH PROPERTY LINE OF LOT 1, BLOCK 1, NCB 14878, AND TRACT 5, NCB 11169 TO ITS INTERSECTION WITH THE CENTERLINE OF ESPADA ROAD; THENCE, FOLLOWING THE CENTERLINE OF ESPADA ROAD NORTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF MISSION ROAD; THENCE, FOLLOWING THE CENTERLINE OF MISSION ROAD NORTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF MARCH AVENUE; THENCE, FOLLOWING THE CENTERLINE OF MARCH AVENUE WEST TO ITS INTERSECTION WITH SOUTHWEST CORNER OF LOT E, NCB 11176; THENCE, FOLLOWING THE WEST PROPERTY LINE OF LOT E AND D, NCB 11176 TO THE NORTHWEST CORNER OF LOT D, NCB 11176; THENCE, FOLLOWING THE NORTH PROPERTY LINE OF LOT D, NCB 11176 TO ITS INTERSECTION WITH THE SOUTHEAST CORNER OF THE EAST 300 FEET OF TRACT C, NCB 11176; THENCE, FOLLOWING THE WEST PROPERTY LINES OF THE EAST 300 FEET OF TRACT C, NCB 11176, AND THE EAST 300 FEET OF LOT 16, NCB 11177 TO THE SOUTHEAST CORNER OF LOT 15, NCB 11177; THENCE, FOLLOWING THE SOUTH PROPERTY LINE OF LOT 15, NCB 11177 WEST AND THE WEST PROPERTY LINE OF LOT 15 AND 14, NCB 11177 NORTH TO ITS INTERSECTION WITH THE SOUTH PROPERTY LINE OF LOT 153, NCB 11178; THENCE, FOLLOWING THE SOUTH PROPERTY LINE WEST AND THE WEST PROPERTY LINE NORTH OF LOT 153, NCB 11178 TO ITS INTERSECTION WITH THE CENTERLINE OF E. HARDING BOULEVARD; THENCE,

FOLLOWING THE CENTERLINE OF E. HARDING BOULEVARD EAST TO ITS INTERSECTION WITH THE SOUTHWEST CORNER OF LOT 162, NCB 11178; THENCE, FOLLOWING THE NORTHWEST PROPERTY LINES OF LOT 162 AND 160, NCB 11178 TO ITS INTERSECTION WITH THE CENTERLINE OF SOUTHEAST MILITARY DRIVE; THENCE, FOLLOWING THE CENTERLINE OF SOUTHEAST MILITARY DRIVE SOUTHEAST TO THE POINT OF BEGINNING..

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2002-29 **At this time Case Number 5V was brought before Council.**

5V.) CASE NUMBER #Z2001223-1 - The request of the City of San Antonio, Applicant, for multiple property owners, Owners, for a change of zoning to designate those properties along the San Antonio River as "River Improvement Overlay District 1" and described as Beginning at the intersection of the centerlines of Alamo Street and Josephine Street; Thence, following the centerline of Josephine Street northwest to its intersection with the centerline of US 281; Thence, following the centerline of US 281 north and northwest to its intersection with the centerline of N. St. Mary's Street; Thence, following the centerline of N. St. Mary's Street northeast to its intersection with the northeast corner of P-11, NCB A-52; Thence, following the meandering northeast property line of P-11, NCB A-52 and Lot 55, Block 2, NCB 3242 to its intersection with the centerline of US 281; Thence, following the centerline of US 281 northeast to its intersection with the centerline of E. Hildebrand Avenue; Thence, following the centerline of E. Hildebrand Avenue east to its intersection with the northeast corner of Tract L, NCB 6015; Thence, following the east and south property line of Tract L, NCB 6015 to its intersection with the northeast corner of Lot 2, NCB 6096; Thence, following the east property line of Lot 2, NCB 6096 to its intersection with the centerline of Groveland Place; Thence, following the centerline of Groveland Place west to its intersection with the northeast corner of Lot 19, NCB 6096; Thence, following the east and south property line of Lot 19, NCB 6096 to its intersection with the northeast corner of Lot 5, NCB 6015; Thence, following the east property line of Lot 5, NCB 6015 to its intersection with the centerline of Allensworth St.; Thence, following the centerline of Allensworth St. east to its intersection with the centerline of Catalpa Street; Thence, following the centerline of Catalpa Street southwest to its intersection with the centerline of Pershing Place; Thence, following the centerline of Pershing Street west to its intersection with the northeast corner of Lot 17, NCB 6089; Thence, following the east property line of Lot 17, NCB 6089 to the southeast corner of said lot; Thence, following the south property line of Lots 17 through 20 to its intersection with the northeast corner of Lot 25, Block 1, NCB 6089; Thence, following the east property line of Lot 25, Block

1, NCB 6089 to its intersection with the centerline of Queen Anne Court; Thence, following the centerline of Queen Anne Court northwest to its intersection with the centerline of Alberta Street; Thence, following the centerline of Alberta Street south to its intersection with the southeast corner of Lot 6, Block 7, NCB 6095; Thence, following the south property line of Lot 6, Block 7, NCB 6095 to its intersection with the centerline of Ethel Court; Thence, following the centerline of Ethel Court west to its intersection with the northeast corner of Lot 3, Block 1, NCB 6145; Thence, following the east property line of Lot 3, Block 1, NCB 6145 to its intersection with the northwest corner of Lot 12, Block 1, NCB 6145; Thence following the north property line of Lot 12, Block 1, NCB 6145 and the north and east property line of Lot 11, Block 1, NCB 6145 to its intersection with the centerline of Elmhurst Avenue; Thence, following the centerline of Elmhurst Avenue west to its intersection with the northeast corner of the east 25 feet of Lot 3, NCB 6144; Thence, following the east property line of the east 25 feet of Lot 3, NCB 6144 to its intersection with the north property line of Lot 43, NCB 6138; Thence, following the north and east property line of Lot 43, NCB 6138 to its intersection with the centerline of Parland Place; Thence, following the centerline of Parland Place west to its intersection with the centerline of Broadway Street; Thence, following the centerline of Broadway Street southwest to its intersection with the centerline of Funston Place; Thence, following the centerline of Funston Place east to its intersection with the northeast corner of Lot 71, NCB 6142; Thence, following the east and south property line of Lot 71, NCB 6142 to its intersection with the northeast corner of Lot 3, Block 5, NCB 3859; Thence, following the southeast property line of Lot 3, Block 5, NCB 3859 to its intersection with the centerline of Natalen Avenue; Thence, following the centerline of Natalen Avenue southeast to its intersection with the northeast corner of the west 25 feet of Lot 8, Block 8, NCB 3862; Thence, following the southeast and southwest property line of the west 25 feet of Lot 8, Block 8, NCB 3862 and southwest property line of Lot 7, Block 8, NCB 3862 to its intersection with the northeast corner of Lot 3, Block 3862; Thence, following the southeast property line of Lots 1, 2 and 3, NCB 3862 to its intersection with the centerline of Eleanor Avenue; Thence, following the centerline of Eleanor Avenue southeast to its intersection with the northeast corner of Lot 25, Block 25, NCB 3864; Thence, following the meandering southeast property line of Lot 25, Block 25, NCB 3864, and the west 45 feet of Lots 13 through 18, Block 10, NCB 3864 to its intersection with the centerline of Ira Avenue; Thence, following the centerline of Ira Avenue northwest to its intersection with the northeast corner of Lot 6, Block 12, NCB 3866; Thence, following the southeast property line of Lots 4, 5, and 6, Block 12, NCB 3866 to its intersection with the northwest corner of Lot 13, Block 12, NCB 3866; Thence, following the northeast property line of Lot 13, Block 12, NCB 3866 to its intersection with the centerline of Margaret Avenue; Thence, following the centerline of Margaret Avenue southwest to its intersection with the centerline of E. Mulberry Avenue; Thence, following the centerline of E. Mulberry Avenue southeast to its intersection with the northeast corner of Lot 11, Block 12, NCB 1066; Thence, following the east property line of Lot 11, Block 13, NCB 3867 to its intersection with the northwest corner of Lot 7,

Block 13, NCB 3867; Thence, following the northeast property line of Lot 7 and 6, Block 13, NCB 3867 to its intersection with the northeast corner of Lot 25, Block 12, NCB 1066; Thence, following the east property line of Lot 25, Block 12, NCB 1066 to its intersection with the centerline of Humphreys Avenue; Thence, following the centerline of Humphreys Avenue northwest to its intersection with the northwest corner of Lot 21, Block 15, NCB 3869; Thence, following the meandering east property line of Lot 21, Block 15, NCB 3869, and Lot 9, NCB 1055, and Lot 6, NCB 3592 and the east and south property line of Lot 1, NCB 3592 to its intersection with the northeast corner of the west irregular 136.5 feet of Lot A23, Block 2, 3594; Thence, following the east property line of the west irregular 136.5 feet of Lot A23, and Lot 3, Block 2, 3594, and Lot 50 and 51, Block 1, NCB 3593 to the southeast corner of Lot 51, Block 1, NCB 3593; Thence, following the south property line of Lot 51, Block 1, NCB 3593 to its intersection with the northeast corner of Lot 3, Block 1, NCB 3593; Thence, following the east property line of Lot 3, Block 1, NCB 3593 to its intersection with the centerline of Army Boulevard; Thence, following the centerline of Army Boulevard west to its intersection with the northeast corner of Lot 11, Block 2, NCB 3856; Thence, following the east property line of Lot 11, Block 2, NCB 3856 to its intersection with the centerline of the alley located between Army Boulevard and Brahan Boulevard; Thence, following the centerline the alley located between Army Boulevard and Brahan Boulevard west to its intersection with the northeast corner of Lot 15, Block 2, NCB 3856; Thence, following the east property line of Lot 15, Block 2, NCB 3856 to its intersection with the centerline of Brahan Boulevard; Thence, following the centerline of Brahan Boulevard east to its intersection with the centerline of Haywood Avenue; Thence, following the centerline of Haywood Avenue south to its intersection with the centerline of Cunningham Avenue; Thence, following the centerline of Cunningham Avenue west to its intersection with the centerline of N. Alamo Street; Thence, following the centerline of N. Alamo Street southeast and southwest to the point of beginning. 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.

Councilman Schubert made a motion to approve the proposed rezoning. Councilwoman Conner seconded the motion.

The following citizen(s) appeared to speak:

Ms. Jill Souter, President of Conservation Society, urged the City Council to approve as proposed.

Mr. Francis Keith, spoke in support of the proposed zoning case.

Mr. Bob Buchanan, spoke in opposition to the proposed change.

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, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Conner.

AN ORDINANCE 96154

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 TO DESIGNATE THOSE PROPERTIES ALONG THE SAN ANTONIO RIVER AS "RIVER IMPROVEMENT OVERLAY DISTRICT 1" AND DESCRIBED AS BEGINNING AT THE INTERSECTION OF THE CENTERLINES OF ALAMO STREET AND JOSEPHINE STREET; THENCE, FOLLOWING THE CENTERLINE OF JOSEPHINE STREET NORTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF US 281; THENCE, FOLLOWING THE CENTERLINE OF US 281 NORTH AND NORTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF N. ST. MARY'S STREET; THENCE, FOLLOWING THE CENTERLINE OF N. ST. MARY'S STREET NORTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF P-11, NCB A-52; THENCE, FOLLOWING THE MEANDERING NORTHEAST PROPERTY LINE OF P-11, NCB A-52 AND LOT 55, BLOCK 2, NCB 3242 TO ITS INTERSECTION WITH THE CENTERLINE OF US 281; THENCE, FOLLOWING THE CENTERLINE OF US 281 NORTHEAST TO ITS INTERSECTION WITH THE CENTERLINE OF E. HILDEBRAND AVENUE; THENCE, FOLLOWING THE CENTERLINE OF E. HILDEBRAND AVENUE EAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF TRACT L, NCB 6015; THENCE, FOLLOWING THE EAST AND SOUTH PROPERTY LINE OF TRACT L, NCB 6015 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 2, NCB 6096; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 2, NCB 6096 TO ITS INTERSECTION WITH THE CENTERLINE OF GROVELAND PLACE; THENCE, FOLLOWING THE CENTERLINE OF GROVELAND PLACE WEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 19, NCB 6096; THENCE, FOLLOWING THE EAST AND SOUTH PROPERTY LINE OF LOT 19, NCB 6096 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 5, NCB 6015; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 5, NCB 6015 TO ITS INTERSECTION WITH THE CENTERLINE OF ALLENSWORTH ST.; THENCE, FOLLOWING THE CENTERLINE OF ALLENSWORTH ST. EAST TO ITS INTERSECTION WITH THE CENTERLINE OF CATALPA STREET; THENCE, FOLLOWING THE CENTERLINE OF CATALPA STREET SOUTHWEST TO ITS

INTERSECTION WITH THE CENTERLINE OF PERSHING PLACE; THENCE, FOLLOWING THE CENTERLINE OF PERSHING STREET WEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 17, NCB 6089; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 17, NCB 6089 TO THE SOUTHEAST CORNER OF SAID LOT; THENCE, FOLLOWING THE SOUTH PROPERTY LINE OF LOTS 17 THROUGH 20 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 25, BLOCK 1, NCB 6089; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 25, BLOCK 1, NCB 6089 TO ITS INTERSECTION WITH THE CENTERLINE OF QUEEN ANNE COURT; THENCE, FOLLOWING THE CENTERLINE OF QUEEN ANNE COURT NORTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF ALBERTA STREET; THENCE, FOLLOWING THE CENTERLINE OF ALBERTA STREET SOUTH TO ITS INTERSECTION WITH THE SOUTHEAST CORNER OF LOT 6, BLOCK 7, NCB 6095; THENCE, FOLLOWING THE SOUTH PROPERTY LINE OF LOT 6, BLOCK 7, NCB 6095 TO ITS INTERSECTION WITH THE CENTERLINE OF ETHEL COURT; THENCE, FOLLOWING THE CENTERLINE OF ETHEL COURT WEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 3, BLOCK 1, NCB 6145; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 3, BLOCK 1, NCB 6145 TO ITS INTERSECTION WITH THE NORTHWEST CORNER OF LOT 12, BLOCK 1, NCB 6145; THENCE FOLLOWING THE NORTH PROPERTY LINE OF LOT 12, BLOCK 1, NCB 6145 AND THE NORTH AND EAST PROPERTY LINE OF LOT 11, BLOCK 1, NCB 6145 TO ITS INTERSECTION WITH THE CENTERLINE OF ELMHURST AVENUE; THENCE, FOLLOWING THE CENTERLINE OF ELMHURST AVENUE WEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE EAST 25 FEET OF LOT 3, NCB 6144; THENCE, FOLLOWING THE EAST PROPERTY LINE OF THE EAST 25 FEET OF LOT 3, NCB 6144 TO ITS INTERSECTION WITH THE NORTH PROPERTY LINE OF LOT 43, NCB 6138; THENCE, FOLLOWING THE NORTH AND EAST PROPERTY LINE OF LOT 43, NCB 6138 TO ITS INTERSECTION WITH THE CENTERLINE OF PARLAND PLACE; THENCE, FOLLOWING THE CENTERLINE OF PARLAND PLACE WEST TO ITS INTERSECTION WITH THE CENTERLINE OF BROADWAY STREET; THENCE, FOLLOWING THE CENTERLINE OF BROADWAY STREET SOUTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF FUNSTON PLACE; THENCE, FOLLOWING THE CENTERLINE OF FUNSTON PLACE EAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 71, NCB 6142; THENCE, FOLLOWING THE EAST AND SOUTH PROPERTY LINE OF LOT 71, NCB 6142 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 3, BLOCK 5, NCB 3859; THENCE, FOLLOWING THE SOUTHEAST PROPERTY LINE OF LOT 3, BLOCK 5, NCB 3859 TO ITS INTERSECTION WITH THE CENTERLINE OF NATALEN AVENUE; THENCE, FOLLOWING THE CENTERLINE OF NATALEN AVENUE SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE WEST 25 FEET OF

LOT 8, BLOCK 8, NCB 3862; THENCE, FOLLOWING THE SOUTHEAST AND SOUTHWEST PROPERTY LINE OF THE WEST 25 FEET OF LOT 8, BLOCK 8, NCB 3862 AND SOUTHWEST PROPERTY LINE OF LOT 7, BLOCK 8, NCB 3862 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 3, BLOCK 3862; THENCE, FOLLOWING THE SOUTHEAST PROPERTY LINE OF LOTS 1, 2 AND 3, NCB 3862 TO ITS INTERSECTION WITH THE CENTERLINE OF ELEANOR AVENUE; THENCE, FOLLOWING THE CENTERLINE OF ELEANOR AVENUE SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 25, BLOCK 25, NCB 3864; THENCE, FOLLOWING THE MEANDERING SOUTHEAST PROPERTY LINE OF LOT 25, BLOCK 25, NCB 3864, AND THE WEST 45 FEET OF LOTS 13 THROUGH 18, BLOCK 10, NCB 3864 TO ITS INTERSECTION WITH THE CENTERLINE OF IRA AVENUE; THENCE, FOLLOWING THE CENTERLINE OF IRA AVENUE NORTHWEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 6, BLOCK 12, NCB 3866; THENCE, FOLLOWING THE SOUTHEAST PROPERTY LINE OF LOTS 4, 5, AND 6, BLOCK 12, NCB 3866 TO ITS INTERSECTION WITH THE NORTHWEST CORNER OF LOT 13, BLOCK 12, NCB 3866; THENCE, FOLLOWING THE NORTHEAST PROPERTY LINE OF LOT 13, BLOCK 12, NCB 3866 TO ITS INTERSECTION WITH THE CENTERLINE OF MARGARET AVENUE; THENCE, FOLLOWING THE CENTERLINE OF MARGARET AVENUE SOUTHWEST TO ITS INTERSECTION WITH THE CENTERLINE OF E. MULBERRY AVENUE; THENCE, FOLLOWING THE CENTERLINE OF E. MULBERRY AVENUE SOUTHEAST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 11, BLOCK 12, NCB 1066; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 11, BLOCK 13, NCB 3867 TO ITS INTERSECTION WITH THE NORTHWEST CORNER OF LOT 7, BLOCK 13, NCB 3867; THENCE, FOLLOWING THE NORTHEAST PROPERTY LINE OF LOT 7 AND 6, BLOCK 13, NCB 3867 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 25, BLOCK 12, NCB 1066; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 25, BLOCK 12, NCB 1066 TO ITS INTERSECTION WITH THE CENTERLINE OF HUMPHREYS AVENUE; THENCE, FOLLOWING THE CENTERLINE OF HUMPHREYS AVENUE NORTHWEST TO ITS INTERSECTION WITH THE NORTHWEST CORNER OF LOT 21, BLOCK 15, NCB 3869; THENCE, FOLLOWING THE MEANDERING EAST PROPERTY LINE OF LOT 21, BLOCK 15, NCB 3869, AND LOT 9, NCB 1055, AND LOT 6, NCB 3592 AND THE EAST AND SOUTH PROPERTY LINE OF LOT 1, NCB 3592 TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF THE WEST IRREGULAR 136.5 FEET OF LOT A23, BLOCK 2, 3594; THENCE, FOLLOWING THE EAST PROPERTY LINE OF THE WEST IRREGULAR 136.5 FEET OF LOT A23, AND LOT 3, BLOCK 2, 3594, AND LOT 50 AND 51, BLOCK 1, NCB 3593 TO THE SOUTHEAST CORNER OF LOT 51, BLOCK 1, NCB 3593; THENCE, FOLLOWING THE SOUTH PROPERTY LINE OF LOT 51, BLOCK 1, NCB 3593 TO ITS INTERSECTION WITH

THE NORTHEAST CORNER OF LOT 3, BLOCK 1, NCB 3593; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 3, BLOCK 1, NCB 3593 TO ITS INTERSECTION WITH THE CENTERLINE OF ARMY BOULEVARD; THENCE, FOLLOWING THE CENTERLINE OF ARMY BOULEVARD WEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 11, BLOCK 2, NCB 3856; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 11, BLOCK 2, NCB 3856 TO ITS INTERSECTION WITH THE CENTERLINE OF THE ALLEY LOCATED BETWEEN ARMY BOULEVARD AND BRAHAN BOULEVARD; THENCE, FOLLOWING THE CENTERLINE THE ALLEY LOCATED BETWEEN ARMY BOULEVARD AND BRAHAN BOULEVARD WEST TO ITS INTERSECTION WITH THE NORTHEAST CORNER OF LOT 15, BLOCK 2, NCB 3856; THENCE, FOLLOWING THE EAST PROPERTY LINE OF LOT 15, BLOCK 2, NCB 3856 TO ITS INTERSECTION WITH THE CENTERLINE OF BRAHAN BOULEVARD; THENCE, FOLLOWING THE CENTERLINE OF BRAHAN BOULEVARD EAST TO ITS INTERSECTION WITH THE CENTERLINE OF HAYWOOD AVENUE; THENCE, FOLLOWING THE CENTERLINE OF HAYWOOD AVENUE SOUTH TO ITS INTERSECTION WITH THE CENTERLINE OF CUNNINGHAM AVENUE; THENCE, FOLLOWING THE CENTERLINE OF CUNNINGHAM AVENUE WEST TO ITS INTERSECTION WITH THE CENTERLINE OF N. ALAMO STREET; THENCE, FOLLOWING THE CENTERLINE OF N. ALAMO STREET SOUTHEAST AND SOUTHWEST TO THE POINT OF BEGINNING.

* * * *

2002-29 At this time Case Number 5C was brought before Council.

5C.) CASE NUMBER #Z2002084 - The request of Martin & Maria Elena Barbosa, Applicant, for A.M. Russ, Owner(s), for a change in zoning from "MF-33" Multi-Family Residence District to "O-1" Office District on Lot C, Block 25, NCB 2085, 1619 N. Calaveras. 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.

Councilman Sanders made a motion to approve the recommendation of the Zoning Commission and to deny the requested rezoning. Councilman 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:** None.

Zoning Case Z2002084 was denied.

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5D.) CASE NUMBER #Z2002100 - The request of Kaufman & Associates, Inc., Applicant, for Barbara Gillespie & Ellen Claire G. Inglish, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3" Commercial District on 19.64 acres; from "R-4" Residential Single-Family District to "C-2" Commercial District on 0.54 acres; from "R-4" Residential Single-Family District to "C-2" Commercial District on 1.57 acres; and from "R-5" Residential Single-Family District to "C-2" Commercial District in 0.8 acres on 22.55 acres of NCB 11681, Vance Jackson Rd. at IH 10. 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.

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

The following citizen(s) appeared to speak:

Mr. Mark Granados, explained in detail the proposed zoning case.

Ms. Rowena Rodgers, stated she was in favor of approval as long as there would be deed restrictions placed. She expressed concern that there were still some issues to be resolved such as the traffic issue.

Mr. John Baines, spoke of the history of the property development, noting that all property west of Vance Jackson was to be commercial, and that much of the property has declined. He added that the new zoning would be a catalyst to revitalize the inner City area, and urged the Council to give their approval.

Ms. Donna Respondek, stated she had met with Mr. Granados to discuss these issues and to try and resolve them, in addition there was also the topic of traffic that needed to be considered.

Ms. Mariana Ornelas, urged the City Council to continue the case in order to meet and discuss the development of the property. She expressed concern with the traffic issue and stormwater management.

Ms. Irene Abrego, expressed concern with the traffic impact, crime issue, and stormwater management.

Ms. Janet Frances urged the City Council to continue the case.

Mr. J. Rubalcava, urged the City Council to continue the case until more information was provided to area residents.

Mr. Tom Rohde, spoke in favor of the development in the inner City area. He added that this would serve to help revitalize the community, noting that many of the facilities were very old and that new development was greatly needed.

Ms. Sara Samao, submitted a petition for the record urging the City Council to continue the case.

Mr. Raymond O'Connell, spoke of the elementary school located close to the subject property, and expressed concern for the safety of the children highlighting on the ingress/egress from the property.

In response to the Mayor, Mr. Tom Wendorf, Director of Public Works, spoke to the issues of traffic and drainage.

Mr. Roderick Sanchez, Assistant Director of Development Services, stated that the City was reviewing the property to assure that all standards are adhered to and maintained.

* * * *

Mayor Garza reiterated the importance of the traffic issue in the planning process.

Mr. Richard De Leon, Public Works, stated that negotiations were in progress on the development and improvement. He further elaborated on the traffic issue.

In response to Mayor Garza, Mr. Wendorf, stated that the ordinance had pretty strong requirements which affected building development.

Mayor Garza emphasized the importance of the City having recourse to monitor the critical planning process.

Mr. Granados, stated that they were committed to this project, and that issues were being addressed, and additional improvements would be made as needed.

Mayor Garza stated that this area was an older commercial corridor, and overall a difficult situation in resolving all issues. He added that this was a significant opportunity for economic development and urged that all concerns and requirements be addressed.

In response to Councilman Castro, Mr. Wendorf stated that the proposed area was near the Martinez Creek, and that it would be looked at specifically post development flow to the appropriate channel.

Mr. Granados stated that they were willing to go above and beyond to address all concerns. He also added that meetings would be held with City staff and neighborhood residents to resolve any issues, and to conduct a cost benefit analysis to see what other monies were needed to improve the situation.

Councilman Castro stressed the importance of having a continued process for public input.

Mr. Granados stated they would do the best to alleviate any problems with drainage, isolate the school from traffic problems, which included the placement of vegetation where appropriate, and continue to have dialogue with the residents.

Discussion continued on traffic signalization and monies for construction under MPO.

Councilwoman Conner stated there were no funds to address this immediately, and expressed concern with the drainage issue. She then made a substitute motion to continue this rezoning case to August 22, 2002. Councilman Schubert seconded the motion.

Mr. Granados stated that he had been working with the residents, and urged the City Council to approve this rezoning with conditions to meet all requirements and restrictions.

The substitute motion to continue this rezoning case to August 22, 2002 failed by the following vote: **AYES:** Barrera, Castro, Conner, Garza. **ABSTAIN:** Perez. **NAYS:** Sanders, Moorhouse, Martin, Garcia, Schubert, Carpenter. **ABSENT:** None.

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

AN ORDINANCE 96155

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS ON 22.55 ACRES OF NCB 11681, VANCE JACKSON RD. AT IH 10, FROM "C-2" COMMERCIAL DISTRICT TO "C-3" COMMERCIAL DISTRICT ON 19.64 ACRES; FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON 0.54 ACRES; FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON 1.57 ACRES; AND FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON 0.8 ACRES OUT OF NCB 11681 ON THE PROPERTY.

* * * *

Deed Restrictions & Covenants:

- 1.) **Usage** - Declarant agrees that the following permitted uses shall not be allowed anywhere on the Property; Sexually oriented business; Bars; Flea Markets; Overnight Parking of Recreational Vehicles; Single-family dwellings (subject to the exception noted below); Two-family dwellings; Garage sales; Registered family homes; Boarding houses; Day-care centers; Hotels/motels; Apartments; Fraternity/sorority houses; Bed and breakfasts; Manufactured home park; New and used car sales lots; Poultry killing facilities; Cemeteries (human); Cemeteries (pet); Foster family homes; Go-cart tracks; Ambulance services; Prisons; Batching plants; Rifle and pistol ranges; Skateboard tracks; Body piercing studios; Funeral homes; Massage parlors; Mini-warehouses; Mortuaries; and Tattoo parlors. Notwithstanding the foregoing, the Gillespie Home may continue in use as a single-family residence for a period of up to five (5) years from the recordation of this Declaration.
- 2.) **Detention Pond** - Declarant agrees that there shall be erected and maintained around the Detention Pond an iron fence of uniform height. The Detention Pond fence shall be built to a height of either eight feet (8') or the maximum height allowed under the Uniform Development Code, if such height is less than eight (8'). To restrict access to the Detention Pond, Declarant agrees to provide either: 1) inverted tops along the fence; or 2) a "batting cage"-type fencing along the top. Declarant shall provide information on the drainage system to the Neighborhood Association within a reasonable time period subsequent to the finalization of such drainage plans.

- 3.) **Animal Control** - Declarant agrees that prior to the initiation of construction activities on the Property, animal control measures shall be implemented and maintained.
- 4.) **Parking Lot Lighting** - Declarant agrees that prior to the receipt of a building permit from the City of San Antonio, Declarant shall meet with the Neighborhood Association or, if no Neighborhood Association shall exist at that time, with representatives of the adjacent residential property owners, to review parking lot lighting plans. Declarant agrees that parking lot lighting will face away from adjacent public streets.
- 5.) **Gas Station** - Declarant agrees to provide landscaping in excess of current Unified Development Code requirements in the street yard of any gas facility adjacent to Vance Jackson Road. Declarant agrees to comply with all Federal, State and City of San Antonio laws, in effect at the date of recordation of this Declaration, regarding the placement of all gas facilities.
- 6.) **Signage** - Declarant shall provide the Neighborhood Association with a copy of the Master Sign Plan. Declarant agrees to make reasonable efforts to encourage the erection of monument signs on all pad sites along Vance Jackson Road.
- 7.) **Traffic Improvements** - Declarant agrees to meet with appropriate City of San Antonio department representatives prior to and during the construction period to address issues raised by any alteration in traffic patterns that may be reasonably linked to development on the Property. Declarant agrees to make a one-time grant of twenty-five thousand dollars (\$25,000) to the City of San Antonio or other appropriate agency for the preparation and implementation of a Vance Jackson Corridor Plan. Declarant further agrees to the following additional traffic upgrades:
 - a.) Installation of 3M Opticom Emergency Vehicle Preemption devices requested by the City of San Antonio Fire Department, to a maximum of five (5).
 - b.) Widening of Vance Jackson Road to accommodate additional lanes as needed.
 - c.) Installation of a traffic light at Greencrest and Vance Jackson Road.
 - d.) No vehicular access shall be permitted from the Property to Freiling Road, except for one (1) vehicular access point onto Freiling Road from the portion of the Property dedicated for park use under Paragraph 11, as indicated on Exhibit A, and access points mandated by Sections 7(e) and 7(f) below.
 - e.) Designation and construction of a "pick up and drop off lane" on Freiling, as indicated in Exhibit A.
 - f.) Provision of ten (10) parking spaces in "drop off area", as indicated in Exhibit A.
 - g.) Provision of "No outlet to West Avenue" signs, subject to the approval of the City of San Antonio.
 - h.) Provision of reasonable engineering support to the Neighborhood Association for the construction of speed bumps on Freiling Road and La Manda.

- i.) Wal-Mart tractor-trailer delivery trucks shall have no ingress or egress to the Property from Vance Jackson Road.
 - j.) Installation of directional signage on the Property instructing all delivery vehicles to enter and exit the Property from La Manda.
- 8.) **Pedestrian Access Gate** - Declarant agrees that upon the written request of the Neighborhood Association the wall immediately adjacent to Freiling Road shall have a gate designed for pedestrian access. The Pedestrian Access Gate shall remain locked from nine (9) p.m. to nine (9) a.m. every day. The written request of the Neighborhood Association must be made prior to the commencement of construction on the Property.
- 9.) **Neighborhood Association Grant** - In consideration for the support of the neighboring residential property owners in the rezoning and development of the Property, Declarant agrees to make an annual grant of ten thousand dollars (\$10,000) for a period of twenty-five (25) years. The first annual grant shall be delivered to the Neighborhood Association within three (3) months of the first issuance of a Certificate of Occupancy to any business on the Property. Each grant thereafter shall be delivered prior to or on the anniversary date of the delivery of the initial grant. The purpose of this grant is for Neighborhood Association office supplies, mailings, and other expenses connected with the operations of the Neighborhood Association.
- 10.) **Neighborhood Association Office** - Declarant agrees to negotiate with the City of San Antonio on behalf of the Neighborhood Association for right to use the Gillespie Home as an office. Declarant shall also request the City of San Antonio allow the Neighborhood Association to hold meetings in the Gillespie Home once every three (3) months for up to three (3) hours each meeting.
- 11.) **Dedication of Park** - Declarant agrees to dedicate the approximately four (4) acre portion of the Property indicated on the attached Exhibit A and the Gillespie Home to the City of San Antonio for use as a park. The Gillespie Home is intended for use as a Community Center and office for the Neighborhood Association as noted in Paragraph 10 above. In the event the City of San Antonio declines the dedication, Declarant agrees to offer this dedication to Bexar County. In the event Bexar County declines the dedication, Declaration agrees to offer this dedication to the San Antonio Independent School District. In the event the San Antonio Independent School District declines the dedication. Declarant agrees to not develop the four (4) portion of the Property and to provide basic maintenance.
- 12.) **Landscaping** - Declarant agrees to adhere to the Landscape Improvements Plan, Exhibit B. Declarant specifically agrees to:
- a.) Relocate a minimum of ten (10) existing trees on the Property. Reasonable efforts will be made to locate these trees to Area L-1;
 - b.) Include upgraded landscaping and hardscape in Area L-2;
 - c.) Include a tree-shaded walkway with two (2) seating areas in Area L-3;
 - d.) Design Freiling sidewalk and parking area in compliance with L-4;

- e.) Increase landscaping width to fourteen feet (14') wide, increase sidewalk widths to six feet (6'), and increase sidewalk distance from street to ten feet (10') in Area L-5.
- 13.) **Freiling Wall** - Declarant agrees that the wall on the Property parallel to Freiling Road shall either be painted with graffiti-free paint or covered with plant material, at the option of the Neighborhood Association.
- 14.) **Walk Paths** - Declarant agrees that walk paths between buildings on the Property shall be stamped concrete.
- 15.) **Billboards** - Declarant agrees that no billboards, as defined in Chapter 28 of the City of San Antonio Code, shall be permitted on the Property.

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2002-29 **At this time Case Number 5F was brought before Council.**

5F.) CASE NUMBER #Z2002122 S - The request of City of San Antonio, Applicant, for Jesus Castillon Jr., Owner(s), for a change in zoning from "I-1" General Industrial District to "L - S" Light Industrial District with a specific use authorization for a Day Care Center on Lot 53, NCB 11153, 4647 Roosevelt. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilwoman Moorhouse made a motion to approve the proposed rezoning. Councilman Sanders 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 96156

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 53, NCB 11153, 4647 ROOSEVELT, FROM "I-1"

GENERAL INDUSTRIAL DISTRICT TO "L - S" LIGHT INDUSTRIAL DISTRICT
WITH A SPECIFIC USE AUTHORIZATION FOR A DAY CARE CENTER.

* * * *

5G.) CASE NUMBER #Z2002111S - The request of City of San Antonio, Applicant, for Roberto Armando Alarcon, Owner(s), for a change in zoning from "C-3 R" Commercial Restricted Alcohol Sales District to "I-2 S" Heavy Industrial District with a specific use authorization for a Salvage Yard on Lot P-2, NCB 14492, 9545 New Laredo Hwy. 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.

Councilman Martin made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96157

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-2, NCB 14492, 9545 NEW LAREDO HWY, FROM "C-3 R" COMMERCIAL RESTRICTED ALCOHOL SALES DISTRICT TO "I-2 S" HEAVY INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A SALVAGE YARD.

* * * *

5H.) CASE NUMBER #Z20021117 - The request of Shaw Texas Investments, LLC c/o Bitterblue, Inc., Applicant, for Shaw Texas Investments, L.L.C. c/o Bitterblue, Inc., Owner(s), for a change in zoning from "I-2" Heavy Industrial District to

"C-3 NA" Commercial Nonalcoholic Sales District on 5.5 acres out of NCB 11186, 8015 IH 35 S. Staff's recommendation was for denial of requested and approval of "C-3 NA".

Zoning Commission has recommended approval. (Council District 4)

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

Councilman Martin made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96158

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 5.5 ACRES OUT OF NCB 11186, 8015 IH 35 S., FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

* * * *

5I.) CASE NUMBER #Z2002103 - The request of City of San Antonio - Ann B. McGlone - Historic Preservation Officer, Applicant, for Haroun Haifa, Owner(s), for a change in zoning to designate historic significance on Lots 43, 44 and 45, Block 24, NCB 3507, 1911 Nogalitos St.. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

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

Councilman Garcia made a motion to approve the proposed rezoning. Councilman Martin seconded the motion.

Councilman Garcia clarified the difference between this zoning case and the one involving La Gloria where the owner had invested hundreds of dollars into the property.

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

AN ORDINANCE 96159

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS A CHANGE IN ZONING TO DESIGNATE HISTORIC SIGNIFICANCE ON LOTS 43, 44 AND 45, BLOCK 24, NCB 3507, 1911 NOGALITOS ST.

* * * *

5J.) CASE NUMBER #Z2002079 - The request of Brett Baillio , Applicant, for Westover Hills Development, Inc., Robert Geringer, Owner(s), for a change in zoning from "R-6" Residential Single Family to "MF-33" on 10.96 acre tract of land out of NCB 34395 and NCB 34398; and from "R-5" Residential Single Family and "R-6" Residential Single Family to "C-2" Commercial District on 27.67 acre tract of land out of NCB 34394 and 12.66 acre tract of land out of NCB 34395 and NCB 34393. 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.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert spoke in support of the proposed zoning, and stated that she looked forward to the new restaurant.

* * * *

Councilman Barrera made a motion to approve the proposed rezoning with an amendment to Area R6 through MF25 to reduce the density. Councilwoman Conner seconded the motion.

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

AN ORDINANCE 96160

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 51.29 ACRE TRACT OF LAND OUT OF NCB 34393, 34394, 34395 AND 34398, S.E. CORNER OF WEST MILITARY DRIVE AND NORTH ELLISON DRIVE AND S.W. CORNER OF WEST MILITARY DRIVE AND DUGAS ROAD. NW CORNER OF POTRANCO ROAD AND DUGAS ROAD. NW CORNER OF POTRANCO ROAD AND NORTH ELLISON DRIVE, FROM "R-6" RESIDENTIAL SINGLE FAMILY TO "MF-33" ON 10.96 ACRE TRACT OF LAND OUT OF NCB 34395 AND NCB 34398; AND FROM "R-5" RESIDENTIAL SINGLE FAMILY AND "R-6" RESIDENTIAL SINGLE FAMILY TO "C-2" COMMERCIAL DISTRICT ON 27.67 ACRE TRACT OF LAND OUT OF NCB 34394 AND 12.66 ACRE TRACT OF LAND OUT OF NCB 34395 AND NCB 34393.

* * * *

5K.) CASE NUMBER #Z2002085 - The request of KB Home, Applicant, for Manon Faily, Owner(s), for a change in zoning from "C-3A NA" Commercial District, Nonalcoholic Sales and "I-1 General Industrial District to "RM-4" (PUD) Residential Mixed District Planned Unit Development (16.215 acres out of NCB 17874) on 61.236 acres out of NCB 17874. 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.

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert recognized Mr. Chris Martinez and other staff members who worked on the development of this project, and who listened to the residents' concerns.

* * * *

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

AN ORDINANCE 96161

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 16.236 ACRES OUT OF NCB 17874, INGRAM ROAD AT OLD HUNT LANE, FROM "C-3A NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT (45.021 ACRES NCB 17874) AND "RM-4" (PUD) RESIDENTIAL MIXED DISTRICT PLANNED UNIT DEVELOPMENT (16.215 ACRES NCB 17874).

* * * *

5L.) CASE NUMBER #Z2002105 - The request of Robert & Diana De La Rosa, Applicant, for Robert & Diana De La Rosa, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 PUD" Residential Single-Family Planned Unit Development District on Lot P13, NCB 34392, 10581 Potranco Rd. 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.

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96162

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 P13, NCB 34392, 10581 POTRANCO RD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 PUD" RESIDENTIAL SINGLE-FAMILY PLANNED UNIT DEVELOPMENT DISTRICT.

* * * *

5M.) CASE NUMBER #Z2002116 - The request of Earl & Brown, P.C., Applicant, for Jim & Ursula Gaines, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 1, Block 29, NCB 18079 and an additional 0.109 acres out of NCB 18079, 8103 & 8121 Culebra Ave. 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.

Councilman Barrera made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

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

AN ORDINANCE 96163

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 29, NCB 18079 AND AN ADDITIONAL

0.109 ACRES OUT OF NCB 18079, 8103 & 8121 CULEBRA AVENUE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

* * * *

5N.) CASE NUMBER #Z2002118 - The request of Wade Interest c/o Paul Mazuca R.E., Applicant, for Matia L. Herrera, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2" Commercial District on P-2C, NCB 17636, Culebra Road. 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.

Councilman Barrera made a motion to approve the proposed rezoning. Councilwoman Conner seconded the motion.

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

AN ORDINANCE 96164

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-2C, NCB 17636, CULEBRA ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

* * * *

5O.) CASE NUMBER #Z2002119 - The request of Nance and Associates, Inc., Applicant, for Nance and Associates, Inc., Owner(s), for a change in zoning from "C-2" Commercial District and "C-3 R" Commercial District, Restrictive Alcoholic Sales to "R-5" Residential Single-Family District on Parcels 13 and 25, NCB 15097, Timber Path. 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.

Councilman Barrera made a motion to approve the proposed rezoning. Councilwoman Conner seconded the motion.

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

AN ORDINANCE 96165

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 PARCELS 13 AND 25, NCB 15097, TIMBER PATH, FROM "C-2" COMMERCIAL DISTRICT AND "C-3 R" COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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5P.) CASE NUMBER #Z2002102 - The request of The Francis Law Firm, P.C., Applicant, for B & M Real Estate, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District to "C-3 NA" Commercial District on 0.733 acres out of Lots 12 and 10, Block 18, NCB 15046, 6515 Ingram Rd. Staff's recommendation was for denial.

Zoning Commission has recommended approval of "C-3 NA". (Council District 7)

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

Councilman Castro made a motion to approve the proposed rezoning with approval for C3NA. Councilwoman Conner 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 96166

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 0.733 ACRES OUT OF LOTS 12 AND 10, BLOCK 18, NCB 15046, 6515 INGRAM RD, FROM "C-2" COMMERCIAL DISTRICT TO "C-3 NA" COMMERCIAL DISTRICT.

* * * *

5Q.) CASE NUMBER #Z2002128 - The request of Brad Powell, Applicant, for Brad Powell, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3NA" Commercial District, Nonalcoholic Sales on Lot north 40 feet of south 75 feet of 11, Block 10, NCB 12319, 4070 Culebra. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 7)

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

Councilman Castro made a motion to approve the proposed rezoning. Councilwoman Conner 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, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Barrera, Garza.

AN ORDINANCE 96167

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 NORTH 40' OF SOUTH 75' OF 11, BLOCK 10, NCB

12319, 4070 CULEBRA ROAD, FROM "C-2" COMMERCIAL DISTRICT TO "C-3NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

* * * *

5R.) CASE NUMBER #Z2002109 - The request of John Wells, Applicant, for John Wells, Owner(s), for a change in zoning from "RM-4 PUD" Residential Mixed Planned Unit Development District and "C-2" Commercial District to "RM-5" Residential Mixed District on 2 acres out of Block 133 & 134A, NCB 14862, 6481 Babcock Rd. Staff's recommendation was for Approval.

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

Councilwoman Conner made a motion to approve P134A only for the proposed rezoning. Councilman Schubert seconded the motion.

The following citizen(s) appeared to speak:

Mr. Garnet Steubing stated that he had withdrawn his opposition because of the amendment and the matter had already been resolved.

* * * *

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

AN ORDINANCE 96168

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 P134A, NCB 14862, NORTHEAST CORNER OF THE INTERSECTION OF BABCOCK ROAD AND SPRING TIME DRIVE, FROM "C-2" COMMERCIAL DISTRICT TO "RM-5" RESIDENTIAL MIXED DISTRICT.

5S.) CASE NUMBER #Z2002110 - The request of Earl & Brown, P.C., Applicant, for Brett Smith and Lisa A. Murray-Smith, Owner(s), for a change in zoning from "O-2 C" Office District with conditional use for a Painting Contractor with no outside storage to "C-2" Commercial District on 1.989 acres out of Tract 8, NCB 18836, Traylor Subdivision, 21195 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.

Councilwoman Conner made a motion to approve the proposed rezoning with the following deed restrictions. Councilman 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, Martin, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Barrera, Garza.

AN ORDINANCE 96169

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 1.989 ACRES OUT OF TRACT 8, NCB-18836, TRAYLOR SUBDIVISION, 21195 IH 10 W., FROM "O-2 C" OFFICE DISTRICT WITH CONDITIONAL USE FOR A PAINTING CONTRACTOR WITH NO OUTSIDE STORAGE TO "C-2" COMMERCIAL DISTRICT.

* * * *

With the following Deed Restrictions:

1. Declarants agree to blend structures on the property into the natural environment, which shall include; the use of architectural styles compatible with the local traditions and the use of rock or brick exteriors facing public roadways; minimizing the removal of existing native trees; and the use of landscaping to soften the impact of property development.
2. Declarants agree that landscaping on the property will be done with shrubs and plants native to the San Antonio Hill Country area.
3. Declarants agree that lighting used to illuminate the parking areas, signs, and other areas of the Property shall be arranged so that the lights do not shine away from the property.

4. Declarants agree that the lighting on the property shall be arranged so that it does not interfere with traffic along either the IH-10 West Expressway, IH-10 access road, or Cielo Vista Drive.
5. Declarants agree with the property shall have no outdoor music or public address system.
6. Declarants agree that the signage not attached to a structure on the property shall be limited to monument signage. Notwithstanding the foregoing, incidental signs shall be permitted. "Incidental sign" shall mean a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, and shall include directional signs, parking signs, menu signs, and other similar directive signs not to exceed six (6) square feet.
7. Declarants agree to a minimum setback along the IH-10 West access road of 75 feet.
8. Declarant agrees to no more than additional curb-cut along the IH-10 access road of the property.

* * * *

5T.) CASE NUMBER #Z2002113 CS - The request of Gary L. Wade, Applicant, for G & H Wade Joint Venture, Owner(s), for a change in zoning from "C-3 NA ERZD" Commercial, Nonalcoholic Sales, Edwards Recharge Zone District to "C-3 NA C S ERZD" Commercial District, Nonalcoholic Sales with Conditional Use for the outside storage of pipe and specific use authorization for outside storage on the Edwards Recharge Zone on Lot 4, Block 1, NCB 17615, 13331 Western Oak Dr. 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.

Councilwoman Conner made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

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

AN ORDINANCE 96170

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 4, BLOCK 1, NCB 17615, 13331 WESTERN OAK DR., FROM "C-3 NA ERZD" COMMERCIAL, NONALCOHOLIC SALES, EDWARDS RECHARGE ZONE DISTRICT TO "C-3 NA C S ERZD" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH CONDITIONAL USE FOR THE OUTSIDE STORAGE OF PIPE AND SPECIFIC USE AUTHORIZATION FOR OUTSIDE STORAGE ON THE EDWARDS RECHARGE ZONE.

* * * *

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

1. If applicable, prior the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System are adhered to:
2. If applicable and as a minimum condition of approval of this zoning case, the owner/operator shall submit a Spill Prevention Plan to the San Antonio Water System (SAWS) for review and approval. The Spill Prevention Plan shall include, but is not limited to the following items:
 - A. A complete list, including Material Safety Data Sheets (MSDS). Of all chemicals to be stored on the site, the list must include the maximum amount of each chemical kept on site at any time;
 - B. A plan for promptly and properly cleaning any chemical leaks or spills;
 - C. A plan for the proper disposal of any contaminated materials;
 - D. Provisions for preventing any spilled chemicals from leaving the storage area(s).
3. If applicable, 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 Water Pollution Abatement Plan (WPAP) shall be submitted for each particular development/use with the area being considered for re-zoning,
 - B. A set of site specific plans which must have a 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 Water Pollution Abatement Plan.
4. If applicable, all chemical storage areas shall be constructed with a depressed floor to contain and assist the cleanup of any spilled chemicals.

5. All businesses within the Northwest Business Park shall sign and abide by the Declaration of Protective Covenants. Prior to the release of any building permits, a signed copy of the Declaration of Protective Covenants shall be submitted to the Resource Protection Division of SAWS.

6. Prior to the release of any building permits, the owner of each individual lot shall obtain a letter from the TNRCC stating that the development of the lot conforms with the Northwest Business Park Master WPAP.

7. 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 the 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.

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 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.

10. 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.

11. If any solution openings, 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.

12. The Resource Protection 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: 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 Council approves this Special Use Permit so long as the following conditions are met:

1. A six-foot solid screen fence shall be provided adjacent to the western property line of the subject property.

2. A twenty five (25) foot Type "D" buffer shall be provided adjacent to the western property line of the subject property.

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.

SECTION 5: 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 6: This ordinance is not severable.

* * * *

5U.) CASE NUMBER #Z2002125 - The request of GRATR Interests, Ltd., Applicant, for Larry Smith Jr., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "I-1" General Industrial District on Lot 18, Block 3, NCB 14847, 15090 Tradesman Dr. 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.

Councilwoman Conner made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

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

AN ORDINANCE 96171

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 18, BLOCK 3, NCB 14847, 15090 TRADESMAN

DR., FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

* * * *

2002-29 At this time Case Number 5W was brought before Council.

5W.) CASE NUMBER #Z2002078 - The request of KB Home, Applicant, for KB Home, Owner(s), for a change in zoning from "C-3" Commercial District and "C-2" Commercial District to "RM-4" Residential Mixed District on 24.589 acres NCB 13732, the southwest corner of Jones Maltsberger Rd. and Old Thousand Oaks Dr. 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.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman 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, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Barrera, Garza.

AN ORDINANCE 96172

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 24.589 ACRES NCB 13732, THE SOUTHWEST CORNER OF JONES MALTSBERGER RD. AND OLD THOUSAND OAKS DR., FROM "C-3" COMMERCIAL DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "RM-4" RESIDENTIAL MIXED DISTRICT.

* * * *

5X.) CASE NUMBER #Z2002124 - The request of Earl & Brown, P.C., Applicant, for Leonard E. Davis, Attorney at Law, on behalf of Frances W. Vordenbaum and Betty W. Lange, 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 on Lot P-4A, NCB 17586, 19276 Redland Rd. 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.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman 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, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Barrera, Garza.

AN ORDINANCE 96173

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-4A, NCB 17586, 19276 REDLAND RD., FROM "R-6 ERZD" RESIDENTIAL SINGLE FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD" COMMERCIAL 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. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit a Letter of Certification (Aquifer Protection Plan) to the Resource Protection & Compliance Department of the San Antonio Water System.
2. 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 Water Pollution Abatement Plan (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.
3. The owner/applicant shall comply with the maintenance and repair plan contained within an approved WPAP if required. Any increase in impervious cover may require stormwater treatment that must be designed and approved by SAWS prior to release of the building permit.
 4. 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.
 5. All properties containing any portion of the 100-year floodplain, shall have in accordance with Chapter 34, Article VI, Division 6, Section 34-913, a buffer zone adjacent to and outside the 100-year flood plain. The buffer zone shall consist of a no-build zone and shall be left in its natural condition.
 6. 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.
 7. 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.
 8. The San Antonio Water System shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.
 9. 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.
 10. All stormwater pollution abatement measures (structural and non-structural) shall be properly maintained and kept free of trash and debris.
 11. The Resource Protection 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.
 12. The owner/applicant obtain water and sewer service from SAWS. The water well and septic system be abandoned according to local rules and regulations and SAWS

water well permitting procedures. However, if information on the water well constructions available a variance may be granted for residential use.

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 – 491.

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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5Y.) CASE NUMBER #Z2002104 - The request of Earl & Brown, P.C., Applicant, for TIC United Corp., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-3" Commercial District on P-26, NCB 15684, 11015 Perrin Beitel. 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.

Councilman Carpenter made a motion to approve the proposed rezoning. Councilman Perez seconded the motion.

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

AN ORDINANCE 96174

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-26, NCB 15684, 11015 PERRIN BEITEL, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT.

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2002-29 EXECUTIVE SESSION

The City Council recessed its regular session at 4:11 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-Client consultation regarding the lawsuit styled T.P.L.P. Office Properties, et al, v. City of San Antonio, Cause No. 99-CI-12469, 150th District Court of Bexar County, Texas.
- B.) Attorney-Client consultation regarding the City's pending WayFinding System for downtown San Antonio.

The City Council adjourned the Executive Session at 4:30 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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2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96175

AMENDING RULE 1, UNCLASSIFIED SERVICE AND RULE XII, CERTIFICATION AND APPOINTMENT OF THE MUNICIPAL CIVIL SERVICE RULES TO DEFINE THE STATUS OF EMPLOYEES CATEGORIZED AS TEMPORARIES; TO DELINEATE THE CATEGORY OF TEMPORARIES RESTRICTED TO A RETENTION PERIOD; TO AMEND THE DEFINITION OF PART-TIME APPOINTMENTS TO RESTRICT THAT THEY WORK NO MORE THAN 35 HOURS PER WEEK; AND TO DELETE SEASONAL APPOINTMENTS.

* * * *

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

Ms. Elisa Bernal, Director of Human Resources, introduced Mr. Gilberto Tobias, member of the Municipal Civil Service Commission who read a prepared statement on behalf of Mr. William F. Edwards, Chair of the Commission, a copy of which is on file with the papers of this meeting.

Mr. Tobias further noted the problems with regard to the changes, adding that the committee understood the reason for the proposed changes and urged the Council to approve the proposed change with regard to qualifications in particular.

Ms. Bernal narrated a slide presentation regarding the amendments to the Municipal Civil Service Rules, with regard to employment of temporary, part-time and seasonal individuals, a copy of which presentation is on file with the papers of this meeting. She noted that the proposed rules revised issues, which would define the status of employees categorized as temporaries, delineate the category of temporaries restricted to a retention period, amend part-time appointments, and delete seasonal appointments. She outlined the background, outreach to departments that the highest number of employed temporary workers, employee associations, improvements, outlining the proposed changes, and recommendations of the Municipal Civil Service Commission. She further delineated the status of the temporary workforce by departments, temporary employee wages, denoting the plan of action and its effective date.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated that the City should not do away with seasonal help. He noted that temporary employees should not be based on hours, and encouraged having a diversity class.

* * * *

Mayor Garza noted it was an important step to clarify and redefine the expectation for temporary part time workers. He stated that this issue had gained a lot of community interest in the past month. He recognized the City Manager for being proactive, and urged the approval of the proposed amendments.

Councilman Castro noted that it was a challenge to address the issue of City employees, and to try and centralize the responsibility of hiring people. He stated he looked forward to the new policy.

Councilman Sanders recognized Ms. Bernal and the Management team for moving forward and addressing personnel issues. He stated that it was a step in the right direction, noting that he would support this Ordinance.

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

— — —
2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96176

APPROVING THE FINAL PROJECT PLAN AND THE FINAL FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NO. FIFTEEN (15), CITY OF SAN ANTONIO, TEXAS, ALSO REFERRED TO AS THE NORTH EAST CROSSING DEVELOPMENT; APPROVING THE PAYMENT OF ALL AVAILABLE INCREMENTAL AD VALOREM TAXES GENERATED FROM NEW IMPROVEMENTS OCCURRING IN THE ZONE INTO THE ZONE'S TAX INCREMENT FUND AS PROVIDED FOR IN THE FINAL FINANCING PLAN; AUTHORIZING STAFF TO NEGOTIATE AND EXECUTE AN INTERLOCAL AGREEMENT WITH THE OTHER PARTICIPATING TAXING ENTITIES CONTRIBUTING AVAILABLE AD VALOREM TAXES.

* * * *

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

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

Mr. David Garza, Director of Neighborhood Action, narrated a slide presentation on the final project, financing plan and interlocal agreements for the North East Crossing TIF project, a copy of which presentation is on file with the papers of this meeting. He outlined the project's background, denoting the developer and entities involved, details on the project plan, site plan, economic feasibility plan, project impact, financing plan, North East contributions, and cost benefit analysis. He expounded on the incremental revenue, incremental costs and final plan development, interlocal agreements, participating entities, statutory issues and coordination efforts.

Councilman Sanders commended all the entities for the work expended on this project.

Councilman Perez thanked City staff for the update and new numbers, and for the presentation. He added that the project will be a great opportunity for the City, and looked forward to a successful Tax Increment Fund.

Councilman Schubert recognized Councilman Garza for the comprehensive presentation, and stated he would support this project.

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

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2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96177

AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO, NEIGHBORHOOD REVITALIZATION INITIATIVE, LTD., AND THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER FIFTEEN (15), CITY OF SAN ANTONIO, TEXAS, FOR THE NORTH EAST CROSSING DEVELOPMENT PROJECT LOCATED IN CITY COUNCIL DISTRICT 2 (TWO); WITH A TAX INCREMENT REINVESTMENT ZONE TERMINATION DATE OF SEPTEMBER 30, 2026; FOR A POTENTIAL TOTAL PAYMENT TO DEVELOPER OF AVAILABLE TAX INCREMENT FUNDS OF \$31,452,165.00.

* * * *

Councilman Perez made a motion to approve the proposed Ordinance. Councilman 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, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Barrera, Castro, Conner, Garza.

— — —

2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96178

AUTHORIZING THE DIRECTOR OF PLANNING TO EXECUTE A MEMORANDUM OF UNDERSTANDING AND AUTHORIZING THE TOTAL EXPENDITURE OF \$50,000.00 FROM THE DISTRICT 2 ONE-TIME PROJECTS

FUND, TO REIMBURSE BEXAR COUNTY FOR THE COST OF THE ARENA DISTRICT COMMUNITY DEVELOPMENT PLAN BEING PERFORMED BY ECONOMICS RESEARCH ASSOCIATES, THE PROJECT CONSULTANT IN ACCORDANCE WITH THE SCHEDULE DESCRIBED IN THE MEMORANDUM OF UNDERSTANDING.

* * * *

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the Arena District Community Development Plan, a copy of which presentation is on file with the papers of this meeting. He outlined the purpose of the request, project partnership, the study area boundary, the selection of consultants, project scope, project timelines, and the fiscal impact.

Councilman Sanders advised the Council that this was to assure the protection and integrity of the neighborhood. He stated that the City, County and Spurs, who were all stakeholders, had put forth \$50,000 for smart growth. He spoke of the partnerships developed and that Commissioners had already passed the order, the project scope, strategic plan for the SBC Center. He further noted that the community plan components had been defined, and reiterated the project timelines and fiscal impact.

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

(Mayor Garza returned to the meeting and presided.)

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2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96179

ACCEPTING THE PROPOSAL OF POLANCO & COMPANY, L.L.C. FOR FOOD AND BEVERAGE CONCESSIONS AT THE CITY'S MUNICIPAL GOLF SYSTEM

AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SAID COMPANY FOR THESE SERVICES.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on the Municipal Golf food and beverage concession agreement, a copy of which presentation is on file with the papers of this meeting. He outlined the proposed Ordinance, background, evaluation process, evaluation criteria, evaluation scores, and financial impact and the recommended concessionaire.

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

— — —
2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96180

AMENDING CHAPTER 22, ARTICLE VII, ENTITLED MUNICIPAL GOLF COURSES, TO CREATE SECTION 22-131 OF THE MUNICIPAL CITY CODE, TO BE ENTITLED FOOD AND BEVERAGES ON CITY GOLF COURSE PROPERTY; TO RESTRICT BRINGING OUTSIDE FOOD AND BEVERAGES ON TO MUNICIPAL GOLF COURSE PROPERTY, INCLUDING PARKING AREAS, AND ESTABLISHING A CLASS C MISDEMEANOR FOR VIOLATIONS OF THIS POLICY.

* * * *

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation on the background of the exclusive rights of the food and beverage concessionaire, the City's enforcement terms in relations to the current code, amendments to this code citing

trespassing, laws governing municipal golf courses, the advantages and disadvantages of having food and beverages on the City golf course property, policies listing restrictions to this amendment to include the parking areas, punishment and fines for violation of this policy, a copy of which is on file with the papers of this meeting.

In response to Councilman Garcia regarding the impetus behind creating such a new Ordinance, Mr. Matthews noted that the only way to enforce it, is to provide an ordinance and a method of enforcement for the individuals at the golf course. He stated that people would sometimes bring pizza along with other foods and needlessly jeopardize the liquor license of the vendor. He further stated that there had been a problem with people bringing large amounts of food, noting that this Ordinance would give stability in handling the situation.

In regards to having the individual pay a fine rather than banning them from the golf course, Mr. Matthews stated that logistically, they would not be able to have any control over that. He added that the previous concessionaire had a problem with the City not being able to enforce any existing policies.

Councilman Garcia stated that it was a bit too onerous for the City to handle this type of case and yet not solve the problem.

Councilman Martin asked for clarification on the problem with the food and drink issues relative to the park and the concession. He expressed concern with citizens paying fees to play golf and then being subjected to this type of restriction, stating he had never witnessed anything so repugnant. He stated that he had a problem with a contract that gives the concessionaire such exclusive rights.

Mr. Matthews further expounded on the problems taking place at the golf courses, and added there would be ample opportunity for warning the citizens to apprise them of the new law and its enforcement.

Councilman Martin reiterated his concerns and urged that more discussion on this matter ensue. He then made a substitute motion to table this item for two weeks. Councilman Garcia seconded the motion.

Mr. Matthews stated that the current concessionaire is vacating on August 20, and that if a proposal were to go back for reconsideration, there would be a possibility of not having any food and beverage for a certain period of time.

The substitute motion to table this item until August 22, 2002, failed by the following vote: **AYES:** Martin, Garcia. **NAYS:** Perez, Sanders, Conner, Schubert, Carpenter, Garza. **ABSENT:** Moorhouse, Barrera, Castro.

The main motion, prevailed by the following vote: **AYES:** Martin, Garcia. **NAYS:** Perez, Sanders, Conner, Schubert, Carpenter, Garza. **ABSENT:** Moorhouse, Barrera, Castro.

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2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96181

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH BEXAR COUNTY FOR THE RENOVATION BY CITY STAFF OF THE FRANK WING MUNICIPAL COURT BUILDING AT A COST OF \$170,642.00 TO BE PAID BY THE COUNTY FOR THE PURPOSE OF MAKING THE BOOKING AND MAGISTRATION OF PRISONERS MORE EFFICIENT AND COST EFFECTIVE BY CONSOLIDATION OF BOOKING, MAGISTRATE AND PRE-TRIAL SERVICE FUNCTIONS AT ONE LOCATION.

* * * *

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

Mr. Jim Campbell, Director of External Relations, narrated a slide presentation on the pre-trial services construction contract between the City of San Antonio, and Bexar County, a copy of which presentation is on file with the papers of this meeting. He outlined the background noting that the City had been working with Bexar County since August 2001 on developing consolidated pre-trial services and the magistrature program.

(Mayor Garza was obliged to leave the meeting. Mayor Pro Tem Sanders presided.)

Councilman Perez acknowledged the positive work being done by City staff and the County.

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

2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96182

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PARKS AND RECREATION DEPARTMENT, FOR THE USE OF ONE (1) SHOWMOBILE, WITH SOUND SYSTEM, BY THE SOUTHWEST KEY PROGRAM, INC., FOR ITS FIRST ANNUAL 4TH OF JULY PARADE WHICH WAS HELD AT MILLERS POND COMMUNITY CENTER; AS REQUESTED BY COUNCILMAN ENRIQUE "KIKE" MARTIN.

* * * *

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

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

— — —
2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96183

AUTHORIZING THE EXPENDITURE OF \$550.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PARKS AND RECREATION DEPARTMENT, FOR THE USE OF ONE (1) SHOWMOBILE, WITH SOUND SYSTEM, BY THE LULAC NATIONAL EDUCATIONAL SERVICE CENTERS, INC. (LNESEC, INC.) FOR ITS 1ST ANNUAL NATIONAL KIDS' DAY EVENT, WHICH WAS HELD ON SATURDAY, AUGUST 3, 2002, TO HONOR THE COMMUNITY'S CHILDREN AND PROMOTE FAMILY UNITY; AS REQUESTED BY COUNCILMAN DAVID A. GARCIA.

* * * *

Councilman Garcia made a motion to approve the proposed Ordinance. Councilman Carpenter 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, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Barrera, Castro, Garza.

— — —
2002-29 The Clerk read the following Ordinance:

AN ORDINANCE 96184

AUTHORIZING THE EXPENDITURE OF \$100.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE VILLAS DE ESPERANZA HOMEOWNERS ASSOCIATION, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH ITS NATIONAL NIGHT OUT ACTIVITIES WHICH WERE HELD ON TUESDAY, AUGUST 6, 2002 AS REQUESTED BY COUNCILMAN DAVID A. GARCIA.

* * * *

Councilman Garcia made a motion to approve the proposed Ordinance. Councilman Carpenter 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, Conner, Carpenter. **NAYS:** None. **ABSENT:** Moorhouse, Barrera, Castro, Schubert, Garza.

— — —
2002-29 **CITY MANAGER'S REPORT**

Mr. Dan Cardenas, Director of Environmental Services, provided a status report of the Air Quality and early action compact. He outlined the area status, air monitors in the Bexar County area affected by air quality readings, 4th average maximum ozone readings, the next steps, the early action compact, benefits to the San Antonio community, AIRCO

executive advisory and the timeline. He added that staff would return to City Council in September, 2002 to present the final early action compact.

Mayor Garza, noted that it was important information to provide to the public. He stated that the community needed to know that the City and County are working together to address the issue. He added that the public also needed to know that there are new initiatives to assure that San Antonio is proactive, that it is a serious issue, and also that everyone needed to be involved.

Councilwoman Conner agreed that the public does need to know, and that everyone is responsible for their own destinies, and that this was the City's opportunity to put certain controls in place to address this issue.

— — —
2002-29

CITIZENS TO BE HEARD

MS. PATRICIA RODRIGUEZ

Ms. Patricia Rodriguez commended the Mayor and City Council for their efforts and all the work, which has benefited the community. She thanked the Council for their work.

* * * *

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, asked the City Council approve a cost of living increase for all City employees. He then spoke on several topics: AFSCME; Advocacy Services; District 5 issues and fluoride.

* * * *

MRS. PATSY CHEYNEY

Mrs. Patsy Cheyney, asked that the City Council urge VIA to work with other agencies such as HUD and SADA with regard to coordination of projects. She urged that the City Council appoint members to the Advisory Council of VIA in order to have City representation. She also expressed concern on VIA's decision to curtail service to the disabled.

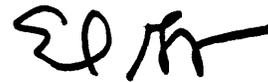
* * * *

MS. JULIE IRIS OLDHAM

Ms. Julie Iris Oldham, P.O. Box 40263, expressed concern about having former Mayor Howard Peak serving on the Brooks Advisory Board. She also spoke on several other issues regarding Code Compliance.

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2002-29 There being no further business to come before the City Council, the meeting was adjourned at 6:08 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



NORMA S. RODRIGUEZ, CMC/AEE
City Clerk