

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, DECEMBER 12, 2002.

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2002-44 The City Council convened in an informal "B" Session at 9:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A.) **Boards and Commissions Work Session.** (Presented by Yolanda Ledesma, Acting City Clerk; Travis M. Bishop, Assistant City Manager).
- B.) **Staff Presentation on City of San Antonio 108 Policies.** (Presented by Andrew Cameron, Director, Housing and Community Development; Jelynn LeBlanc Burley, Assistant City Manager).

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

The "B" Session adjourned at 11:18 A.M.

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2002-44 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **ABSENT:** None.

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2002-44 Invocation by Rev. Juan Valenzuela and John Valezuela from Capilla Del Pueblo Church.

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2002-44 Pledge of Allegiance to the flag of the United States.

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2002-44 PRESENTATION OF PROCLAMATION FOR THE 35TH ANNIVERSARY OF THE "SAN ANTONIO" SONG.

Mayor Garza presented a Proclamation to Mrs. Yvonne Jurmann and Mrs. Rosita Fernandez regarding the 35th anniversary of the creation of the song entitled "San Antonio," which was written by Mr. Walter Jurmann.

Mrs. Yvonne Jurmann, widow of the late Mr. Walter Jurmann, thanked the Mayor and City Council, and spoke to the significance of the 35th anniversary. She stated that her husband had enjoyed his visit to the City of San Antonio back in 1967 and loved it so much he expressed it in song. She then presented two gifts to the Mayor, a book and a video about her husband.

Mrs. Rosita Fernandez thanked the Mayor and Council for the Proclamation, and then introduced a trio of mariachis and Ms. Erika Gonzaba, who sang and performed the song "San Antonio" live.

Councilman Perez commented on how well Ms. Gonzaba sang, and then thanked them for being there for the celebration of the song.

Councilman Castro thanked Ms. Gonzaba and the trio for performing the song, and for helping the City celebrate the anniversary of the song.

Councilman Barrera congratulated the group for performing the song, and spoke to Rosita's talent and the beautiful talent of Ms. Gonzaba.

Councilman Garcia said that the tradition of Rosita singing the "San Antonio" song was being carried on by the beautiful young voice of Erika Gonzaba. He stated that the song expressed the City's beautiful culture and history.

Mayor Garza thanked Mrs. Jurmann and Rosita Fernandez for being there to celebrate the song, and expressed his appreciation to the fact that the torch of the "San Antonio" song was being passed on to the next generation.

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2002-44 **PRESENTATION OF ORDINANCE AUTHORIZING STREET NAME CHANGE FROM DURANGO BLVD. TO H.F. GARCIA BLVD.**

Councilman Perez made a motion to bring Item #47 forward for consideration. Councilman Sanders seconded the motion.

The motion, to bring this Item forward, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

The Clerk then read the following Ordinance:

AN ORDINANCE 96809

AUTHORIZING THE STREET NAME CHANGE OF A PORTION OF DURANGO BLVD. E. (BETWEEN INTERSTATE HIGHWAY 37 ON THE EAST AND INTERSTATE HIGHWAY 35 ON THE WEST) TO H.F. GARCIA BOULEVARD.

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

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

Mayor Garza asked the family of the late Judge Hippo Garcia to come forward for the reading and presentation of the Ordinance.

Ms. Laura Munoz, niece of Judge Hippo Garcia, introduced the family and extended her appreciation to the Mayor and Council for the honor of having a street named after Judge Garcia. She further stated that since his death, they've heard many wonderful comments on Judge Garcia. She thanked all those responsible for initiating this process.

Mayor Garza thanked the family, then Mr. Tom Wendorf, Director of Public Works presented the family members with the actual street sign.

Councilman Perez thanked the family and spoke to the important contributions of Judge Hippo, and how he learned a lot from him. He spoke to the various community projects

that the Judge was involved in, and how everyone affected by this embraced the name change. He said that this was just a very minor token of the recognition due him. He then recognized colleagues of Judge Hippo who were present in the audience. He read a letter from U.S. District Judge Nallen, a copy of which was made part of the papers of this meeting.

Mr. Van Hilley, President of the San Antonio Bar Association, spoke to the way Judge Garcia served the citizens of Bexar County, and also spoke to the various positions Judge Garcia held throughout his career. He added that Judge Hippo never forgot his humble beginning, which served to help mold him and the institutions that he came from. He referenced the contribution made by Judge Hippo to the St. Mary's University law school, and stated that the legacy of Judge Hippo Garcia would continue to live on through the honor of having a street named after him, as well as the scholarship that will be presented in his honor.

Councilman Schubert recalled an experience that occurred while he was a young staff member for Senator Lloyd Benson in Washington D.C. He explained that he was given a task to go out and talk to lawyers to see who would make a good judge. He described the many meetings he had with different lawyers, and how they spoke highly of Judge Garcia. He also stated that it was a great honor to have known him.

Councilman Garcia thanked the family and friends of Judge Garcia, and stated that his legacy would live on forever. He also mentioned that it was a privilege for him to carry the same last name.

Councilman Castro extended best wishes to the family of Judge Garcia, and spoke to the good example he set for everyone.

Mayor Garza thanked the family of Judge Garcia as well as the Judges for being there for this special presentation.

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2002-44 At this time, reference was made to Item #84.

Councilman Schubert made a motion to bring Item #84 forward for consideration. Councilman Carpenter seconded the motion.

The motion, to bring this Item forward, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

The Clerk then read the following Resolution:

A RESOLUTION
NO. 2002-44-44

SUPPORTING THE PASSAGE OF AN EDUCATIONAL BOND OFFERED BY THE NORTHEAST INDEPENDENT SCHOOL DISTRICT TO THE RESIDENTS OF THE DISTRICT.

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

Councilman Schubert noted that he authored the Resolution of the endorsement of the NorthEast educational bond package. He explained that this was a large bond issue, but necessary and important to keep up with the fast growing needs of the students. He urged Council to support the Resolution.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, commented that Item #84 was pulled out of sequence, so he was going to speak on all of the items that he needed to make reference to. He then spoke to various items on the agenda, including 66, 67 and 68.

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

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2002-44 Approval of minutes for October 10, 2002 and November 7, 2002.
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MEN'S FINAL FOUR BASKETBALL TOURNAMENT TO BE HELD IN 2004, AT THE ALAMODOME FOR A TOTAL COST OF \$303,800.00.

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AN ORDINANCE 96812

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH MAINTENANCE AGREEMENT FOR MATRIX AUTOMATED ACCESS CONTROL SYSTEM, POLICE PURSUIT TIRES AND ACQUISITION SERVICES, LIBRARY BOOKS AND NON-PRINT MEDIA ON AN ANNUAL CONTRACT BASIS FOR FY2002-2003 FOR A TOTAL OF APPROXIMATELY \$3,800,625.00.

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AN ORDINANCE 96813

ACCEPTING THE LOW BID SUBMITTED BY V.W. BROOKS INCORPORATED IN THE AMOUNT OF \$711,000.00 FOR CONSTRUCTION WORK IN CONNECTION WITH THE LADY BIRD JOHNSON PARK SKATE/AQUATICS FACILITY PROJECT LOCATED IN COUNCIL DISTRICT 10; APPROPRIATING \$789,085.00 IN 1994 AND 1999 PARK BOND FUNDS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; AUTHORIZING \$71,100.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$5,000.00 FOR ARCHITECT CONTINGENCY EXPENSES, \$135.00 FOR BID ADVERTISING/PRINTING EXPENSES AND \$1,850.00 FOR PERMIT FEES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96814

ACCEPTING THE LOW QUALIFIED BASE BID IN THE TOTAL AMOUNT OF \$149,987.00 FROM 3TI, INC. FOR CAPITAL IMPROVEMENTS TO THE RIVERWALK ADA IMPROVEMENTS PHASE 3 PROJECT IN CITY COUNCIL DISTRICT 1; AUTHORIZING A CONSTRUCTION CONTRACT; APPROPRIATING \$169,340.00 IN ISSUED CERTIFICATES OF OBLIGATION FUNDS;

AUTHORIZING \$19,353.00 FOR CONSTRUCTION CONTINGENCY EXPENSES AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96815

SELECTING INDEPENDENT DESIGN TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE PRESA COMMUNITY CENTER COVERED BASKETBALL COURT PROJECT LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$9,950.00; AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT ALLOWING FOR THE CONSTRUCTION OF A BASKETBALL COURT TO BE USED BY THE PUBLIC ON PRESA COMMUNITY CENTER PROPERTY; ESTABLISHING A THE PROJECT BUDGET; APPROPRIATING \$14,385.00 PARK BOND FUNDS; AUTHORIZING \$2,485.00 FOR ARCHITECT CONTINGENCY FUNDS; AUTHORIZING \$1,200.00 FOR BID ADVERTISING AND PRINTING FEES AND \$750.00 FOR PERMIT FEES; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96816

APPROVING FIELD ALTERATION NO. 1 IN THE AMOUNT OF \$58,830.00 AND FIELD ALTERATION NO. 2 IN THE AMOUNT OF \$3,997.50 PAYABLE TO SAN ANTONIO CONSTRUCTORS, LTD., FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE ST. FRANCIS - DOWDY TO PROBANDT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95397, MARCH 7, 2002.)

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AN ORDINANCE 96817

RATIFYING SERVICES AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$48,551.32 FROM GENERAL OBLIGATION BONDS OF THE CITY TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S SHARE OF

TWENTY PERCENT (20%) OF CONSTRUCTION COSTS IN CONNECTION WITH THE METROPOLITAN PLANNING ORGANIZATION GEVERS STREET FROM I.H. 10 TO SOUTHCROSS (SIDEWALKS) PROJECT, LOCATED IN COUNCIL DISTRICT 3; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96818

SELECTING 3D/INTERNATIONAL, INC. TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE FIRE STATION NO. 7 PROJECT, LOCATED ON SOUTH ST. MARY'S STREET WITH STREET FRONTAGE ALSO ON SOUTH PRESA AND FLORIDA STREETS, IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$153,637.00; AUTHORIZING \$15,000.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES; AUTHORIZING \$4,000.00 FOR REIMBURSABLE AND PRINTING EXPENSES AND \$800.00 FOR ADVERTISING EXPENSES; FOR AN OVERALL TOTAL OF \$173,437.00 FROM 2001 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96819

SELECTING CDS/MUERY SERVICES, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE HOWARD DRAINAGE - WILDWOOD TO EL MONTE PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$90,923.00; AUTHORIZING \$10,000.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL OF \$100,923.00 FROM 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96820

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS FROM 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BONDS IN THE AMOUNT OF \$14,250.00 PAYABLE TO BURY + PARTNERS-SA, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE THOUSAND OAKS INTERSECTIONS PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; AUTHORIZING \$1,425.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 88171, JULY 30, 1998.)

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AN ORDINANCE 96821

RATIFYING SERVICES AND AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$5,566.00 FROM 2001 STREET CERTIFICATES OF OBLIGATION PAYABLE TO CHEMRON, INCORPORATED FOR ENVIRONMENTAL LABORATORY SERVICES IN CONNECTION WITH THE MISSION TRAILS, PACKAGE II PROJECT, LOCATED IN COUNCIL DISTRICT 3; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96822

RATIFYING SERVICES PROVIDED AND AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$1,881.00 FROM 1999 GENERAL OBLIGATION BOND FUNDS PAYABLE TO CHEMRON, INCORPORATED, FOR ENVIRONMENTAL LABORATORY SERVICES IN CONNECTION WITH THE SALADO CREEK PHASE I (HIKE AND BIKE) PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96823

RATIFYING SERVICES AND AUTHORIZING PAYMENT IN THE TOTAL AMOUNT OF \$1,918.00 FROM 1996 CERTIFICATES OF OBLIGATION FUNDS PAYABLE TO CHEMRON, INCORPORATED FOR ENVIRONMENTAL LABORATORY SERVICES IN CONNECTION WITH THE FLORES FROM DURANGO TO FRANCISCAN PROJECT, LOCATED IN COUNCIL DISTRICTS 1, 3 AND 5; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96824

AUTHORIZING PAYMENT IN THE AMOUNT OF \$16,545.00 FROM 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS TO DRASH CONSULTING ENGINEERS, INC. FOR ENVIRONMENTAL SERVICES UNDER AN EXISTING ENVIRONMENTAL PROFESSIONAL SERVICE CONSULTING CONTRACT IN CONNECTION WITH THE MILITARY DITCH #65 PROJECT, LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96825

AUTHORIZING PAYMENT IN THE AMOUNT OF \$12,443.00 FROM 1999 GENERAL OBLIGATION DRAINAGE BOND FUNDS TO KEI, INC. FOR ENVIRONMENTAL SERVICES UNDER AN EXISTING ENVIRONMENTAL PROFESSIONAL SERVICE CONSULTING CONTRACT IN CONNECTION WITH THE OCTAVIA DRAINAGE #63 PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96826

AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,440.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS TO ATC ASSOCIATES, INC. FOR ENVIRONMENTAL SERVICES UNDER AN EXISTING

ENVIRONMENTAL PROFESSIONAL SERVICE CONSULTING CONTRACT IN CONNECTION WITH THE TEZEL FROM OLD TEZEL TO TIMBER PATH PROJECT, LOCATED IN COUNCIL DISTRICTS 6 AND 7; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96827

AUTHORIZING PAYMENT IN THE AMOUNT OF \$11,580.84 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS TO GEOMARINE, INC. FOR ENVIRONMENTAL SERVICES UNDER AN EXISTING ENVIRONMENTAL PROFESSIONAL SERVICE CONSULTING CONTRACT IN CONNECTION WITH THE FAY AVENUE PHASES I AND II: QUINTANA ROAD TO CREIGHTON AND CREIGHTON TO NEW LAREDO HIGHWAY PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95384, FEBRUARY 28, 2002.)

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AN ORDINANCE 96828

AUTHORIZING PAYMENT IN THE AMOUNT OF \$5,200.00 PAYABLE TO ATC ASSOCIATES, INC. FOR ENVIRONMENTAL SERVICES IN CONNECTION WITH THE F STREET FROM PECAN VALLEY TO I.H. 10 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95384, FEBRUARY 28, 2002.)

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AN ORDINANCE 96829

APPROPRIATING \$17,609.66 FROM 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS TO THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT TO PROVIDE CONSTRUCTION SERVICES FOR THE DIJON COURT DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 1.

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AN ORDINANCE 96830

APPROVING A COOPERATIVE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE REIMBURSEMENT OF \$18,130.00 TO THE CITY FOR THE COST OF FURNISHING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT ON ISOM ROAD AT SAHARA AND ON ISOM ROAD AT OASIS/PORTLAND IN CONJUNCTION WITH MPO PROJECT STP 2001(147)MM; AND AUTHORIZING CITY STAFF TO ACQUIRE AND INSTALL THE TRAFFIC SIGNAL EQUIPMENT.

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AN ORDINANCE 96831

AUTHORIZING PAYMENT FROM 1996 CERTIFICATES OF OBLIGATION IN THE AMOUNT OF \$9,236.54 TO PAR CONSTRUCTION, INC. FOR CONSTRUCTION SERVICES AND \$1,926.30 TO SPRINKLE ROBEY ARCHITECTS, AIA, L.L.C. FOR DESIGN SERVICES IN CONNECTION WITH THE FIRE STATION NO. 8 PROJECT, LOCATED AT 619 S. HAMILTON IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96832

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$24,110.00 PAYABLE TO MADELINE ANZ SLAY ARCHITECTURE, P.L.L.C. (D/WBE) FOR ADDITIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE REPLACEMENT OF BULLET TRAPS AT THE FIRING RANGE OF THE POLICE TRAINING ACADEMY, PHASE I LOCATED AT 12200 S.E. LOOP 410 IN COUNCIL DISTRICT 3; AUTHORIZING \$5,000.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL OF \$29,110.00 FROM 2002 POLICE IMPROVEMENTS CERTIFICATES OF OBLIGATION; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95724, MAY 9, 2002.)

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AN ORDINANCE 96833

RATIFYING SERVICES IN THE AMOUNT OF \$2,450.00 PAYABLE TO GGI ENGINEERS FOR SURVEYING SERVICES IN CONNECTION WITH THE YELLOWSTONE FROM MISSION ROAD TO ROOSEVELT COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96834

APPROVING FIELD ALTERATION NO. 8 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$72,337.30 FROM 1994 GENERAL OBLIGATION STREET IMPROVEMENT BONDS TO COMMERCIAL INDEMNITY INSURANCE COMPANY IN CONNECTION WITH THE HIGGINS ROAD FROM NACOGDOCHES TO STAHL ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 10; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 93965, MAY 17, 2001.)

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AN ORDINANCE 96835

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$69,900.00 TO HOYT CONSULTING ENGINEERS, INC. IN CONNECTION WITH THE FLORES/BREEDEN/BEACON DRAINAGE OUTFALL PHASE II & EL MONTE FROM FLORES TO SAN PEDRO PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$6,990.00 FOR MISCELLANEOUS ENGINEERING CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$76,890.00 FROM 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 91422, MARCH 16, 2000.)

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AN ORDINANCE 96836

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$29,326.84 SUBMITTED BY SAN ANTONIO CONSTRUCTORS, LTD., FOR CONSTRUCTION SERVICES IN CONNECTION WITH THE FEMA EMERGENCY DAMAGE REPAIR - ST. CLOUD DRAINAGE CHANNEL PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING \$650.00 FOR ADVERTISING EXPENSES; APPROPRIATING FUNDS FROM STORMWATER REGIONAL FUND; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96837

ACCEPTING THE PROPOSAL AND AUTHORIZING THE EXECUTION OF AN ON-CALL PROFESSIONAL NON-ENGINEERING SERVICES AGREEMENT FOR ASBESTOS ABATEMENT WITH BEXAR ENVIRONMENTAL, INC., AS NECESSARY TO REGULATORY COMPLIANCE IN AN AMOUNT NOT TO EXCEED \$366,00.00 ANNUALLY, WITH TWO (2) ADDITIONAL ONE (1) YEAR OPTION TERMS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96838

AUTHORIZING AN AMENDMENT TO THE "PROFESSIONAL SERVICE AGREEMENT FOR FACILITY CONDITION AND BUILDING COMPONENT ASSESSMENT SERVICES" WITH ISES CORPORATION TO INCLUDE THE CITY'S LIBRARY FACILITIES AND AUTHORIZING 1989 GENERAL OBLIGATION LIBRARY IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$145,379.89. (AMENDS ORDINANCE NO. 94201, JULY 14, 2002.)

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AN ORDINANCE 96839

AUTHORIZING 1994 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$900.00 BE MADE PAYABLE TO DUGGER, CANADAY, GRAFE, INCORPORATED FOR APPRAISAL SERVICES AND

EXPERT TESTIMONY IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS - HAUSMAN TO DEZAVALA PROJECT LOCATED IN COUNCIL DISTRICT 8 FOR A TOTAL SUM OF \$900.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96840

AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,600.00 FROM CERTIFICATES OF OBLIGATION TO MARGARET PERSYN CADENA AND HUSBAND, GILBERT CADENA, FOR A RIGHT OF ENTRY AGREEMENT IN CONNECTION WITH THE GRISSOM-FM 471 (LOOP 1604 TO FM 1560) PROJECT, LOCATED IN COUNCIL DISTRICTS 6 AND 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96841

AUTHORIZING PAYMENT IN THE AMOUNT OF \$966.88 TO TICOR TITLE AGENCY OF SAN ANTONIO FOR TITLE FEES IN CONNECTION WITH THE HILIONS DRAINAGE PROJECT #80, PHASES III & V (\$458.74), AND THE HIGGINS - NACOGDOCHES TO STAHL PROJECT (\$508.14); REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96842

AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$10,000.00 FOR FEE SIMPLE TITLE TO ONE PARCEL AND \$12,000.00 FOR MISCELLANEOUS EXPENSES RELATED TO CONSTRUCTION OF UTILITIES FOR A TOTAL AMOUNT OF \$22,000.00 FROM 2000 CERTIFICATES OF OBLIGATION PAYABLE TO COMMERCIAL ABSTRACT & TITLE COMPANY D/B/A LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR HM DOMINION RIDGE, LTD, IN CONNECTION WITH THE FIRE STATION NO. 47 PROJECT, LOCATED IN COUNCIL DISTRICT 8; APPROPRIATING FUNDS; AND

PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 96036, JUNE 27, 2002.)

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AN ORDINANCE 96843

AUTHORIZING PAYMENT IN THE AMOUNT OF \$4,343.49 PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS- HAUSMAN TO DEZAVALA (\$416.10), BASSE ROAD AND SAN PEDRO INTERSECTION METROPOLITAN PLANNING ORGANIZATION PROJECT (\$90.00), BITTERS ROAD - WEST AVENUE TO HEIMER METROPOLITAN PLANNING ORGANIZATION PROJECT (\$2,617.80), PLEASANTON ROAD - SOUTHCROSS TO MAYFIELD METROPOLITAN PLANNING ORGANIZATION PROJECT (\$183.75), AND THE SALADO CREEK GREENWAY (HIKE & BIKE) PROJECT (\$1,035.84); REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96844

AUTHORIZING 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$2,100.00 BE MADE PAYABLE TO ECKMANN GROLL INC., FOR APPRAISAL SERVICES IN CONNECTION WITH THE OCTAVIA DRAINAGE #63, PHASE II PROJECT LOCATED IN COUNCIL DISTRICT 5, FOR A TOTAL SUM OF \$2,100.00; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96845

AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,400.00 FROM CERTIFICATES OF OBLIGATION TO ECKMANN GROLL, INC. FOR APPRAISAL SERVICES IN CONNECTION WITH THE GRISSOM-FM 471 (LOOP 1604 TO FM 1560) PROJECT LOCATED IN COUNCIL DISTRICTS 6 AND 8; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 96846

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH HUNAN RIVER GARDEN, INC. D/B/A HUNAN RIVER GARDEN RESTAURANT FOR LEASE OF APPROXIMATELY 102.7 SQUARE FEET OF PATIO SPACE ON THE SAN ANTONIO RIVERWALK IN CITY COUNCIL DISTRICT 1 FOR OUTDOOR PATIO DINING PURPOSES, AT AN ANNUAL RENTAL RATE OF \$1,848.60 FOR THE FIRST YEAR, \$1,897.90 FOR THE SECOND YEAR AND \$1,784.97 FOR THE THIRD YEAR.

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AN ORDINANCE 96847

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LA VILLITA RETAIL LEASE AGREEMENT WITH CLIFF CROOM D/B/A BOLIVAR CAFÉ FOR LEASE OF APPROXIMATELY 1,713 SQUARE FEET IDENTIFIED AS BUILDING 9, SUITE 902, AT LA VILLITA IN COUNCIL DISTRICT 1 FOR THE PERIOD DECEMBER 1, 2002 THROUGH NOVEMBER 30, 2007, AT AN ANNUAL RATE OF \$16,573.64 FOR THE FIRST YEAR, \$16,773.17 FOR THE SECOND YEAR, \$16,976.19 FOR THE THIRD YEAR, \$17,182.76 FOR THE FOURTH YEAR AND \$17,386.94 FOR THE FIFTH YEAR.

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AN ORDINANCE 96848

AUTHORIZING A LEASE AGREEMENT WITH THE MEXICAN AMERICAN UNITY COUNCIL, INC. FOR 8,683 SQUARE FEET OF OFFICE SPACE FOR USE BY THE DEPARTMENT OF COMMUNITY INITIATIVES, YOUTH OPPORTUNITY PROGRAM, FOR ITS WEST SIDE CENTER AT 2300 WEST COMMERCE, FOR THE PERIOD OF JANUARY 1, 2003 THROUGH JUNE 30, 2004; AND AUTHORIZING MONTHLY LEASE PAYMENTS IN THE AMOUNT OF \$10,903.54.

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AN ORDINANCE 96849

AN ORDINANCE AUTHORIZING TWO EXTRA COMMERCIAL EVENTS AT ALAMO PLAZA, LOCATED IN COUNCIL DISTRICT 1, TO BE HELD IN

JANUARY 2003, IN ADDITION TO THE TWO EVENTS PREVIOUSLY APPROVED ADMINISTRATIVELY, SUPERSEDING THE STATED LIMIT IN SECTION 22-17 OF THE CITY CODE OF TWO COMMERCIAL EVENTS PER MONTH AS REQUESTED BY THE CONVENTION AND VISITORS BUREAU.

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AN ORDINANCE 96850

AUTHORIZING THE EXECUTION OF STANDARD CITY DELEGATE AGENCY CONTRACTS BY THE DIRECTOR OF PARKS AND RECREATION WITH THE BETHEL NEIGHBORHOOD CENTER, THE MADONNA NEIGHBORHOOD CENTER, POSITIVE BEGINNINGS INCORPORATED AND THE YMCA OF SAN ANTONIO AND THE HILL COUNTRY FOR THE OPERATION OF A TOTAL OF TEN (10) PROGRAM SITES UNDER THE DEPARTMENT OF PARKS AND RECREATION'S AFTER SCHOOL CHALLENGE PROGRAM AT A TOTAL ANNUAL COST OF \$132,350.00; AND AUTHORIZING REIMBURSEMENTS FOR PROGRAM CONTRACTORS.

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AN ORDINANCE 96851

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH CHRISTUS SANTA ROSA HOSPITAL (CSRH) TO ALLOW FOR THE PERIODIC STATIONING OF CSRH'S MOBILE UNIT AT THE PARKING LOT OF PEARSALL PARK COMMUNITY CENTER LOCATED AT 5102 OLD PEARSALL ROAD FOR THE PURPOSE OF PROVIDING PRE-NATAL AND RELATED HEALTH SERVICES TO THE SURROUNDING COMMUNITIES, FOR THE PERIOD OF OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003.

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AN ORDINANCE 96852

AUTHORIZING THE ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$27,854.00 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR THE HOUSING COUNSELING PROGRAM OF THE DEPARTMENT OF COMMUNITY INITIATIVES, COMMUNITY ACTION

DIVISION, FAIR HOUSING PROGRAM, EFFECTIVE OCTOBER 1, 2002 TO SEPTEMBER 30, 2003; AUTHORIZING THE EXECUTION OF A CONTRACT; ESTABLISHING A FUND; APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

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AN ORDINANCE 96853

AUTHORIZING THE SUBMISSION OF A CONTINUATION GRANT APPLICATION BY THE CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT (JAIBG) IN THE AMOUNT OF \$413,493.00 TO SUPPORT THE NEIGHBORHOOD CONFERENCING COMMITTEES AND STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS PROGRAMS FROM AUGUST 1, 2003 TO JULY 31, 2004.

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AN ORDINANCE 96854

AUTHORIZING THE ACCEPTANCE OF A CASH GRANT AWARD IN THE AMOUNT OF \$224,968.61 FROM THE PATRICIAN MOVEMENT FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO ADMINISTER THE ONGOING SAN ANTONIO REGIONAL DETOXIFICATION PROGRAM DURING THE PERIOD SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2003; APPROVING THE EXECUTION OF A CONTRACT WITH THE PATRICIAN MOVEMENT; ESTABLISHING A FUND; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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AN ORDINANCE 96855

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION AND THE CITY OF SAN ANTONIO TO DEVELOP THE ENVIRONMENTAL IMPACT STATEMENT FOR SAN ANTONIO INTERNATIONAL AIRPORT PURSUANT TO THE NATIONAL

ENVIRONMENTAL POLICY ACT OF 1969 AND THE COUNCIL ON ENVIRONMENTAL QUALITY.

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AN ORDINANCE 96856

AUTHORIZING THE EXECUTION OF A CONTRACT WITH "KEEP SAN ANTONIO BEAUTIFUL, INC." TO PROVIDE ASSISTANCE TO THE CITY IN CONDUCTING NEIGHBORHOOD CLEAN UP PROGRAMS AND PUBLIC EDUCATION; AND AUTHORIZING PAYMENT OF \$20,000.00 FROM THE SOLID WASTE OPERATING FUND FOR THESE SERVICES FOR FY 2002-2003.

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AN ORDINANCE 96857

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THAT CERTAIN LEGAL SERVICES AGREEMENT WITH DAVIDSON & TROILO, P.C., IN ASSOCIATION WITH ESCAMILLA & PONECK, INC. APPROVED ON AUGUST 17, 2000 PURSUANT TO ORDINANCE NO. 92329, TO INCREASE THE AMOUNT OF THE AGREEMENT BY AN ADDITIONAL \$47,533.61 TO PROVIDE PAYMENT FOR SERVICES RENDERED DURING FISCAL YEAR 2002; AUTHORIZING THE ASSIGNMENT OF SAID AGREEMENT TO THE BROOKS DEVELOPMENT AUTHORITY. (AMENDS ORDINANCE NO. 92329, AUGUST 17, 2000.)

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AN ORDINANCE 96858

APPROVING A PARADE PERMIT TO THE CITY OF SAN ANTONIO'S MARTIN LUTHER KING JR. COMMISSION TO HOLD THE "2003 MARTIN LUTHER KING JR. MARCH AND CELEBRATION PROGRAM" AND AUTHORIZING THE TEMPORARY CLOSURE OF NEW BRAUNFELS FROM CROCKETT TO GULF AND OF HOUSTON FROM ST. JAMES TO POLARIS STREETS ON SUNDAY, JANUARY 19, 2003 AT 1:00 P.M. TO PREPARE A STAGE FOR THE EVENT AND THE CLOSURE OF MARTIN LUTHER KING FROM THE 3500 BLOCK OF MARTIN LUTHER KING TO NEW BRAUNFELS AND FROM MARTIN LUTHER

KING TO MARTIN LUTHER KING PLAZA BEGINNING AT 9:00 A.M. UNTIL 7:00 P.M. ON MONDAY, JANUARY 20, 2003 FOR SAID EVENT.

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AN ORDINANCE 96859

APPOINTING DAVID DE LA GARZA (DISTRICT 4) TO THE ETHICS REVIEW BOARD FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 21, 2005.

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AN ORDINANCE 96860

REAPPOINTING JOHN NICHOLAS (DISTRICT 8) AND CATHERINE A. DEAN (DISTRICT 3) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR TERMS OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2004.

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AN ORDINANCE 96861

APPOINTING CARRIE CAMUS (DISTRICT 6) AS TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2004.

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AN ORDINANCE 96862

REAPPOINTING PETE GONZALES, JR. (DISTRICT 6) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2004.

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AN ORDINANCE 96863

APPOINTING ROLAND SALAZAR (CONTRACTOR CATEGORY - DISTRICT 4) TO THE BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2004.

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AN ORDINANCE 96864

REAPPOINTING CHRISTOPHER BRADY (CITY MANAGER'S DESIGNEE - DISTRICT 10) AND HOWARD W. PEAK (TECHNOLOGY AND RESEARCH CATEGORY - DISTRICT 6) TO THE BROOKS DEVELOPMENT AUTHORITY FOR TERMS OF OFFICE TO EXPIRE ON NOVEMBER 4, 2004.

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AN ORDINANCE 96865

APPOINTING REBECCA MONTALVO (DISTRICT 3) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2003.

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AN ORDINANCE 96866

REAPPOINTING RAMON QUINTERO (DISTRICT 3) TO KEEP SAN ANTONIO BEAUTIFUL, INC. FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2004.

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AN ORDINANCE 96867

REAPPOINTING LARRY HUFFORD (DISTRICT 3) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

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AN ORDINANCE 96868

APPOINTING CYNTHIA MAZUCA (DISTRICT 3) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JANUARY 31, 2005.

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2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96869

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH WAVENEXUS CORPORATION FOR THE LEASE OF THREE VASCULAR SCREENING AND ASSESSING DEVICES FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003 AT A MONTHLY RATE OF \$1,500.00; AND AUTHORIZING THE ACCEPTANCE OF A \$30,000.00 GRANT FROM WAVENEXUS TO BE USED IN CONNECTION WITH SAID LEASE.

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

Dr. Fernando Guerra, Director of Health, spoke to the opportunity that this project would present to San Antonio. He noted that this technology would allow the staff to do important screenings to establish some predictability with the circulation of individuals who are at risk for heart attacks or other heart conditions. He stated also that City staff members were excited about offering this service to the citizens of San Antonio.

Mayor Garza thanked Dr. Guerra and his staff for their work on this project, and said that this model would be good for the citizens of San Antonio, and further stated that he was looking forward to building a strong partnership with Collin Medical.

Councilman Garcia stated that this was a great program and partnership, and thanked Collin Medical. He mentioned also that he and Councilman Martin had met with Collin Medical when they visited Japan, and that the whole purpose of the trade mission was to try and solicit entrepreneurs and other companies who had not invested in San Antonio, as well as to strengthen those relationships that already existed. He spoke to the Toyota

deal and how it would be a lucrative investment for the City. He concurred that all residents needed to take advantage of this opportunity, since heart disease is a silent killer. He also commended Dr. Guerra, noting that he fully supported this initiative.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96870

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$32,000.00 IN CASH SUPPORT FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO AUGMENT THE ONGOING HIV/HEPATITIS C SCREENING/INTERVENTION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; EXTENDING THE GRANT PERIOD THROUGH AUGUST 31, 2003; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDH; AND REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002/2003 (STATE) FUND.

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

Dr. Fernando Guerra, Director of Health, explained that this was the continuance of an effort that began several years ago, and further spoke to the risk of Hepatitis C. He spoke about the transmission of the virus and how it has been found in people who use illicit substances. He stated that the City has been currently averaging a little over 3,000 new cases per year for the last 3 years. He noted that if it's detected early enough, that it would give staff an opportunity to have those affected placed in assistance for care, which in turn would prevent the progression of the disease. He further noted that it was tied closely to the immunization program, and gave protection to those having Hepatitis A and B.

In response to Councilwoman Moorhouse's question as to whether they worked with the Communicable Disease Control, Dr. Guerra confirmed that they did. He further spoke to the Hepatitis Conference being hosted in January.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96871

CONSENTING, SUBJECT TO CERTAIN CONDITIONS, TO THE TRANSFER AND ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE AND THE CABLE SYSTEM HELD BY PARAGON COMMUNICATIONS TO TIME WARNER CABLE, INC.

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

Mr. Ben Gorzell, Assistant Director of Finance, explained how this Ordinance would authorize the City's consent of transfer and the assignment of Time Warner Cable's franchise from AOL Time Warner, Inc. He spoke to the rules that governed, and various aspects of the transfer. He gave a brief history about the franchise, and noted the dates that Paragon notified the City about the transfer, and how AOL and Time Warner would be the franchise owner. He also spoke to the requirements that they were going to impose on the renewal of Time Warner's cable franchise.

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

After consideration, the motion to continue this case until February 27, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Carpenter.

Zoning Case #Z2001223 2A was continued to the Council meeting of February 27, 2003.

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4B.) CASE NUMBER #Z2002156 - The request of COSA-HPO-Ann B. McGlone, Applicant, for Larry Polinard, Owner(s), for a change in zoning to designate Historic Significance on Lots 3 & 4, and east 114.6 feet of Lot 14, Block 3, NCB 1726, 2011 McCullough Avenue & 211, 215 Courtland Place East. 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 and noted that staff is recommending continuing this zoning case until February 27th.

Councilman Perez questioned Ms. Ann McGlone, Historic Preservation Officer, as to why this item was being continued. He further spoke to the numerous code complaints, and how this location has been cited multiple times. He stated also that he would motion to continue this rezoning case until the City Council meeting of February 27, 2003, but he wanted to meet with Ms. McGlone beforehand regarding this issue. Councilwoman Moorhouse seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jimmy Lamberth addressed the Council and spoke to Item B, even though it was going to be continued at a later date. He said that the building was in bad condition, and spoke about the experiences he has had with this building. He spoke to the various pictures that he had taken, copies of which were given to the Council and made a part of the official records.

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After consideration, the motion to continue this case until February 27, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Carpenter.

Zoning Case #Z2002156 was continued to the Council meeting of February 27, 2003.

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4C.) CASE NUMBER #Z2002189 C - The request of The Watermill Express, Applicant, for The Watermill Express, Owner(s), for a change in zoning from "O-2" Office District to "O-2 C" Office District with a conditional use for a self-service water dispensing machine on the existing parking lot on Lots 14, 15, 16, Block 10, NCB 10210, 807 and 811 Lovera Blvd. 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.

The following citizen(s) appeared to speak:

Ms. Trinidad Costa indicated that she wanted to know the size of the project that the applicant was planning to build.

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Councilman Perez noted that it was going to be a windmill display, however noting that he would be making a motion to deny this zoning request because he wasn't comfortable with its impact. Councilman Garcia seconded the motion.

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

Zoning Case Z2002189 C was denied.

4D.) CASE NUMBER #Z2002210 - The request of Robert A. Marotta, Sr., Applicant, for Robert A Marotta Sr., Owner(s), for a change in zoning from "C-3 NA" Commercial Non-Alcoholic Sales District to "C-1" Commercial District on the east irregular 229.7 feet of Lot A-1, Block 3, NCB 3029, 2106 North St. Mary's Street. Staff's recommendation was for approval.

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

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

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

AN ORDINANCE 96872

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT A-1, BLOCK 3, NCB 3029, 2106 NORTH ST. MARY'S STREET, FROM "C-3 NA" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT TO "C-1" COMMERCIAL DISTRICT.

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4E.) CASE NUMBER #Z2002211 - The request of Xenia Aguilar, Applicant, for Xenia Aguilar, Owner(s), for a change in zoning from "C-3 NA" Commercial Non-Alcoholic Sales District to "C-2" Commercial District on Lot 3, NCB 11691, 3454 West Avenue. 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.

The following citizen(s) appeared to speak:

Ms. Xenia Aguilar, the applicant, appeared before Council and stated that she was moving her existing business because of parking at the present location. She indicated that she did speak with her neighbor about placing a fence around the area.

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Councilman Perez made a motion to continue this rezoning case until the City Council meeting of January 9, 2003. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until January 9, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Garcia, Barrera, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Castro, Schubert.

Zoning Case #Z2002211 was continued to the Council meeting of January 9, 2003.

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4F.) CASE NUMBER #Z2002237 - The request of Gary M. Carter, Applicant, for Gary M. Carter, Owner(s), for a change in zoning from "C-2" Commercial District to "R-6" Residential Single Family District on Lots 6 and 7, Block 8, NCB 1730. 225 E. Locust Street. 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 Perez made a motion to approve the proposed rezoning. 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, Barrera, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Moorhouse, Martin, Castro, Schubert.

AN ORDINANCE 96873

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 6 AND 7, BLOCK 8, NCB 1730, 225 E. LOCUST STREET, FROM "C-2" COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT.

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4G.) CASE NUMBER #Z2002076 A - The request of City of San Antonio, Applicant, for Theissen Family Ltd, Partnership, Rosillo Creek Inc., Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District on Lot 6, P-32B, P-32D, P-34 save and except the northwest 100 feet and all of P-32, Block 1, NCB 17322; and P-32A save and except the northwest 100 feet and all of P-33, NCB 17992, P-32C, P-34, P-34B, P-34C, P-63 save and except the northwest 100 feet, NCB 17993, from "I-1" General Industrial District to "R-6" Residential Single Family District P-38, P-38B and P-36B, NCB 12867 on IH 10 East Expressway. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 2)

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

Councilman Sanders made a motion to approve with conditions and to amend the zoning case as follows:

- 1.) The first 100 feet parallel to Highway 90 will retain the current zoning C-3.
- 2.) The remainder of the property, currently zoned I-1, will be rezoned as follows:
 - a) The next 400 feet parallel to Highway 90 will be C-3.
 - b) The following 750 feet parallel to highway 90 will be "BP" Business Park.
 - c) The remainder of the area subject to this case will be R-6. He attached the map as part of his motion.

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

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

AN ORDINANCE 96874

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 THE REZONING AND RECLASSIFICATION OF PROPERTY FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" COMMERCIAL DISTRICT, "B-P" BUSINESS, AND "R-6" SINGLE FAMILY RESIDENTIAL DISTRICT AS FOLLOWS:

FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" COMMERCIAL DISTRICT ON THOSE PORTIONS OF LOT 6 AND PARCELS P-32A, P-32B, P-32D, P-33, P-34, NCB 17992 AND THOSE PORTIONS OF PARCELS P-32C, P-34, P-34B, P-34C, AND P-63, NCB 17993 LOCATED SOUTHEAST OF THE SOUTHEAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 A DISTANCE OF 100 FEET AND 500 FEET; AND

FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "B-P" BUSINESS DISTRICT ON THOSE PORTIONS OF PARCELS P-32, P-32A, P-32B, P-33, AND P-34, NCB 17992 LOCATED SOUTHEAST OF THE SOUTHEAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 AND BETWEEN TWO LINES PARALLEL TO THE SOUTHEAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 A DISTANCE OF 500 FEET AND 1250 FEET; AND

FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "R-6" SINGLE FAMILY RESIDENTIAL DISTRICT ON THE REMAINDER OF PARCELS P-32, P-32A, P-32B, P-33, AND P-34, NCB 17992 AND ALL OF PARCELS P-36B, P-38, NCB 12867 LOCATED SOUTHEAST OF A LINE PARALLEL TO THE SOUTHEAST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 A DISTANCE OF 1250 FEET.

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4H.) CASE NUMBER #Z2002200 - The request of KB Home, Applicant, for Rosillo Creek, Inc., James W. Woodward III, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-4" Residential Single Family District on 58.363 acres out of NCB 35098, 1100 block of Foster Road. Staff's recommendation was for approval.

Zoning Commission has recommended send to City Council for consideration. (Council District 2)

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

Councilman Sanders made a motion for a 45-day continuance of this rezoning case until the City Council meeting of February 13, 2003. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until February 13, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Castro, Schubert.

Zoning Case #Z2002200 was continued to the Council meeting of February 13, 2003.

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4I.) CASE NUMBER #Z2002215 - The request of Ethel V. Duncan/Roger De La Cruz, Real Estate Supervisor, City of San Antonio, Applicant, for Ethel V. Duncan, Owner(s), for a change in zoning from "C-2" Commercial District to "R-4" Residential Single Family District on East 31 ft of Lot 4, Block 7, NCB 603, 212 Idaho Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

Zoning Case #Z2002215 was withdrawn by the applicant.

4J.) CASE NUMBER #Z2002217 - The request of Kaufman & Associates, Inc. , Applicant, for SSI Investments, Ltd., Owner(s), for a change in zoning from "R-4" Residential Single Family District to "C-3" Commercial District on the West 150 feet of Lot 11, NCB 10594 and from "R-4" Residential Single Family District "C-3 S NA" Commercial Non Alcoholic Sales District with a specific use authorization for a Recreational Vehicle Park on the east 364.8 feet of Lot 10 and the east 291.92 feet of Lot 11 on 1.997 acre tract of land out of NCB 10594, 570 North WW White Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

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

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

AN ORDINANCE 96875

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 10 AND 11, NCB 10594, 570 NORTH WW WHITE ROAD, FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT ON THE WEST 150 FEET OF LOT 11, NCB 10594 AND FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT "C-3 S NA" COMMERCIAL NON ALCOHOLIC SALES DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A RECREATIONAL VEHICLE PARK ON THE EAST 364.8 FEET OF LOT 10 AND THE EAST 291.92 FEET OF LOT 11 NCB 10594 OF THE PROPERTY.

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SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

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

SECTION 5: This ordinance is not severable.

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4K.) CASE NUMBER #Z2002206 - The request of Andrew C. Guerrero, Applicant, for Curtis C. Gunn, Inc., Owner(s), for a change in zoning from "C-3 NA" Commercial District, Nonalcoholic Sales to "C-3" Commercial District on Lots E through K and Lot 105 save & except the east 62 feet of south 115 feet out of NCB 11178, 3550 Roosevelt Avenue and the 300 Block of East Harding Boulevard. 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 Garcia seconded the motion.

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

AN ORDINANCE 96876

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 E THROUGH K AND LOT 105 SAVE & EXCEPT THE EAST 62 FEET OF SOUTH 115 FEET OUT OF NCB 11178, 3550 ROOSEVELT AVENUE AND THE 300 BLOCK OF EAST HARDING BOULEVARD, FROM "C-3 NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-3" COMMERCIAL DISTRICT.

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4L.) CASE NUMBER #Z2002218 - The request of Kaufman & Associates, Inc., Applicant, for Dufner, Romie M II & Patricia A, Owner(s), for a change in zoning from "O-2" Office District to "C-2 NA C" Commercial District, Nonalcoholic Sales with a conditional use for automobile sales lot on Lot 16, Block 19, NCB 12047, 1907 Goliad Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval with conditions. (Council District 3)

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

Councilwoman Moorhouse commended Mr. Lozano for all the assistance he has provided to her and to the citizens of San Antonio. She then made a motion to approve the proposed rezoning. Councilman Sanders seconded the motion.

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

AN ORDINANCE 96877

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 16, BLOCK 19, NCB 12047, 1907 GOLIAD ROAD,

FROM "O-2" OFFICE DISTRICT TO "C-2 NA C" COMMERCIAL DISTRICT,
NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR AUTOMOBILE
SALES LOT ON THE PROPERTY.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

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

1. A maximum limit of 25 used car sales parking spaces.
2. A 6-foot solid screen fence shall be built along the west property line and landscaping shall be provided.
3. Lighting shall be directional so as not to offend the nearby residences to the south and west.

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.

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4M.) CASE NUMBER #Z2002226 - The request of Irma Alonzo,
Applicant, for Dolores Alonzo, Owner(s), for a change in zoning from "R-4" Residential

Single-Family District to "MH" Manufactured Housing District on Lot 30, Block 13, NCB 10895, 219 San Juan Road. 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 Carpenter seconded the motion.

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

AN ORDINANCE 96878

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 30, BLOCK 13, NCB 10895, 219 SAN JUAN ROAD, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MH" MANUFACTURED HOUSING DISTRICT.

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4N.) CASE NUMBER #Z2002227 - The request of City of San Antonio, Applicant, for Johnny J. Valadez, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3NA" Commercial Non-Alcoholic Sales District on the north 100 feet of Lot 4, Block 14, NCB 3232, 116 East Malone Avenue. 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 Martin seconded the motion.

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

AN ORDINANCE 96879

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 THE NORTH 100 FEET OF LOT 4, BLOCK 14, NCB 3232, 116 EAST MALONE AVENUE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3NA" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT.

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40.) CASE NUMBER #Z2002027 - The request of Mohammed Ali Rafati, Applicant, for Mohammed Ali Rafati, Owner(s), for a change in zoning from "C-3 R" Commercial Restrictive Alcoholic Sales District to "MF-25" Multi-Family District on 15.00 acres out of NCB 14491, 10400 block of Old Pearsall Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 4)

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

Zoning Case #Z2002027 was withdrawn by the applicant.

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4P.) CASE NUMBER #Z2002205 - The request of David & Donna Ann Ruiz, Applicant, for David & Donna Ann Ruiz, Owner(s), for a change in zoning from

"R-6" Residential Single Family District to "MH" Manufactured Housing District on Lot 8, Block 1, NCB 15632, 5411 Sherry Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

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

The following citizen(s) appeared to speak:

Ms. Carol Abitz spoke in opposition to this zoning case.

Councilman Martin stated that he would be recommending continuance on this Item.

Mr. David Ruiz, owner of the area, expressed his concerns about the changes in the area, and how the changes would greatly affect him. He urged Council to approve this zoning case.

* * * *

Councilman Martin concurred with Ms. Abitz, and stated that it was a difficult area because the lots were smaller, but the issue of safety was also a concern. He then reiterated that he would be recommending this zoning case be continued until the City Council meeting of January 9, 2003. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until January 9, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

Zoning Case #Z2002205 was continued to the Council meeting of January 9, 2003.

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4Q.) CASE NUMBER #Z2002233 - The request of Big Fish Development One, Applicant, for Turner Bowman, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-4" Residential Single-Family District on Parcel 3C and Parcel 3E, NCB 16001, 6600 Block of South West Loop 410. 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 Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

AN ORDINANCE 96880

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 3C AND PARCEL 3E, NCB 16001, 6600 BLOCK OF SOUTH WEST LOOP 410, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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4R.) CASE NUMBER #Z2002203 - The request of City of San Antonio, Applicant, for City of San Antonio, Owner(s), for a change in zoning from "C-3 R" Commercial District, Restrictive Alcohol Sales to "H" Historic Significance and an "IDZ" Infill Development Zone with uses permitted in a "C-1" Commercial and "MF-25" Multi-Family District on Lot 14, Block 32, NCB 6275, 1519 Nogalitos Street. 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 stated that the constituents had no problem with this zoning change and made a motion for approval of the proposed rezoning. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96881

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 14, BLOCK 32, NCB 6275, 1519 NOGALITOS STREET, FROM "C-3 R" COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES TO "H" HISTORIC SIGNIFICANCE AND AN "IDZ" INFILL DEVELOPMENT ZONE WITH USES PERMITTED IN A "C-1" COMMERCIAL AND "MF-25" MULTI-FAMILY DISTRICT.

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4S.) CASE NUMBER #Z2002207C - The request of Arturo Martinez, Applicant, for Arturo Martinez, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-1 C" Commercial District, with conditional use for Auto & Vehicle Sales - New and Used - Small Scale (No More than 15 Vehicles Currently Licensed and in Running Condition on Site at any Given Time For Storage And/or Sale) with the following conditions: 1. Hours of Operation shall not exceed 8:00 A.M. to 7:00 P.M. on Lots 8 and 9, Block 28, NCB 8789, 1302 Quintana Road. 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. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96882

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 8 AND 9, BLOCK 28, NCB 8789, 1302 QUINTANA ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-1 C" COMMERCIAL DISTRICT, WITH CONDITIONAL USE FOR AUTO & VEHICLE SALES ON THE PROPERTY.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

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

1. Hours of Operation shall not exceed 8:00 A.M. to 7:00 P.M.

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.

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4T.) CASE NUMBER #Z2002212 - The request of Alfred Castellano, Applicant, for Alfred Castellano, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-3 R" Commercial District on Lot 3, Block 1, NCB 8973, 1542 W. Harlan Avenue. 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. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96883

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 3, BLOCK 1, NCB 8973, 1542 W. HARLAN AVENUE, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3 R" COMMERCIAL DISTRICT.

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4U.) CASE NUMBER #Z2002228 - The request of James A. Donnel, D.D.S., Applicant, for Dr James A. Donnell, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "O-1" Office District on Lots 7 and 8, Block 17, NCB 6260, 114 Oriental Avenue. 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 spoke to the benefits of this zoning change and made a motion to approve the proposed rezoning. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96884

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 7 AND 8, BLOCK 17, NCB 6260, 114 ORIENTAL AVENUE, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

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4V.) CASE NUMBER #Z2002213 - The request of Mike Hashim, Applicant, for Norina Properties Inc., Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "C-2" Commercial District on west 91.43 feet of lots 175, 176 and 177 and the south 15 feet of the west 91.43 feet of Lot 174, Block 3, NCB 8124, 946 and 950 S. San Augustin. Staff's recommendation was for approval of "C-2".

Zoning Commission has recommended approval. (Council District 6)

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

Councilman Barrera requested more details about this case, and spoke of his concerns regarding the entrance to the property, which was partly commercial and partly residential.

In response to Councilman Barrera regarding signage for entrance and exit, Mr. Lozano noted that the Unified Development Code doesn't have provisions that Council could place on a piece of property, but acknowledged that Council could recommend conditions.

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

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

AN ORDINANCE 96885

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 WEST 91.43 FEET OF LOTS 175, 176 AND 177 AND THE SOUTH 15 FEET OF THE WEST 91.43 FEET OF LOT 174, BLOCK 3, NCB 8124, 946 AND 950 S. SAN AUGUSTIN STREET, FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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4W.) CASE NUMBER #Z2002222 - The request of Earl & Brown, P.C., Applicant, for Dittmar Family Partnership, Ltd.; Attn: Joseph E. Dittmar, Owner(s), for a change in zoning from "C-3" Commercial District and "C-3R" Commercial District, Restrictive Alcoholic Sales to "RM-4" Residential Mixed District on Parcels P-7 and P-10, NCB 1787, 1300 Block of Horal Drive. 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 Ordinance. Councilman Carpenter seconded the motion.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, 10486 Pine Glade, expressed her disapproval of not being called on by Mr. Ken Brown regarding this item.

Mr. Ken Brown stated that if they needed to, they could request a postponement for two weeks.

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Councilman Barrera rescinded action for approval and motioned for continuance on this rezoning case until the City Council meeting of January 9, 2003. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until January 9, 2003, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin.

Zoning Case #Z2002222 was continued to the Council meeting of January 9, 2003.

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4X.) CASE NUMBER #Z2002223 - The request of City of San Antonio Neighborhood Action Department, Applicant, for Victoria E. Lara, Owner(s), for a change in zoning from "C3-NA" Commercial, Nonalcoholic Sales District to "R-4" Residential Single-Family District on Lot 82, Block 6, NCB 13948, 1611 South Callaghan 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 Moorhouse seconded the motion.

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

AN ORDINANCE 96886

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 82, BLOCK 6, NCB 13948, 1611 SOUTH CALLAGHAN ROAD, FROM "C3-NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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4Y.) CASE NUMBER #Z2002224 - The request of Augusto Fors, Applicant, for Augusto Fors, Owner(s), for a change in zoning from "R-4" Residential Single Family District to "C-3 NA" Commercial District, Nonalcoholic Sales on Lot 3G, Block 15, NCB 8988, 4818 Eldridge Ave. Staff's recommendation was for denial.

Zoning Commission has recommended approval of "C-3 NA". (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 Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin.

AN ORDINANCE 96887

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 3G, BLOCK 15, NCB 8988, 4818 ELDRIDGE AVENUE, FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3 NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES ON THE PROPERTY.

* * * *

4Z.) CASE NUMBER #Z2002235 - The request of Andrew C. Guerrero, Applicant, for Cable Ranch Ltd., Owner(s), for a change in zoning from "C-3 NA" Commercial Non Alcoholic Sales District to "MF-25" Multi Family District on 12.564 acres out P-4C, NCB 17332, 1400 Cable Ranch Drive. 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:

Mr. Fred McGee spoke in opposition to this zoning case, and spoke to the issue of tax money. He spoke to various entities that were exempt from taxes and stated how unfair this was. He urged Council to consider postponing this until it could be further researched.

Ms. Nancy Englebert, 10486 Pine Glade, representing the Heritage Neighborhood Association, spoke in opposition to this zoning case, and her disapproval of money not being paid to the Northside ISD. She further spoke to the various issues regarding taxes, and urged the community to call their legislator to inform them of how entities need to pay taxes.

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

A representative from the Heritage Neighborhood Association spoke about the schools and the importance of property taxes, and how owners of apartments should also pay taxes. She was grateful for the donation of computer equipment, but indicated it did not equate to them paying taxes. She read a letter from the superintendent of the Northside ISD.

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Councilman Barrera asked Mr. Andy Guerrero to come forward and clarify the matter.

Mr. Andy Guerrero stated that attorneys from the Bexar County Housing Authority confirmed that their clients would be paying taxes for this particular project.

Councilman Barrera noted it was important to talk to legislators, and added on to the responsibilities of the Zoning Commission.

Mr. Guerrero stated that there was a legislative committee looking towards making changes on the issue of paying taxes.

Councilman Barrera made a motion to continue this zoning case.

Mr. Guerrero stated that this would kill the deal. He further stated that Ms. Nancy Englebert was sent a letter about the taxes being paid to the school district.

Ms. Nancy Englebert said that if school taxes were paid, she didn't have a problem with this zoning case.

Councilman Barrera made a motion to approve with the condition that taxes be paid to the school. Councilwoman Moorhouse seconded the motion.

Councilman Garcia inquired on the legalities to approve this with the conditions being imposed.

Mr. Andrew Martin, City Attorney, asked Council for additional time to review this matter, and requested that this Item be re-considered at the end of the zoning cases.

(See Page 61 for resumption of the consideration of Zoning Case #Z2002235.)

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4AA.) CASE NUMBER #Z2002195 - The request of Joe Nix, Applicant, for Dallas Daughtry & Associates, Owner(s), for a change in zoning from "O-2" Office District to "C-1" Commercial District on Lot 25, NCB 18230, 9599 Braun Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

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

Councilwoman Conner made a motion to continue this rezoning case until the City Council meeting of January 9, 2003. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until January 9, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Garza.

Zoning Case #Z2002195 was continued to the Council meeting of January 9, 2003.

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4BB.) CASE NUMBER #Z2002199C - The request of Esther Garcia, Applicant, for Southwest Key Program, Inc. A Texas Corporation, Owner(s), for a change in zoning from "MF-33" Multi Family District to "MF-33 C" Multi Family District with a conditional use for a beauty salon on northwest irregular 131 feet of Lot 18, Block 18, NCB 14273, 11643 Vance Jackson Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

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

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

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

AN ORDINANCE 96888

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 NORTHWEST IRREGULAR 131 FEET OF LOT 18, BLOCK 18, NCB 14273, 11643 VANCE JACKSON ROAD, FROM "MF-33" MULTI

FAMILY DISTRICT TO "MF-33 C" MULTI FAMILY DISTRICT WITH A
CONDITIONAL USE FOR A BEAUTY SALON ON THE PROPERTY.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

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

1. Signage shall not exceed 3 square feet in area and be attached to the front of the main structure.

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.

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4CC.) CASE NUMBER #Z2002208 - The request of Chesley I. Swann, Applicant, for Milestone Braun Willow L.L.C., Owner(s), for a change in zoning from "C-2" Commercial District to "R-6" Residential Single Family District on north west corner of new Guilbeau Road and Old Tezel Road on 2.46 acres out of NCB 19174 on 8400 Block of Braun Path. 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. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 96889

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 THE NORTH WEST CORNER OF NEW GUILBEAU ROAD AND OLD TEZEL ROAD, FROM "C-2" COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT ON 2.46 ACRES OUT OF NCB 19174 ON 8400 BLOCK OF BRAUN PATH.

* * * *

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4DD.) CASE NUMBER #Z2002229 - The request of City of San Antonio, Applicant, for Dallas Daughtry, Owner(s), for a change in zoning to designate Historic Exceptional on Lot 25, NCB 18230, 9599 Braun Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

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

Councilwoman Conner made a motion to continue this rezoning case until the City Council meeting of January 9, 2003. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until January 9, 2003, prevailed by the following vote: **AYES:** Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert. **NAYS:** None. **ABSENT:** Perez, Sanders, Carpenter, Garza.

Zoning Case #Z2002229 was continued to the Council meeting of January 9, 2003.

— — —

4EE.) CASE NUMBER #Z2002232 - The request of Kaufman & Associates, Inc., Applicant, for Ronald F. Lammert, Dalton Evans, III and Betty Jane Evans, Owner(s), for a change in zoning from "C-2 NA C" Commercial District, Nonalcoholic Sales with conditional approval of a plant nursery & "C-3 NA C" Commercial District, Nonalcoholic Sales with conditional approval of a print shop to "C-3 NA S" Commercial District, Nonalcoholic Sales with specific use authorization for a mini-storage facility exceeding 2.5 acres on 4.16 acres out of NCB 16051, 8443 and 8491 Leslie Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8) FF. ZONING CASE NUMBER Z2002082: The request of George Gervin Academy, Barbara Hawkins, Applicant, for George Gervin Academy, Owner(s), for a change in zoning from "C-3 R" Commercial Restrictive Alcoholic Sales District to "MF-33" Multi-Family District on Lot 1, Block 2, NCB 16889, 6900 Block of East Sunbelt Drive. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 10)

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

The following citizen(s) appeared to speak:

Mr. Bill Kaufmann, on behalf of the applicant, said that the property was merely to change the zoning. He agreed to continue to work with the Councilwoman and urged Council to support this zoning case.

* * * *

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

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

AN ORDINANCE 96890

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 4.16 ACRES OUT OF NCB 16051, 8443 AND 8491 LESLIE ROAD, FROM "C-2 NA C" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH CONDITIONAL APPROVAL OF A PLANT NURSERY & "C-3 NA C" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH CONDITIONAL APPROVAL OF A PRINT SHOP TO "C-3 NA S" COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH SPECIFIC USE AUTHORIZATION FOR A MINI-STORAGE FACILITY EXCEEDING 2.5 ACRES ON THE PROPERTY.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 - 491.

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

SECTION 5: This ordinance is not severable.

* * * *

4FF) CASE NUMBER #Z2002082 - The request of George Gervin Academy, Barbara Hawkins, Applicant, for George Gervin Academy, Owner(s), for a change in zoning from "C-3 R" Commercial Restrictive Alcoholic Sales District to "MF-33" Multi-Family District on Lot 1, Block 2, NCB 16889, 6900 Block of East Sunbelt Drive. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 10)

Councilman Carpenter made a motion to continue this rezoning case until the City Council meeting of January 9, 2003. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until January 9, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Castro, Conner, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Perez, Barrera, Garza.

Zoning Case #Z2002082 was continued to the Council meeting of January 9, 2003.

— — —

4GG.) CASE NUMBER #Z2002190C - The request of David & Stefanie Baller, Applicant, for Dos Amigos, Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with a conditional use for an office warehouse on Lot 18 and P-100, Block 1, NCB 15864, 5030 La Posita Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

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

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

AN ORDINANCE 96891

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 AND P-100, BLOCK 1, NCB 15864, 5030 LA POSITA DRIVE, FROM "C-2" COMMERCIAL DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN OFFICE WAREHOUSE.

* * * *

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

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

1. Lighting shall be directional so as not to offend the nearby single family subdivision.
2. A solid screen fence shall be built between the subject property and the residential subdivision

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.

* * * *

4HH.) CASE NUMBER #Z2002204 - The request of Judson - Lookout LTD, Applicant, for Benny Steinhauser and Hartman Associates, Inc., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-5" Residential Single Family District on 29.97 acres tract of land out of NCB 17810, 14040 Judson Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

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

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

AN ORDINANCE 96892

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 29.97 ACRES TRACT OF LAND OUT OF NCB 17810, 14040 JUDSON ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

* * * *

4II.) CASE NUMBER #Z2002225 - The request of Chesley I. Swann, Applicant, for C & B Homes, Ltd., Owner(s), for a change in zoning from "R-6" Residential Single Family District and "C-2 NA" Commercial Non Alcoholic Sales District to "MF-33" Multi Family District on 0.95 acres out of NCB 15831, 5000 block of Stahl Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

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

Councilman Garcia then indicated that they needed to go back to Item Z, and requested that Mr. Lozano re-read the zoning case for the Council.

Councilman Barrera moved for approval, and requested information regarding their commitment to pay taxes to the Northside ISD.

The following citizen(s) appeared to speak:

Mr. Fred Magee said they needed to urge others to pay taxes. He thanked all those involved in this issue, and for bringing this issue to their attention.

* * * *

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

AN ORDINANCE 96893

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 0.95 ACRES OUT OF NCB 15831, 5000 BLOCK OF STAHL ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT AND "C-2 NA" COMMERCIAL NON ALCOHOLIC SALES DISTRICT TO "MF-33" MULTI FAMILY DISTRICT.

* * * *

EXTEND THE CONTRACT FOR UP TO TWO (2) ONE (1) YEAR EXTENSIONS, IN AN ESTIMATED BUDGETED ANNUAL AMOUNT OF \$7,710,849.00 SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

* * * *

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

Ms. Elisa Pena Bernal, Director of Human Resources, narrated a slide presentation regarding the prescription drug benefit management contract, a copy of which was made part of the papers of this meeting. She detailed terms of the contract and projected cost.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96896

AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT FOR THE EXPENDITURE OF UP TO \$400,000.00 FROM 1994 PARK BOND FUNDS TO CONSTRUCT THE GOVERNMENT CANYON STATE NATURAL AREA INTERPRETIVE/EDUCATION CENTER; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Malcolm Matthews, Director of the Parks and Recreation Department, narrated a slide presentation of the Interlocal Agreement with the Texas Parks and Wildlife Department for expenditure of \$400,000 in 1994 Park Bond Funds for Government Canyon State Natural Area, a copy of which is on file with the papers of this meeting. He detailed the background of the Government Canyon, as well as Resolution Number 93-03-04.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96897

RATIFYING THE EXECUTION OF A GRANT AGREEMENT IN THE AMOUNT OF \$30,000.00 WITH KABOOM!, INC. FOR THE INSTALLATION OF PARK AMENITIES IN CONNECTION WITH THE SPRING TIME PARK (OXBOW/BABCOCK NORTH PARK) PROJECT IN COUNCIL DISTRICT 8; AUTHORIZING A GRANT MATCH OF \$10,000.00; AND ESTABLISHING AN EXPENDITURE CODE FOR PARK CONSTRUCTION CREW EXPENSES IN THE AMOUNT OF \$52,798.69 OF FY 99-00 ONE TIME IMPROVEMENT FUNDS FROM COUNCIL DISTRICT 8 PREVIOUSLY APPROPRIATED FOR THIS PROJECT.

* * * *

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

Mr. Malcolm Matthews, Director of the Parks and Recreation department, narrated a slide presentation, regarding the ratification of the grant agreement with KaBoom!, Inc. and authorizing a \$10,000 match for the spring time improvements project, a copy of which is on file with the papers of this meeting.

Councilwoman Conner said that this was an exciting announcement, and that the amenities were a plus. She thanked Mr. Matthews and his staff for their work on this project.

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

2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96898

ACCEPTING THE LOW BID SUBMITTED BY WASTE MANAGEMENT, INC. TO PROVIDE THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR GARBAGE DISPOSAL SERVICES FOR AN ESTIMATED ANNUAL COST OF \$308,000.00.

* * * *

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

Ms. Janie Cantu, Director of Purchasing, narrated a slide presentation regarding the annual contract that provides for disposal equipment and services for various City facilities, a copy of which is on file with the papers of this meeting. She detailed the responsibilities of the contractor, and further detailed the history of this contract. She explained the bid process, detailed a survey that they sent out to determine procurement policies of other governmental entities, and discussed the survey responses and the different entities that responded.

Councilman Barrera thanked Ms. Cantu for the information and for following up on their request to re-bid.

In response to Councilman Barrera regarding the availability of the information, Ms. Cantu stated that it was already being provided to all vendors.

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

2002-44 **PUBLIC HEARING AND ORDINANCE: REPROGRAMMING OF GRANT FUNDS FY 2000 TO VARIOUS ORGANIZATIONS.**

Mayor Garza declared the Public Hearing to be open.

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the reprogramming of Housing Opportunities for Persons with AIDS grant, a copy of which is on file with the papers of this meeting.

Mr. David Ewell, Executive Director of the San Antonio AIDS Foundation, spoke to the history of the Foundation. He emphasized the importance of this item, and how AIDS has affected so many citizens of the community. He commended the decision of DCI, and thanked Council for their support.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Items 5A & 5B.

Mr. Faris Hodge, Jr., 140 Dora, urged City Council to audit the San Antonio AIDS Foundation to see how the money was being spent. He further urged Council to expand the SAMM shelter.

Councilman Garcia stated that Mr. Hodge made some good points, and further noted that he is working with the City Attorney on the issue of expanding the shelter.

Mr. Jack M. Finger, P.O. Box 12048, spoke to items #5A & 5B.

* * * *

There being no further citizens signed to speak to this matter, Mayor Garza declared the Public Hearing to be closed.

The Clerk read the following Ordinance:

AN ORDINANCE 96899

AUTHORIZING THE REPROGRAMMING OF FY 2000 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) GRANT FUNDS IN THE AMOUNT OF \$111,003.08, AVAILABLE FROM THE ALAMO AREA RESOURCE CENTER (AARC) IN THE AMOUNT OF \$46,651.08 AND THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) IN THE AMOUNT OF \$64,352.00; AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF THE AFFECTED PROJECTS AND THE CREATION OF THE APPROPRIATE PROJECT AND PROJECT BUDGET; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO THE SAN ANTONIO AIDS FOUNDATION (SAAF) TO PROVIDE

TENANT BASED RENTAL ASSISTANCE (TBRA) TO INDIVIDUALS WHO HAVE HIV/AIDS AND THEIR FAMILY MEMBERS; AND PROVIDING FOR PAYMENT.

* * * *

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96900

AUTHORIZING THE REPROGRAMMING OF FY 2002-2003 EMERGENCY SHELTER GRANT (ESG) FUNDS IN THE AMOUNT OF \$45,215.00, AVAILABLE FROM THE SAN ANTONIO METROPOLITAN MINISTRY (SAMM) DWYER AVENUE OVERFLOW SHELTER; AUTHORIZING THE APPROPRIATION AND ALLOCATION OF SAID FUNDS TO THE SAMM SHELTER ON COMMERCE STREET; AUTHORIZING REVISIONS OF APPROPRIATE PROJECT BUDGETS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the reprogramming of emergency shelter grant funds, a copy of which is on file with the papers of this meeting.

(Mayor Garza returned to the meeting and presided.)

In response to Councilman Garcia's question regarding the number of homeless, Mr. Campa said that the figure stood at 20,000 people at one point in time but not annually.

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

— — —
2002-44 The Clerk read the following Resolution:

A RESOLUTION
NO. 2002-44-45

ADDING THE KYLE SEALE/LOOP 1604 AREA, HELOTES PARK TERRACE & THE PARK AT FRENCH CREEK AREA, THE CANYON SPRINGS/SUMMERGLEN AREA, OLIVER RANCH AREA, SENDERO RANCH AREA, INDIAN SPRINGS AREA, EVANS/BULVERDE ROAD AREA, AND THE SOUTHSIDE ANNEXATION AREAS 1 THROUGH 6 TO THE THREE YEAR ANNEXATION PLAN, FOR FULL PURPOSES ANNEXATION UNDER THE PROVISION OF SB 89 AS ADOPTED BY THE 76TH TEXAS LEGISLATURE.

* * * *

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

Mr. Jesus Garza, Planning Manager, narrated a slide presentation regarding amendments to the three-year annexation plan, a copy of which is on file with the papers of this meeting. He detailed the adopted City of San Antonio annexation goals and the three-year amendment process. He further detailed the annexation plan notice requirements and the general provisions of Senate Bill 89 and the planned schedule to meet the requirements of this bill.

The following citizen(s) appeared to speak:

Mr. James Langford, resident of District 1, thanked the Council for assuring that all were informed of the proposed amendments. He stated that this would affect many people for so long.

Mr. Phil Ross spoke on behalf of the Landowners Against Annexation (Mr. Curt Gembler, Ms. Charlotte Kilser, Mr. Chris Moravec, and Mr. Don Pedigo), and pointed out that the City did not follow the procedure in Senate Bill 89 regarding the publication of notice in a general circulation newspaper. He stated that the public is not aware of what they are doing. He said that proper procedure was not followed, and stated that the Council will not get away with "steam rolling" the public. He stated also that it was time for amendments to the City Charter and spoke about term limits and the number of signatures needed for referendum, which would make it possible for different entities to go out in a matter of couple of weeks to get the number of signatures they needed. He spoke against the current petition process and of restoration of confidence in the City Government. He indicated that democracy was the way to deal with the problems at City Hall. He spoke to the cost of annexing the area proposed and stated that the City couldn't afford to deliver full service to the Southside area. He further stated that Council was taking dramatic action without any reflection or discussion with regard to the future impact.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, stated his rights were being violated, and cited a legislative article.

* * * *

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Moorhouse, Martin, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** Sanders. **ABSENT:** Perez , Castro.

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96901

AUTHORIZING THE CITY MANAGER TO ACCEPT LINEBARGER, GOGGAN, BLAIR AND SAMPSON'S OFFER TO WITHDRAW IMMEDIATELY FROM THE CONTRACT FOR THE COLLECTION OF DELINQUENT ADJUDICATED CLASS C MISDEMEANOR FINES AND NEGOTIATE A CONTRACT WITH MUNICIPAL SERVICES BUREAU (MSB) FOR SAME.

* * * *

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

Mr. Quentin Porter, Director of Municipal Courts, narrated a slide presentation, a copy of which is on file with the papers of this meeting, regarding the City's contract to collect delinquent adjudicated Class C misdemeanor fines. He spoke to the elements of the contract with Municipal Services Bureau (MSB) and discussed the financial impact of this contract.

Mayor Garza acknowledged the swift action of Linebarger to withdraw given the circumstances and controversy, and noted that it was in the best interest of the City.

Councilman Castro thanked Mr. Porter and those at Linebarger, and added that it was the appropriate thing to do.

In response to Councilman Garcia regarding Linebarger's performance, Mr. Porter made reference to the slide presentation and touched on how the collections were just getting started.

Councilman Garcia made reference to page 8 of the contract, and asked if the contract with MSB would be identical to the one that the City had with Linebarger. He stated that the City should demand the same services. He thanked Linebarger for being gracious to offer their withdrawal from this contract, but stated that he would be voting against terminating this contract.

When asked by Councilman Schubert why it would take 60 days to begin the new contract when the City already had the parameters of the new contract, City Manager Terry Brechtel explained that the process on the Request for Proposal.

Mr. Porter indicated that the maximum limit for the process was 60 days, but assured Council that every effort would be made to accomplish this before then.

Councilman Schubert expressed the importance of obtaining this contract as soon as possible.

Councilwoman Moorhouse added that the City needed to get this done in short form, and said that the transition needed to be done by the end of the year, and if this was not possible, she recommended the City go out with a new Request for Proposal. She wanted to see in writing if MSB would hold up to everything that was mentioned in the Linebarger contract.

Councilman Garcia concurred with Councilwoman Moorhouse, and indicated that the City has received promises before, but it did not go into the contract. He stated that if the contract is terminated, direction should be given to staff to assure that all elements of the present contract go into the superceding contract.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96902

AUTHORIZES THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND THE SAN ANTONIO RIVER AUTHORITY (SARA) IN CONNECTION WITH THE REGIONAL FLOOD CONTROL MANAGEMENT PROGRAM.

* * * *

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding the interlocal agreement with Bexar County and the San Antonio River Authority for regional watershed management, a copy of which is on file with the papers of this meeting. He detailed background information on the development of the interlocal agreement between the City of San Antonio, Bexar County and the San Antonio River Authority. He discussed the program partners, the policy guidelines, and goals for the agreement.

Mayor Garza noted that the Watershed Committee had done an outstanding job, and further described how he has seen this project evolve. He spoke to the interlocal agreement being the best for the community, and not an issue that they should take lightly. He stated that the Watershed Committee did well, and made reference to their progression. He commended all those involved, and stated that he looked forward to the implementation process, however noting that it will take some time.

Councilwoman Conner said this was a happy moment, and further recognized members of the Watershed Committed. She noted that the City has always had issues with flooding. She indicated that this was a difficult process to have people with different authorities to work out an interlocal agreement such as this. She commended all those responsible for putting this together, and noted that she looked forward to helping all those involved. She thanked Mr. Wendorf for all of his hard work.

Councilman Castro commended Mr. Wendorf and the Public Works Department, and all others involved. He noted that District 7 learned this past July just how important the issue of watershed management is, and he further noted the property damage that even a few inches of rain could cause.

Councilman Sanders complimented Mr. Wendorf for the work and reiterated the concerns of some of the citizens. He discussed the flood of '98 and the concerns of the citizens, and further commended the representation.

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

— — — — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96903

REVISING ORDINANCE NO. 96399, THE FY2003 BUDGET ORDINANCE, BY REALLOCATING \$200,000 INCLUDED IN THE BUDGET FOR THE PROVISION OF SERVICES TO PROJECTED ANNEXATION AREAS THAT WERE SUBSEQUENTLY NOT ANNEXED AS A RESULT OF CITY COUNCIL ACTION ON NOVEMBER 21, 2002.

* * * *

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

Mr. Lou Lendman, Director of Finance, narrated a slide presentation regarding the annexation plan-related FY 2003 adopted budget amendments. He detailed background

information regarding the FY 2003 adopted budget that included funds for service delivery improvement.

Councilman Perez motioned for an amendment, and directed staff to return on December 19, 2002 with the modifications. Councilwoman Moorhouse seconded the motion.

The amendment to the motion as presented by Councilman Perez was approved by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96904

AUTHORIZING THE EXPENDITURE OF \$275.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SACRED HEART CATHOLIC CHURCH BASKETBALL ORGANIZATION, TO BE USED TO HELP DEFRAY THE COSTS ASSOCIATED WITH THE YOUTH SPORTS PROGRAM; AS REQUESTED BY COUNCILMAN BOBBY PEREZ, DISTRICT 1.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96905

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 2 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SAN ANTONIO ALUMNI CHAPTER/HOUSTON-TILLOTSON COLLEGE, TO BE USED THE HELP DEFRAY THE COST OF RENTING A BUS TO TRANSPORT HIGH SCHOOL STUDENTS TO HOUSTON-TILLOTSON COLLEGE FOR A TOUR OF THE CAMPUS; AS REQUESTED BY COUNCILMAN JOHN H. SANDERS.

* * * *

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

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

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2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96906

AUTHORIZING THE EXPENDITURE OF \$554.47 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE SOUTHSIDE NEIGHBORS AGAINST CRIME, TO BE USED TO HELP DEFRAY THE COST OF PURCHASING A DIGITAL CAMERA, TRIPOD AND ACCESSORY PACKAGE TO USE IN CONJUNCTION WITH THE CHILD IDENTIFICATION/DNA SAMPLING DONE IN SCHOOLS AND CHURCHES; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96907

AUTHORIZING THE EXPENDITURE OF \$1,000.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE HIGHLAND ROCKETS POP WARNER FOOTBALL AND CHEERLEADING ORGANIZATION, JUNIOR PEE WEE DIVISION, TO BE TO USED TO HELP OFFSET COSTS FOR TRAVELING EXPENSES FOR THE NATIONAL POP WARNER PLAYOFFS IN FLORIDA; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96908

AUTHORIZING THE EXPENDITURE OF \$1,000.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE HIGHLAND HAWKS POP WARNER ASSOCIATION, JUNIOR MIDGET DIVISION, TO BE USED TO HELP OFFSET COSTS FOR TRAVELING EXPENSES FOR THE REGIONAL POP WARNER PLAYOFFS; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96909

AUTHORIZING THE TRANSFER OF \$2,000.00 FROM THE DISTRICT 3 CONTINGENCY ACCOUNT FUND TO THE DISTRICT 3 CITY HALL MAIL PARCEL LINE ITEM; AS REQUESTED BY COUNCILWOMAN ANTONIETTE MOORHOUSE.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96910

AUTHORIZING THE TOTAL EXPENDITURE OF \$1,300.00 FROM THE VARIOUS CITY COUNCIL CONTINGENCY ACCOUNT FUNDS, PAYABLE TO THE BRACKENRIDGE HIGH SCHOOL 1962 STATE CHAMPS COMMITTEE, TO BE USED TO HELP DEFRAY COSTS ASSOCIATED WITH ITS 40TH ANNIVERSARY DANCE AND SCHOLARSHIP FUNDRAISER TO RAISE MONEY FOR SCHOLARSHIPS TO BE HELD ON SATURDAY, DECEMBER 21, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE MARTIN.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance with additional funds from the following districts: District 1 - \$200; District 5 - \$350; District 7 - \$250. 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, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** None.

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96911

AUTHORIZING A LICENSE AGREEMENT WITH JONES LANG LASALLE AMERICAS, INC. AS AGENT FOR S.P. SAN ANTONIO PARTNERSHIP, L.P., FOR THE LEASE OF 503 SQUARE FEET OF OFFICE SPACE AT SOUTH PARK MALL TO BE USED FOR THE DISTRICT 4 FIELD OFFICE FOR THE TERM SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2004, FOR A RATE OF \$500.00 PER MONTH, SUBJECT TO ANNUAL APPROPRIATION OF FUNDS; AS REQUESTED BY COUNCILMAN ENRIQUE MARTIN.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96912

AUTHORIZING THE EXPENDITURE OF \$924.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE PARKS AND

RECREATION DEPARTMENT, TO BE USED FOR THE RENTAL OF ONE (1) SHOWMOBILE, WITH SOUND SYSTEM (\$550.00), THREE (3) PARK POLICE (\$324.00) FOR SECURITY AND TRAFFIC CONTROL AND A TEMPORARY RAMP (\$50.00) FOR THE SOUTHWEST COMMUNITY IN ACTION'S BLUE SANTA PARADE TO BE HELD ON DECEMBER 14, 2002; AS REQUESTED BY COUNCILMAN ENRIQUE MARTIN, DISTRICT 4.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Castro seconded the motion.

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96913

AUTHORIZING THE EXPENDITURE OF \$1,500.00 FROM THE DISTRICT 4 CONTINGENCY ACCOUNT FUND, PAYABLE TO THE MILLER'S POND YOUTH FOOTBALL LEAGUE, TO BE USED TO HELP DEFRAY COSTS ASSOCIATED WITH THEIR 24TH ANNUAL BANQUET TO BE HELD ON SUNDAY, JANUARY 12, 2003; AS REQUESTED BY COUNCILMAN ENRIQUE MARTIN, DISTRICT 4.

* * * *

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

— — —
2002-44 The Clerk read the following Ordinance:

2002-44
December 12, 2002
ll/vj

AN ORDINANCE 96914

AUTHORIZING THE EXPENDITURE OF \$500.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND (\$250.00) AND DISTRICT 7 CONTINGENCY ACCOUNT FUND (\$250.00), PAYABLE TO THE ST. DOMINIC'S TIGERS BASEBALL TEAM, TO BE USED TO HELP DEFRAY THE COSTS OF UNIFORMS, EQUIPMENT AND OPERATING COSTS FOR THE TEAM; AS REQUESTED BY COUNCILMEN DAVID A. GARCIA, DISTRICT 5, AND JULIAN CASTRO, DISTRICT 7.

* * * *

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

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

— — —
2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96915

AUTHORIZING THE TOTAL EXPENDITURE OF \$1,250.00 FROM THE VARIOUS CITY COUNCIL CONTINGENCY ACCOUNT FUNDS, PAYABLE TO THE EARL WARREN HIGH SCHOOL PTA, TO BE USED TO OFFSET THE COSTS ASSOCIATED WITH THE PURCHASE OR CONSTRUCTION OF A SECURITY AND DISPLAY CASE FOR FORMER UNITED STATES SUPREME COURT JUSTICE EARL WARREN'S ROBE; AS REQUESTED BY COUNCILMAN ENRIQUE M. BARRERA.

* * * *

Councilman Martin made a motion to approve the proposed Ordinance with additional funds from the following district: District 8 - \$250. Councilwoman Moorhouse seconded the motion.

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

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2002-44 The Clerk read the following Ordinance:

AN ORDINANCE 96916

AUTHORIZING THE TRANSFER OF \$35,408.00 TO THE DISTRICT 10 ADMINISTRATIVE ASSISTANT FUND FROM SAVINGS IDENTIFIED IN THE FOLLOWING ONE TIME PROJECTS: \$1,136.00 FROM CODE COMPLIANCE - SURVEILLANCE EQUIPMENT; \$5,000.00 FROM PARKS & RECREATION - FRIENDS OF COMANCHE LOOKOUT; \$1,976.00 FROM POLICE - POLICE EQUIPMENT; \$285.00 FROM POLICE - BIKE EQUIPMENT; \$933.00 FROM POLICE - RADAR UNITS; \$1,750.00 FROM POLICE - HAND HELD RADAR GUNS; \$11,468.00 FROM PUBLIC WORKS - FLASHER LIGHTS; \$12,860.00 FROM PUBLIC WORKS - SPEED HUMPS; AS REQUESTED BY COUNCILMAN DAVID CARPENTER.

* * * *

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

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

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2002-44 EXECUTIVE SESSION

The City Council recessed its regular session at 5:48 P.M. in order to convene in Executive Session for the purpose of:

A.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.

B.) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues relating to possible litigation against the city by Heatherwilde Estates Housing, L.P., in connection with property located in the 10400 block of Old Pearsall Road (related to Agenda Item 4(O) on this agenda).

C.) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues related to a boundary dispute affecting city property east of the San Antonio River and immediately south of East Hildebrand Avenue.

D.) Attorney-client consultation pursuant to Sec. 551.071 of the Texas Government Code, to discuss legal issues relating to City of San Antonio vs. Greg Abbott, GV 204394, in the District Court of Travis County, Texas.

The City Council adjourned the Executive Session at 7:04 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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2002-44

CITIZENS TO BE HEARD

MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, expressed his disapproval of having to wait so long for the Council to return from Executive Session. He spoke to the trash pick up during the holidays. He spoke to recycling issues, and made reference to a variety of newspaper articles.

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MR. JOHN LONGORIA

Mr. John Longoria read a letter that was made part of the official papers of this meeting. He further addressed Councilman Schubert and said he didn't understand why he spoke to the citizens the way he did.

* * * *

MR. JIM JOHNSON

Mr. Jim Johnson noted that the Ethics Review Board discussed a complaint filed in July, and spoke to the fines imposed upon the citizen who initially filed the complaint. He discussed the fines that were assessed upon him, and how the fee was raised 150%. He made reference to an incident that took place in '99, and discussed the ramifications.

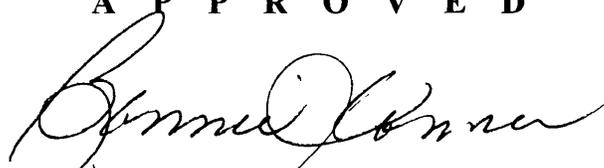
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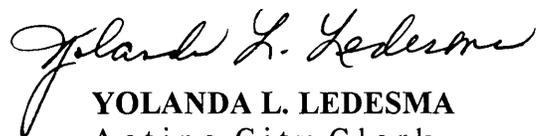
MR. DAVID FERNANDEZ

Mr. David Fernandez said he was in attendance to present payment that was assessed upon him for a complaint he filed against a Councilman. He spoke to the Ethics Review Board's decision to fine him \$200 for filing frivolous complaints. He stated he wanted to present \$499 from friends and others who contributed to him to help pay the fines, and presented the money to the City Clerk.

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2002-44 There being no further business to come before the City Council, the meeting was adjourned at 7:41 P.M.

A P P R O V E D


EDWARD D. GARZA
MAYOR

Attest: 
YOLANDA L. LEDESMA
Acting City Clerk