

2003-01 **PRESENTATION OF A PROCLAMATION FOR "THE YEAR OF THE LIBRARY"**

Mayor Garza read a Proclamation regarding the 100th anniversary of the Library, and presented it to Mr. Nick Hollis, Chairman of the San Antonio Public Library Foundation.

Mr. Hollis spoke to the 100th anniversary of the library, and thanked the City Council for their support throughout the years.

Ms. Laura Isenstein, Library Director, thanked the City Council for their on-going support.

Councilman Garcia spoke to the event that the San Antonio Public Library Foundation presented that same morning, and commended them for their work and efforts in striving to maintain a strong library system.

Councilman Barrera congratulated the San Antonio Library Foundation for their hard work, and their 100th anniversary celebration.

Councilman Schubert thanked the San Antonio Library Foundation for their work and their on-going efforts, and noted that he was a huge supporter of the library. He stated that the involvement of the citizens is highly recommended.

Councilwoman Conner spoke to the San Antonio Library Foundation's ceremony that was held that morning prior to the Council meeting, and commented on how beautiful it turned out. She noted that the basis of the San Antonio Library Foundation's work has made San Antonio a "first-class" City.

Councilman Castro also thanked the members of the San Antonio Library Foundation for the work that they have done throughout the years, and noted that the library is one thing he hears about from the citizens on a consistent basis.

Councilwoman Moorhouse commended the San Antonio Library Foundation for the job they did on the ceremony that was held that morning. She also noted that reading and literacy were the "windows to the world." She then thanked the Foundation for their work throughout the years.

Mayor Garza congratulated the members of the Library Foundation for their work throughout the years.

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2003-01 **SWEARING-IN OF INCOMING MAYOR PRO-TEM BONNIE CONNER**

Acting City Clerk Yolanda Ledesma administered the formal Oath of Office to incoming Mayor Pro Tem Councilwoman Bonnie Conner of District 8, and congratulated her.

Mayor Garza and other members of the City Council also congratulated Councilwoman Conner on her new duties.

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2003-01 Minutes of the Regular City Council Meeting of October 24, November 14 and November 21, 2002 were approved.

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2003-01 **CONSENT AGENDA – CITIZENS COMMENTS**

Mr. Jack M. Finger, P.O. Box 12048, spoke to various items on the agenda, and made reference to the campaign contributions that the City Council members have received.

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2003-01 **CONSENT AGENDA**

Councilman Carpenter made a motion to approve Agenda Items 7 through 22M constituting the Consent Agenda, except for Items 21, which were pulled for individual consideration. Councilman Martin seconded the motion.

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

AN ORDINANCE 96973

ACCEPTING THE LOW BID SUBMITTED BY INFOLAB, INC. TO PROVIDE THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH A CLINICAL CHEMISTRY ANALYZER FOR A TOTAL COST OF \$49,950.00.

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AN ORDINANCE 96974

ACCEPTING THE SOLE SOURCE OFFER SUBMITTED BY AVENTIS PASTEUR TO PROVIDE THE CITY OF SAN ANTONIO HEALTH DEPARTMENT WITH TETANUS DIPHTHERIA VACCINE FOR A TOTAL COST OF \$221,424.00.

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AN ORDINANCE 96975

ACCEPTING THE LOW BID SUBMITTED BY AMERICAN LAFRANCE GULF COAST TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH A HAZMAT TRUCK FOR A TOTAL COST OF \$259,354.00.

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AN ORDINANCE 96976

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH PERIODICAL PUBLICATIONS IN MICROFILM FORMAT, MICROSOFT ENTERPRISE LICENSING AGREEMENT, AND LINEN SUPPLY AND SERVICE ON AN ANNUAL CONTRACT BASIS FOR FY 2002-2003 FOR A TOTAL OF APPROXIMATELY \$313,443.00.

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AN ORDINANCE 96977

AUTHORIZING THE EXECUTION OF FIELD ALTERATION NO. 8 FOR THE ADDITIONAL AMOUNT OF \$185,724.00 IN CONNECTION WITH THE CONTRACT WITH CONSTRUCTORS & ASSOCIATES, INC. FOR THE TERMINAL IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT PACKAGE 3; RATIFYING THE ACTIONS TAKEN BY CITY STAFF RELATING TO TERMINAL ONE SECURITY CHECKPOINT REVISIONS IN CONJUNCTION WITH PACKAGE 3 TERMINAL IMPROVEMENT PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NO. 95686, APRIL 25, 2002.)

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AN ORDINANCE 96978

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH FOSTER CM GROUP, INC. IN AN AMOUNT NOT TO EXCEED \$349,886.00 TO EXTEND THE PROJECT MANAGEMENT CONTRACT IN CONNECTION WITH THE TERMINAL IMPROVEMENT PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A PERIOD OF TEN MONTHS; APPROPRIATING FUNDS; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE NOS. 90317, AUGUST 19, 1999; ORDINANCE NO. 92026, JUNE 29, 2000.)

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AN ORDINANCE 96979

DECLARING AS SURPLUS A 1.307 ACRE TRACT OF LAND LOCATED AT IH 35 AND SANTA ROSA STREET, OWNED AND CONTROLLED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR DISPOSITION TO SAN FRANCESCO DI PAOLA CHURCH, THE ABUTTING PROPERTY OWNER.

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AN ORDINANCE 96980

RATIFYING ACCEPTANCE OF A \$10,000.00 GRANT FROM THE TEXAS FOREST SERVICE FOR AN URBAN FORESTRY PARTNERSHIP GRANT PROJECT FOR SAN ANTONIO; AND ESTABLISHING A FUND AND BUDGET COMPLEMENT FOR THE PROJECT IN THE DEPARTMENT OF PARKS AND RECREATION.

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AN ORDINANCE 96981

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL GRANT AWARD TOTALING \$27,728.00 IN CASH SUPPORT FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO AUGMENT THE ONGOING HIV SURVEILLANCE PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) DURING THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; AUTHORIZING EXECUTION OF THE CONTRACT CHANGE WITH THE TDH; AND REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002/2003-FEDERAL ACCOUNT. (AMENDS ORDINANCE NOS. 94306, AUGUST 9, 2001; ORDINANCE NO. 95200, JANUARY 24, 2002; ORDINANCE NO. 95733, MAY 9, 2002.)

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AN ORDINANCE 96982

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL CASH GRANT AWARD IN THE AMOUNT OF \$44,130.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO AUGMENT THE ONGOING SUPPORT FOR THE SEXUALLY TRANSMITTED DISEASE (STD) PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) DURING THE PERIOD JANUARY 1, 2002 THROUGH DECEMBER 31, 2002; AUTHORIZING EXECUTION OF THE CONTRACT CHANGE WITH THE TDH; AND REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2002/2003-FEDERAL ACCOUNT. (AMENDS ORDINANCE NO. 94306, AUGUST 9, 2001.)

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AN ORDINANCE 96983

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL \$77,812.00 IN CASH FROM THE NATIONAL OPINION RESEARCH CENTER (NORC) TO EXTEND FUNDING OF THE UNITED STATES DEPARTMENT OF JUSTICE ARRESTEE DRUG ABUSE MONITORING (ADAM) PROGRAM CONDUCTED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) THROUGH SEPTEMBER 30, 2003; AUTHORIZING EXECUTION OF THE SUBCONTRACT MODIFICATION WITH NORC; AND REVISING THE PROJECT BUDGET ESTABLISHED THROUGH ORDINANCE NO. 94848 PASSED AND APPROVED ON NOVEMBER 1, 2001. (AMENDS ORDINANCE NOS. 94848, NOVEMBER 1, 2001; ORDINANCE NO. 95445, MARCH 14, 2002; ORDINANCE NO. 95869, JUNE 6, 2002; ORDINANCE NO. 96593, OCTOBER 24, 2002.)

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AN ORDINANCE 96984

AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH, AND RATIFYING SERVICES PERFORMED BY, OPEN SYSTEMS GROUP (OSG) IN AN AMOUNT NOT TO EXCEED \$510,000.00, AT A RATE OF \$85.00 PER HOUR, TO IMPLEMENT THE ELECTRONIC DOCUMENT MANAGING SYSTEM FOR MUNICIPAL COURTS FOR THE PERIOD BEGINNING OCTOBER 1, 2002 AND ENDING OCTOBER 31, 2004.

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AN ORDINANCE 96985

APPOINTING SUSIE L. GREEN (DISTRICT 2) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2005.

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AN ORDINANCE 96986

APPOINTING ANTOINETTE V. FRANKLIN (PERFORMANCE ARTIST/DANCE CATEGORY - DISTRICT 2) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2004.

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AN ORDINANCE 96987

REAPPOINTING JESSE ZUNIGA, JR. (DISTRICT 6) AND APPOINTING JOSEPH MICHAEL TINTI (DISTRICT 4) FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 22, 2005 AND APPOINTING MICHAEL GALLAGHER (DISTRICT 10) FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2004 TO THE BOARD OF ADJUSTMENT.

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AN ORDINANCE 96988

REAPPOINTING JIM GREENFIELD (COMMUNITY CATEGORY - DISTRICT 5) TO THE BROOKS DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 4, 2004.

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AN ORDINANCE 96989

APPOINTING PAMELA BAIN (COMMUNITY REPRESENTATIVE CATEGORY - DISTRICT 6) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 25, 2004.

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AN ORDINANCE 96990

APPOINTING MARIA ANGELINA RUIZ (DISTRICT 1) AND LEWIS MELVIN MARSHALL (DISTRICT 2) TO THE JOINT CITY/COUNTY COMMISSION ON

ELDERLY AFFAIRS FOR TERMS OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2003 AND SEPTEMBER 30, 2004, RESPECTIVELY.

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AN ORDINANCE 96991

REAPPOINTING ARTHUR R. EMERSON (COMMUNITY REPRESENTATIVE CATEGORY - DISTRICT 5) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2004.

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AN ORDINANCE 96992

APPOINTING JOE CARLTON SOULES, JR. (COMMUNITY REPRESENTATIVE CATEGORY - DISTRICT 10) TO THE HOUSING AUTHORITY OF THE CITY OF SAN ANTONIO FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 18, 2003.

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AN ORDINANCE 96993

APPOINTING STEVEN SANO (MAYOR) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2004.

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AN ORDINANCE 96994

REAPPOINTING OSWALD JERRALDS (DISTRICT 4) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2004.

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AN ORDINANCE 96995

REAPPOINTING HELEN VERA (DISTRICT 8) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

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AN ORDINANCE 96996

APPOINTING EDDYTH WORLEY (DISTRICT 1) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 18, 2004.

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AN ORDINANCE 96997

APPOINTING CHRISTINA VARA (MAYOR) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 1, 2004.

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2003-01 The Clerk read the following Ordinance:

AN ORDINANCE 96998

AUTHORIZING THE CREATION OF THE AIR TRANSPORTATION ADVISORY COMMISSION AND SUNSET OF THE AIRPORT ADVISORY COMMITTEE.

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

Mr. Kevin Dolliole, Director of Aviation, described the make-up of the Air Transportation Advisory Committee, a copy of which is on file with the papers of this meeting.

Mayor Garza encouraged the current Airport Advisory Committee members to express their interest in this newly created committee.

Councilman Schubert expressed his concern about the representation of those people who have substantial expertise in the airline industry which would be adequately represented in the Air Transportation Advisory Committee.

In response to Councilman Schubert's concern regarding the representation of those with substantial expertise in the airline industry, Mr. Dolliole advised that the commission would be well represented. He further made reference to the City Charter, and explained that in reference to the Mayor's Blue Ribbon Commission, which has a limited existence, this commission would have different charges.

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

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2003-01 INDIVIDUAL ITEMS-CITIZENS COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, spoke to various items on the agenda. He also made reference to the contingency accounts of the City Council.

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2003-01 The Clerk read the following Ordinance:

AN ORDINANCE 96999

APPOINTING DR. CARLOS CAMPOS, RAMON CHAPA, SR., PHYLLIS GALLAY AND ANTONIO PERALES AND REAPPOINTING ELAINE MENDOZA, DONALD SIKES AND TERRY SMITH TO THE ALAMO WORKFORCE DEVELOPMENT BOARD.

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

Ms. Dianne Quaglia, Sr. Special Projects Officer, City Manager's Office, narrated a slide presentation regarding the appointments to the Alamo Workforce Development Board, a copy of which is on file with the papers of this meeting. She detailed the Board's responsibilities. She also explained to the City Council that a name had been inadvertently left off of the agenda, and that they would be coming back next week with the inclusion of the name that was left off.

In response to Councilman Sanders' question as to whether the Council received the slate of nominees, Ms. Quaglia explained that they did receive those names in the packets that they received for this meeting.

Mayor Garza stated that he had participated in the interview process with the committee of six (6) who handled this task.

Councilman Barrera spoke to the recruitment efforts of the committee, and how all the Chambers participated in the process.

In response to Councilwoman Moorhouse's question as to when the process began, Ms. Quaglia explained that they had been soliciting for nominations for 6 months. She then stated that the nomination had to come from the Chamber, then expounded on who was nominated from each Chamber. She further explained that this was a regional board, and therefore, included representatives from urban and rural areas. She stated that there was also one person who had been nominated from the South Chamber, but that person was not selected.

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, Garza. **NAYS:** None. **ABSENT:** Martin.

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2003-01 The Clerk read the following Ordinance:

AN ORDINANCE 97000

ENABLING THE SAN ANTONIO WATER SYSTEM, ON BEHALF OF THE CITY OF SAN ANTONIO, TO PURSUE ENVIRONMENTAL ENFORCEMENT AUTHORITY GIVEN TO LOCAL GOVERNMENTS PURSUANT TO CHAPTER 26 AND §7.351 OF THE TEXAS WATER CODE, AND FURTHER AMENDING CHAPTER 34 OF THE CITY CODE OF ORDINANCES TO REFLECT SUCH

AUTHORITY IN THE SAN ANTONIO WATER SYSTEM AS WELL AS THE OFFICE OF THE CITY ATTORNEY.

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

City Attorney Andrew Martin introduced Mr. John Reynolds, Corporate Counsel from the SAWS Legal Department.

Mr. Reynolds narrated a slide presentation regarding the Texas water code enforcement authority, a copy of which is on file with the papers of this meeting. He spoke to the objectives of the authority, and described the ordinance and resolution to the Council.

In response to Mayor Garza's question as to whether the Authority was restricted to the recharge zone, Mr. Reynolds stated that it wasn't, and explained that it would apply to any quality violation within the City's jurisdiction.

Councilwoman Conner thanked Mr. Reynolds and stated that this was another way of protecting our sole source of water.

Councilman Sanders referenced House Bill 1477, and stated that he was glad to see that SAWS adopted this.

In response to Councilman Perez' request for clarification on the new fees and penalties, Mr. Reynolds explained that the City Ordinance would allow the City to seek recovery, and indicated that penalties could escalate as much as up to \$25,000 per day.

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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2003-01 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-01-01

AS REQUIRED BY STATUTE, MEMORIALIZING THE AUTHORITY CREATED BY THE AFORESAID ORDINANCE AND FURTHER DIRECTING THE CITY CLERK TO TRANSMIT TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AN OFFICIAL COPY OF SAID ORDINANCE.

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

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

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2003-01 The Clerk read the following Ordinance:

AN ORDINANCE 97001

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 1.1 ACRE TRACT OF LAND LOCATED NEAR THE NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 90 AND PROBANDT ST. FROM LOW DENSITY RESIDENTIAL USE TO NEIGHBORHOOD COMMERCIAL USE.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the master plan amendment, a copy of which was made part of the official papers of this meeting. He spoke to the significance of the master plan component, and the master plan amendment 02011. He then made reference to the south central San Antonio community

plan goals, as well as to the City master plan policies. He further noted that the staff was recommending denial.

Councilman Garcia stated that he was in agreement with Mr. Moncivais, but said that there were not a lot of fast food restaurants or other businesses in District 5, and questioned why staff was recommending denial.

In response to Councilman Garcia on the denial recommendation, Mr. Ray Lozano, Land Development Services, explained that they were keeping with the Master Plan. He explained that it was in conflict with the Neighborhood Plan which is a component of the Master Plan.

Councilman Garcia stated that he would hate to go against the neighborhood plan, but indicated that he had received many letters from people in that area who are in favor of a Jack in the Box being built. He said that it would be good for the citizenry of District 5, especially since there was a shortage of service in this area. He spoke in favor of the change to the Master Plan.

Mayor Garza stated that the issue was more on the communication with the stakeholders, and stated that those involved worked hard in developing the plan. He stated logic would determine that this is a commercial site and that a Jack in the Box would be great, but the concern was more on the issue of communication.

Councilman Garcia suggested that the City seize any opportunity that comes forward, and that if the City has to change something, but because of a plan they cannot, then the City is not being consistent. He stated that this was a great opportunity for District 5.

Mayor Garza noted that he wasn't sure if the correct process was followed. He also cited the support of the owners, and that this was a plan that can be changed, but indicated that he wasn't sure if the way the Council was changing it, respected the work of so many people who put a lot of effort into this plan.

Councilwoman Moorhouse indicated that the area in question bordered District 3, and stated that the residents of this district are in favor of a Jack in the Box being built because it would allow for them to have more choices.

Mr. Moncivais clarified that in terms of notification, they sent notices out to people who were within 200 feet of the area in question and to the Neighborhood Associations involved. He explained that the way the configuration of the land is, the area to the north would probably come into commercial use sometime in the future.

In response to Councilman Perez' question as to the process they used for the notification, Mr. Lozano explained that they mailed out notices as required by State Law. He sent out 45 notices to the property owners of the surrounding area.

Councilman Sanders stated that he would be supporting his colleagues' initiatives. He further noted that the master plan was the guide to the future, and it was the spirit of what the people wanted. He also stated that the community deserves to have choices. He also made reference to the large number of signatures submitted of all those who were in favor of having this Jack in the Box built.

Councilwoman Moorhouse stated that in the upcoming legislation, there would be new things that would affect homeowners and the association as far as their rules and regulations are concerned. She stated the plans were good, and that this project would not be an eyesore, and that it would in fact increase property value. She further noted that she didn't know of anything bad that would come from bringing the Jack in the Box to this area.

Mr. Moncivais clarified that 90 notices were sent out for the Planning Commission's amendment process.

Councilman Garcia thanked Councilman Perez and his other colleagues for highlighting all the notifications that were sent out. He stated that it was incumbent for the citizens to stay notified of what is going on in the City, especially with all the changes taking place. He then thanked the staff for their presentation.

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

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2003-01 ZONING HEARINGS – CITIZEN COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to various zoning cases.

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of Lot 4, Lots 7 through 9, Lots 13 through 17, NCB 1917, Lots 1 through 4, and Lot 7, Block 49, NCB 348, Tract A, NCB 104, Lots 1 through 6, Block 38, NCB 347, Lot 35, Block 1, NCB 3077, and Lots 26 and 29, Block 2, NCB 3076, 800 West Myrtle. 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 following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro, Conner.

AN ORDINANCE 97003

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 "C-3 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT, "C-3 COMMERCIAL DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3 NA S" COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BUS MAINTENANCE FACILITY FOR A GOVERNMENT MASS TRANSIT AUTHORITIES OF THE STATE OF TEXAS ON THE PROPERTY LISTED AS FOLLOWS:

ALL OF NCB 345; LOTS 1 THROUGH 3, THE NORTH 3.72 FEET OF LOT 4, LOTS 7 THROUGH 9, LOTS 13 THROUGH 17, NCB 1917; LOTS 1 THROUGH 4, AND LOT 7, BLOCK 49, NCB 348; TRACT A, NCB 104; LOTS 1 THROUGH 6, BLOCK 38, NCB 347; LOT 35, BLOCK 1, NCB 3077; AND LOTS 26 AND 29, BLOCK 2, NCB 3076, 800 WEST MYRTLE.

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4C.) CASE NUMBER #Z2002170 - The request of City of San Antonio, Applicant, for Winston & Bobbie Jane Butler, Owner(s), for a change in zoning to designate historic significance on west 77 feet of Lot 18, Block 109, NCB 1386, 701 Montana Street. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained that the applicant had withdrawn his request.

Zoning Case Z2002170 was withdrawn by the applicant.

4D.) CASE NUMBER #Z2002221 - The request of David L. Hamilton & Charles E. Odom, Applicant, for David L. Hamilton and Charles E. Odom, Owner(s), for a change in zoning from "R-4" Residential Single Family District to "C-3 NA" Commercial Nonalcoholic Sales District on Lots 28 and 29, Block 4, NCB 10263, 375 and 379 Morningview Drive. Staff's recommendation was for denial.

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

AN ORDINANCE 97004

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 28 AND 29, BLOCK 4, NCB 10263, 375 AND 379

MORNINGVIEW DRIVE, FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

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4E.) CASE NUMBER #Z2002219 - The request of Tomas & Amalia Guerrero, Applicant, for Tomas Guerrero, Amalia Guerrero, Owner(s), for a change in zoning from "C-2" Commercial District to "MH" Manufactured Housing District on Lots 1B and 1C, NCB 15666, 12132 Highway 281 South. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 3)

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

Councilwoman Moorhouse motioned for a continuance until January 23, 2003 to consider "R6 C" residential district for a special condition for 2 manufactured homes.

Mr. Lozano stated that it would be readvertised for the "R6" condition.

The following citizen(s) appeared to speak:

Ms. Norma Garcia, 13403 Bell Dr., spoke in opposition to this zoning case. She stated that it was a step down for the value of the area and noted that mobile homes are not the way to go.

Councilwoman Moorhouse thanked those who spoke on this issue. She mentioned that this was a piece of property that was family owned, and the reason for her motion was because she was in favor of manufactured homes, but only these two. She stated that this was her requirement.

Ms. Garcia stated that she wanted to meet with the Councilwoman to discuss further. She expressed her concern about what would happen 5 years from now if the family wanted to rent the homes out.

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Councilwoman Moorhouse made a motion to continue this rezoning case until the City Council meeting of January 23, 2003. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until January 23, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

Zoning Case #Z2002219 was continued to the Council meeting of January 23, 2003.

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4F.) CASE NUMBER #Z2002196 - The request of Glenn Lynch, Applicant, for Glenn Lynch, Trustee, Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District to "MF-33" Multi-Family District on 19.205 acres out of NCB 11295, 7311 Somerset Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

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

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

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

AN ORDINANCE 97005

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 19.205 ACRES OUT OF NCB 11295, 7311 SOMERSET ROAD, FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

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4G.) 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.

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

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

AN ORDINANCE 97006

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 8, BLOCK 1, NCB 15632, 5411 SHERRY DRIVE, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MH" MANUFACTURED HOUSING DISTRICT.

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4H.) CASE NUMBER #Z2002245 S - The request of Nora E. & Eric Leal, Applicant, for Steven Sinkin, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a specific use authorization for a group daycare home on Lot 2, Block 12, NCB 15910, 1343 Cavern Trail Drive. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 4)

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

Councilman Martin thanked Ms. Nancy Englebert and the Neighborhood Association who worked on this extensively with the applicants. He then motioned for approval of the proposed rezoning. Councilman Garcia seconded the motion.

The following citizen(s) appeared to speak:

Ms. Geneva Moore, 1375 Cavern Trail, stated that she spoke on this item before it was brought forward to the Zoning Commission. She stated that the house was near a busy intersection, and she expressed her concern about how this could be dangerous for the children. Because of the busy intersection, she stated that it was vital for the day care owner to keep a good eye on the children.

Ms. Nora Leal, 1343 Cavern Trail, applicant, stated that she had been conducting her business for 2 years. She noted that nothing would change in her house, and the safety of the children is her main concern.

Ms. Nancy Englebert, 10486 Pine Glade, representing the Heritage Neighborhood Association, noted that two people from her neighborhood association are designated for the zoning committee. She noted that the applicant went to their zoning meeting, and they in turn went to her house to take a look at it. She stated that the applicant needed to have a change in zoning because they do have 12 children they watch over – 4 of which belong to them, and they were hoping to start taking care of infants as well, which required them to change the zoning. She did explain that Prescott was a busy street, but there were speed bumps.

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Councilman Martin noted that the Leal's do take precautions, and were genuinely concerned about the children they watched over.

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

AN ORDINANCE 97007

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLOCK 12, NCB 15910, 1343 CAVERN TRAIL DRIVE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 S"

RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE
AUTHORIZATION FOR A GROUP DAYCARE HOME.

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4I.) CASE NUMBER #Z2002247 - The request of Richard R. Whitcher, Jr., Applicant, for Richard R. Whitcher Jr., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MH" Manufactured Housing District on Lot 7, Block 1, NCB 15629, 5115 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.

Councilman Martin stated that there were some stipulations that he and the applicant, Mr. Richard Whitcher, had agreed on.

The following citizen(s) appeared to speak:

Mr. Richard Whitcher, applicant, stated that he wanted to change the zoning from "I6" to Manufactured homes that would be permanently installed. He described a picture of the area in question, and he also spoke in favor of the zoning.

Councilman Martin stated that these lots are unfortunately cut larger. He thanked Mr. Whitcher for his work with the individuals in that area being affected by this change.

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

Mr. Rex Sterns, 7910 Dempsey St., indicated that he would be buying a manufacturing home to put in this location.

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

AN ORDINANCE 97008

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS ON LOT 7, BLOCK 1, NCB 15629, 5115 SHERRY DRIVE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MH" MANUFACTURED HOUSING DISTRICT.

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4J.) CASE NUMBER #Z2002251 - The request of Baptist Child & Family Services, Applicant, for Baptist Child & Family Services, Owner(s), for a change in zoning from "R-6" Residential Single Family District and "MF-33" Multi-Family District to "C-3" Commercial District on 65.29 acres out of NCB 15602, 7404 West Highway 90. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "C-3NA". (Council District 4)

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

Councilman Martin made a motion to reconsider the proposed rezoning at a later time. Councilwoman Moorhouse seconded the motion.

Following discussion, it was agreed to temporarily postpone further consideration of this agenda item until later in this meeting.

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

Zoning Case Z2002251 was set aside for reconsideration at a later time.

(See Page 28 for resumption of consideration of this agenda item.)

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4K.) CASE NUMBER #Z2002216 - The request of Jack in the Box, Inc., Applicant, for Wilbco Inc., Owner(s), for a change in zoning from "MF-33" Multi-Family District to "C-2" Commercial District on Lots A-15 and A-16, Block E1/2, NCB A-9, 843, 905 & 907 Probandt Street. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 5)

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

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke in opposition to this zoning case, and outlined reasons for his opposition. He noted that Councilman Garcia was elected to represent the citizens of District 5. He further stated that there was a reason for the City having a "Master Plan."

Councilman Garcia stated that he agreed with Mr. Finger in theory, but indicated that he worked for the constituents of District 5, and he has received many letters from the community who are in favor of this project.

Ms. Brenda Mendez, 907 Probandt, stated that this project would be good for the community. She said that it would offer more jobs.

Ms. Catarina Martinez, 907 Probandt, stated that she was in favor of the proposed rezoning, and said that this was a great opportunity for the community. She further noted that they did need a change in their choices of restaurants.

Ms. Berta Valdez, 6108 Rue Des Amis, spoke in favor of this zoning case and noted that it would be good for the community.

Mr. Felix Chavez, 246 Oelkers, spoke in favor of the proposed zoning case.

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

AN ORDINANCE 97009

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 A-15 AND A-16, BLOCK E1/2, NCB A-9, 843, 905 & 907 PROBANDT STREET, FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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4L.) 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 17872, the 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 zoning case.

Councilman Barrera recommended continuance for 3 weeks.

Councilman Barrera made a motion to continue this rezoning case until the City Council meeting of January 23, 2003. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until January 23, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Martin, Barrera, Castro, Conner, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Garcia, Schubert.

Zoning Case #Z2002222 was continued to the Council meeting of January 23, 2003.

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Family Planned Unit Development District on 92.34 acre tract of land out NCB 17642, 4100 Block of Wiseman Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case, and stated that they would need 9 votes for it to pass.

Councilman Barrera stated that the developer was still negotiating and made a motion to continue this rezoning case until the City Council meeting of February 13, 2003. Councilman Carpenter seconded the motion.

The following citizen(s) appeared to speak:

Mr. Larry Romo stated he has been receiving a lot of phone calls from citizens who have stated they are for approval of this zoning. He suggested to Mr. Barrera that he consider negotiating. He further stated letters from constituents have been sent to the Councilman's office, but they have not gotten a response.

Mr. Phil Garay explained they are in negotiations with the developer, and he urged the City Council to support this zoning case.

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

Zoning Case #Z2002258 was continued to the Council meeting of February 13, 2003.

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4N.) CASE NUMBER #Z2002234C - The request of Edward & Margaret Marotta, Applicant, for Ruben & Irma Perales, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "R-5 C" Residential Single-Family District with a conditional use for a day care center on the North Irregular 50 feet of Lots 4, 5, & 6, except the south 37.51 feet, Block 3, NCB 11443, 2250 Benrus Boulevard. Staff's recommendation was for denial.

Zoning Commission has recommended approved. (Council District 7)

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

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

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

AN ORDINANCE 97011

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 IRREGULAR 50 FEET IN ALL OF LOTS 4, 5, & 6 EXCEPT THE SOUTH 37.51 FEET, BLOCK 3, NCB 11443, 2250 BENRUS BOULEVARD, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE CENTER.

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40.) CASE NUMBER #Z2002256 - The request of City of San Antonio, Applicant, for Various Owners, for a change in zoning to designate properties as part of the Monticello Park Historic District on Lots 1 through 7 and 12 through 27, NCB 9074, Lots 1 through 28, NCB 9075, Lots 1 through 8, 12 through 23, and 25, NCB 9076, Lots 1 through 20, NCB 9077, Lots 1 through 10, 16 through 19, and 38 through 42, NCB 9078. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

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

Councilman Castro said that this was a significant extension of the boundaries of the Monticello Historic District.

The following citizen(s) appeared to speak:

Mr. Richard Tankersley, 2135 W. Summit, 2nd VP of Monticello Home Association, said that it was a wonderful thing to be considered a historic district. He stated that his neighbors have become more interested in their community. He urged the Council to support this zoning.

Mr. Eric Fauser, 2322 W. Gramercy Place, noted that those in his neighborhood have a sense of "community" and everyone interested in this has worked really hard. He noted that their goal is to maintain what they have.

Mr. Albert Clayton, 758 Donaldson, said that they are requesting the church property be deleted. He said that they are not against historic redistricting, but stated that it would be financially disadvantageous for the church to be included in this redistricting.

Mr. Wilbur Fite, 758 Donaldson, Chairman of the board of trustee for Jefferson United Methodist Church, urged the Council to delete the church property from the historic district.

Ms. Melissa Fauser, 2322 W. Gramercy Place, spoke in favor of the proposed area becoming a historic district. She said that they bought their home 5 years ago never thinking that it would be considered historic. She said that it was important for those homes to be recognized and preserved. She further pointed out that 62% of the proposed area in question did vote in favor of the change, and reminded the City Council that the Historic Design Review Board also voted in favor.

Mr. Roberto Hinkson, 426 Mary Louise Dr., President of the Monticello Neighborhood Association, said that they didn't want to cause economic distress to the Methodist United Church.

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Councilman Castro stated that he supported the extensions of these boundaries for Monticello Park. He said that it was a lovely neighborhood – a diverse area and a good mix. He thanked Mr. Tankersley and all those who played a part in making this happen. He expressed concern about whether or not the Jefferson United Methodist Church was notified.

Mr. Lozano explained that they did mail the Church 2 notices, and they did receive a card back which indicated the letter had been delivered to the church.

Ms. Ann McGlone confirmed that she received a letter from the board of trustees, which indicated that it was not a church member who opposed it, but the board of trustees of the Church.

Councilman Castro stated that he was sensitive to the argument in the particular case of the Church and their financial difficulties. He stated that he wanted to temporarily leave the Church out, although in all likelihood, it would be included in this historic district at some point.

Mr. Lozano described the lots that would be deleted.

Councilman Castro motioned for approval with the exception of the lots that Mr. Lozano described.

Councilman Castro made a motion to approve the proposed rezoning, and continue the deleted properties for 3 months. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 97012

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 TO DESIGNATE PROPERTIES AS PART OF THE MONTICELLO PARK HISTORIC DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:

LOTS 19 THROUGH 27, NCB 9074; LOTS 1 THROUGH 28, NCB 9075; LOTS 1 THROUGH 8, 12 THROUGH 23, AND 25, NCB 9076; LOTS 1 THROUGH 20, NCB 9077; LOTS 1 THROUGH 10, 16 THROUGH 19, AND 38 THROUGH 42, NCB 9078

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4P.) 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 23, 2003. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until January 23, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin, Barrera, Castro.

Zoning Case #Z2002195 was continued to the Council meeting of January 23, 2003.

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4Q.) 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 23, 2003. Councilman Sanders seconded the motion.

After consideration, the motion to continue this case until January 23, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin, Barrera, Castro.

Zoning Case #Z2002229 was continued to the Council meeting of January 23, 2003.

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4R.) CASE NUMBER #Z2002248 - The request of Hermansen Land Development, Applicant, for Brazos De Santos Partners, Ltd., Owner(s), for a change in zoning from "R-6 ERZD" Residential Single-Family, Edwards Recharge Zone District to "PUD C-3 ERZD" Planned Unit Development, Commercial, Edwards Recharge Zone District on Lot 3 and Parcel 100, NCB 14854, the northeast corner of North Loop 1604 and Old Fredericksburg 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 following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin, Castro.

AN ORDINANCE 97013

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 AND PARCEL 100, NCB 14854, THE NORTHEAST CORNER OF NORTH LOOP 1604 AND OLD FREDERICKSBURG ROAD, FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY, EDWARDS RECHARGE ZONE DISTRICT TO "PUD C-3 ERZD" PLANNED UNIT DEVELOPMENT, COMMERCIAL, EDWARDS RECHARGE ZONE DISTRICT.

* * * *

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

1. The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.
 - A. A Water Pollution Abatement Plan (WPWP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Commission on Environmental Quality approving each WPAP,
 - D. A copy of the approved WPAP,

E. An Aquifer Protection Plan, if required.

2. All stormwater run-off from the commercial development shall be directed to a water pollution abatement structure that shall be reviewed by the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.
3. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7305 to schedule a site inspection.
4. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7305.
5. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
6. All required grease traps and oil separators shall be properly installed and maintained. A licensed waste handler must perform removal of wastes.
7. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
8. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
9. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
10. The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.
11. The storage, handling, use and disposal of all hazardous materials within this development shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal Law.
12. The City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction according to State and City Regulations and Code.

13. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7305.

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

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

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

SECTION 4: This ordinance is not severable.

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4S.) CASE NUMBER #Z2002252 - The request of Kaufman & Associates, Inc., Applicant, for LS Boardwalk L.L.C., Jim Ellis Trustee, Owner(s), for a change in zoning from "O-2" Office District to "C-2" Commercial District on .5671 of an acre out of Parcels 22 & 24, NCB 34730, 23535 IH-10 West. 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 following Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Garcia, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin, Castro.

AN ORDINANCE 97014

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 .5671 OF AN ACRE OUT OF PARCELS 22 & 24, NCB 34730, 23535 IH-10 WEST, FROM "O-2" OFFICE DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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4T.) CASE NUMBER #Z2002253 - The request of Earl & Brown, P.C., Applicant, for F.C. Properties One, Ltd.c/o First City Servicing Corporation, Owner(s), for a change in zoning from "DR" Development Reserve District to "R-4" Residential Single-Family District (112.77 acres) and "I-1" General Industrial District (96.95 acres) on 209.72 acre tract of land out of CB 4479, northeast side of 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 approve the proposed rezoning. Councilman Garcia seconded the motion.

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

AN ORDINANCE 97015

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 209.72 ACRE TRACT OF LAND OUT OF CB 4479, NORTHEAST SIDE OF BRAUN ROAD, NORTHEAST CORNER OF LESLIE ROAD AND BRAUN ROAD, FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "R-

4" RESIDENTIAL SINGLE-FAMILY DISTRICT (112.77 ACRES) AND "I-1" GENERAL INDUSTRIAL DISTRICT (96.95 ACRES).

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4U.) CASE NUMBER #Z2002236 - The request of Gordon V. Hartman Enterprises, Inc., Applicant, for Gordon V. Hartman Enterprises, Inc., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District and "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "R-6 PUD ERZD" Residential Single-Family Planned Unit Development Edwards Recharge Zone District on 71.777 acres out of NCB 18218, extending south from the block of Marshall Road between Bulverde Road and U.S. Highway 281 (approximately 1000 feet west of Bulverde Road). Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

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

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

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

AN ORDINANCE 97016

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 71.777 ACRES OUT OF NCB 18218, EXTENDING SOUTH FROM THE BLOCK OF MARSHALL ROAD BETWEEN BULVERDE ROAD AND U.S. HIGHWAY 281 (APPROXIMATELY 1000 FEET WEST OF BULVERDE ROAD), FROM "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "R-6 PUD ERZD" RESIDENTIAL SINGLE-

FAMILY PLANNED UNIT DEVELOPMENT EDWARDS RECHARGE ZONE DISTRICT.

* * * *

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

1. The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.
 - A. A Water Pollution Abatement Plan (WPWP) shall be submitted for each particular development/use within the area being considered for re-zoning,
 - B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Commission on Environmental Quality approving each WPAP,
 - D. A copy of the approved WPAP,
4. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department (210) 704-7392 to schedule a site inspection.
5. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7392.
6. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
7. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other Best Management Practices (BMP) after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
9. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.

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

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

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

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

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

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

SECTION 4: This ordinance is not severable.

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4V.) CASE NUMBER #Z2002243 - The request of Concordia Group, Applicant, for Concordia Group, Owner(s), for a change in zoning from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial, Nonalcoholic Sales Edwards Recharge Zone District on 2.26 acres out of NCB 16334, Blanco Springs near North Loop 1604. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

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

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

Councilman Schubert then called Mr. Paul Denim forward.

The following citizen(s) appeared to speak:

Mr. Paul Denim indicated that in effect, the zoning was fine, but he explained that in the Unified Development Code, they are required to install a solid screen fence, but the adjacent tract had already installed a rail fence, and the owner preferred that they not construct a barrier fence.

* * * *

Mr. Roderick Sanchez, Development Services, advised that it was okay to do this.

Councilman Schubert amended this motion for rezoning so as to include the letter from the Property Owner who asked not to have a barrier fence placed around the area. Councilman Garcia seconded the motion.

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

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

AN ORDINANCE 97017

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 2.26 ACRES OUT OF NCB 16334, BLANCO SPRINGS NEAR NORTH LOOP 1604, FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 NA ERZD" COMMERCIAL, NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT.

* * * *

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

1. The following shall be submitted to the Resource Protection Division of the San Antonio Water System prior to the release of any building permits:
 - A. A Water Pollution Abatement Plan (WPWP) shall be submitted for each particular development/use within the area being considered for re-zoning,

- B. A set of site specific plans which must have signed Engineers Seal from the State of Texas,
 - C. A letter from the Texas Commission on Environmental Quality (TCEQ) approving each WPAP,
 - D. A copy of the approved WPAP,
 - E. An Aquifer Protection Plan, if required.
2. All stormwater run-off from the commercial development shall be directed to a water pollution abatement structure that shall be reviewed by the Resource Protection Division of the San Antonio Water System prior to the release of any building permits.
 3. After the water pollution abatement structure construction is complete and prior to the start of business, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7305 to schedule a site inspection.
 4. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7305.
 5. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
 6. According to the provisions contained in the Edwards Rules 30 TAC, Section 213.5 (b) (5), the WPAP applicant is responsible for maintaining the permanent water pollution abatement structures and all other BMP's after construction until such time as the maintenance obligation is either assumed in writing by another entity having ownership or control of the property (such as without limitation, an owner's association, a new property owner or lessee, a district, or municipality) or the ownership of the property is transferred to the entity. Such entity shall then be responsible for maintenance until another entity assumes such obligations in writing.
 7. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the re-zoning is approved. Should a proposed use be listed as requiring City Council approval, the owner/operator shall apply for re-zoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
 8. Landscaped areas shall be sensitive to minimizing water needs (i.e. use of native plants). The owner/operator of this development and each purchaser or occupant of an individual lot within this development shall be informed in writing about Best Management Practices (BMP) of pesticide and fertilizer application. "Preventing Groundwater Pollution, A Practical Guide to Pest Control", available from the Edwards Aquifer Authority (210) 222-2204, or equivalent information produced by recognized authorities such as the Soil Conservation Service, Texas Department of Agriculture, U.S. Department of Agriculture, etc. shall be used.
 9. The owner/applicant of this development shall contact the San Antonio Water System at (210) 704-7259 to obtain information about commercial conservation programs and rebate opportunities.

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

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

12. If any solution openings, caves, sinkholes, or wells are found during the excavation, construction, or blasting, the developer shall notify the Texas Commission on Environmental Quality at (210) 490-3096 and the Aquifer Protection & Evaluation Division of the San Antonio Water System at (210) 704-7305.

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

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

SECTION 3: The City Council approves this zoning so long as the following condition is met:

1. The subject property is exempt from the Residential protection fencing requirement as defined by Section 35-514 (e) (1) of the Unified Development Code. This exemption is permitted by Section 35-514 (e) (3) of the Unified Development Code.

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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4W.) 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 "R-6 C" Residential Single-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.

Councilman Carpenter motioned for approval of the proposed rezoning with conditions. Councilman Garcia seconded the motion.

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

AN ORDINANCE 97018

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 2, NCB 16889, 6900 BLOCK OF EAST SUNBELT DRIVE, FROM "C-3 R" COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT TO "R-6 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A 54-UNIT SENIOR CITIZEN APARTMENT COMPLEX ON THE PROPERTY.

* * * *

SECTION 2: The City Council finds as follows:

1. Such use will not be contrary to the public interest; and
2. Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district; and
3. Such use will be in harmony with the spirit and purpose as set forth in Section 35-422,
4. "Conditional Zoning" of the Unified Development Code; and
5. Approval of the "Conditional Zoning" with conditions is necessary to ensure compliance with Federal Aviation Regulations; and

6. 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; and
7. The use will not adversely affect the public health, safety and welfare.

SECTION 3: The City Council approves this Conditional Use subject to the following conditions:

1. All construction is in accordance with UDC MF-33 Residential Multi-Family District development standards with front yard setbacks along Sunbelt Drive and Target Road, a rear yard setback along Corrine Drive, and a side yard setback along the northern property line.
2. All construction is in accordance with Federal Aviation Regulations, Part 150, Airport Noise Compatibility Planning Table 1.
3. An avigation easement is dedicated to the City of San Antonio.
4. The operation of the property is a public use of the property.
5. Written notice is provided to prospective residents that the apartment complex is within the Airport Noise Impact Area.

SECTION 4: All other provisions of Chapter 35, as amended, shall remain in 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 5: This ordinance is not severable.

* * * *

4X.) CASE NUMBER #Z2002241 - The request of Dirt Dealers III, Ltd. , Applicant, for Dirt Dealers III, Ltd., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "R-4" Residential Single Family District on 11.36 acres out of NCB 17153 and from "R-6" Residential Single Family District to "C-2 NA" Commercial Non Alcoholic Sales District on .41 acres out of NCB 17153 and from "R-6" Residential Single Family District to "C-3 NA" Commercial Non Alcoholic Sales District on 2.24 acres out of NCB 17153 on 14.01 acres out of NCB 17153, Nacogdoches Road, west of Falcon Crest. 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 Conner seconded the motion.

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

AN ORDINANCE 97019

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 14.01 ACRES OUT OF NCB 17153, NACOGDOCHES ROAD, WEST OF FALCON CREST, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT ON 11.36 ACRES OUT OF NCB 17153 AND FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 NA" COMMERCIAL NON ALCOHOLIC SALES DISTRICT ON .41 ACRES OUT OF NCB 17153 AND FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3 NA" COMMERCIAL NON ALCOHOLIC SALES DISTRICT ON 2.24 ACRES OUT OF NCB 17153.

* * * *

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

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

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

SECTION 2: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

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

SECTION 4: This ordinance is not severable.

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4Y.) CASE NUMBER #Z2002242 - The request of Thomas D. Roland, Applicant, for Thomas D Roland, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3NA" Commercial Nonalcoholic Sales District on Parcel 14B, NCB 15724, in the rear of 13242 Lookout 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.

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

AN ORDINANCE 97020

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 14B, NCB 15724, IN THE REAR OF 13242 LOOKOUT ROAD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

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Mr. Faris Hodge, Jr., 140 Dora, spoke about the land swapping and said that if they had to re-do the river, that they would have to have a high bank. He stated that this part of the river is something that the City hasn't done anything about, and he questioned whether the City had plans to do anything in the future. He spoke in favor of this Ordinance.

Mr. Habib Ercon, 111 Soledad, representing Continental Homes and ABG, Inc., spoke about the property and urged the Council to support this Ordinance.

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

The Clerk then read the following Ordinance:

AN ORDINANCE 97021

CLOSING, VACATING AND ABANDONING A 0.142 ACRE PORTION OF RIVER ROAD PUBLIC RIGHT OF WAY LOCATED BETWEEN EAST ASHBY STREET AND HIGHWAY 281 NORTH, AS REQUESTED BY THE PETITIONER, DAVID H. ARRINGTON IN EXCHANGE FOR A 0.183 ACRE PARCEL OF LAND LEGALLY DESCRIBED AS THE REMAINDER OF NCB A-2, AND ALSO DESCRIBED AS TRACT "C", BOUNDED BY RIVER ROAD, EAST ASHBY STREET, AND ELMIRA STREET, BOTH PARCELS VALUED EQUALLY AT \$24,854.00, AS CONSIDERATION.

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

Councilman Perez indicated that this Ordinance would resolve the issue of encroachment, and further indicated that the City would also be getting a release.

Ms. Waldman clarified that the City would not be receiving a fee, and the willow tree which is in the area of question would not be taken down.

Councilman Perez gave a brief update regarding the river overlay issues.

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

Councilwoman Conner thanked Councilman Perez for his work on the project.

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2003-01 STAFF BRIEFING ON THE PROPOSED REVISIONS TO THE HOUSING PROGRAM POLICIES FOR FUNDED PROJECTS

Mr. Andrew Cameron, Director, Department of Housing and Community Development, began his briefing on the proposed revisions to the Housing Program Policies. He then introduced Ms. Ivy Taylor, HOME Coordinator.

Ms. Ivy Taylor, HOME Coordinator, Housing and Community Development, narrated a slide presentation regarding the proposed Community Development Block Grant (CDBG) and Home Investment Partnership Grant (HOME) Housing Program Policies, a copy of which was made part of the official papers of this meeting. She detailed the executive summary and expounded on the background information on these policies. She further discussed the new policy on waiting lists and unspent funding. She further explained how the new policies are designed to maximize efficient use of CDBG and HOME funds for housing while accomplishing several goals outlined in the Housing Master Plan.

Mr. Cameron spoke to the proposed schedule on slide 42. He stated that many have asked him how much the City Council would receive on their allocation, and he explained that there was going to be a reduction in the funds. He then stated that they would have to use the 1990 census data to qualify projects for the upcoming budget, and in the event that the project isn't available, it would be grandfathered for the 2000 census.

Councilwoman Conner spoke to the use of the 1990 census being problematic.

Councilman Perez indicated that it was a lot of material being addressed to them, and he urged the City to be cautious. He noted that Districts 1 – 7 would probably be more affected. He further stated that it was important to note that this was a thorough process. He spoke to the waiting list in 1999.

In response to Councilman Barrera's request for examples for slide 22, Ms. Taylor gave examples and indicated that staff was seeking to prevent funds from sitting. She further

noted that they didn't want to fund agencies that hadn't been successful in using their funds.

Mr. Cameron clarified that there was a provision for extenuating circumstances. He said that they are looking at entities that stockpile funds and don't implement the projects.

Councilman Martin stated that he appreciated the work that the office has done, especially on projects that needed to get finished. He said that the importance of completing these projects is even more paramount now. He then requested an explanation on the difference for HOME funds and CDBG funds.

In response to Councilman Martin's question as to what the difference was in HOME and CDBG funds, Mr. Cameron explained that CDBG funds allowed for housing rehabilitation and public service projects, but new construction could not be done on housing, and HOME funds are designed specifically for housing. He spoke to the opportunities that would benefit others besides the low-income population.

Councilman Martin stated that it was important to utilize dollars effectively. He further encouraged that the City be more creative in how they invest and utilize dollars. He then thanked Mr. Cameron for their work on this project.

Councilwoman Conner expressed appreciation to Assistant City Manager Ms. Jelynn LeBlanc Burley, and suggested that when a new City Council is on board, they needed to educate them about these items.

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2003-01 The Clerk read the following Resolution:

A RESOLUTION
NO. 2003-01-02

SETTING TIMES, DATES AND LOCATIONS FOR TWENTY (20) NEIGHBORHOOD PARTICIPATION MEETINGS AND TWO (2) CITY COUNCIL PUBLIC HEARINGS REQUIRED FOR THE CITY'S ANNUAL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP GRANT (HOME), HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA), AND EMERGENCY SHELTER GRANT (ESG) CONSOLIDATED PLAN/BUDGET PROCESS FOR FY 2003 - 2004.

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

Ms. Jeanetta Tinsley, Community Development Coordinator, Community Housing and Community Development, explained that this Resolution would set the dates, times and locations for twenty neighborhood participation meetings and two City Council Public Hearings that will start at 7:00 p.m., a copy of which is on file with the papers of this meeting.

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

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2003-01

CITIZENS TO BE HEARD

MR. GIL MURILLO

Mr. Gil Murillo, 306 Brahan Bv., resident of District 2, urged the City Council to support the Ft. Sam Houston Gateway project. He recalled an incident with a former employer in which they spent \$8 million dollars of CDBG funds, and suggested to Council that they look at the County Commissioner's office method.

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MS. DIANE SMILGIN

Ms. Diane Smilgin, 750 Grayson, Business Owner on the gateway of Fort Sam Houston, thanked the City Council for the time that they have spent on this matter. She stated that business owners in that area had been promised a meeting with the base. She spoke to the meeting that they had with Congressman Gonzalez, and expounded on points of that meeting. She indicated that there were options to secure the base and allow the traffic to flow through.

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MR. J.R. HERNANDEZ

Mr. J.R. Hernandez, Cab Driver, indicated that he was representing the taxi driver community. He spoke to the ban on taxi drivers to solicit business. He further spoke to charter vans and temporary permits. He expounded on how the City has many more charter van operations.

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MR. RICHARD WORENKY

Mr. Richard Worenky, Business Owner on the Ft. Sam Houston Gateway, urged City Council to provide tax abatements and other incentives to those businesses who have been affected by the gate closure.

Councilman Sanders expounded on the meetings he had with the business owners in that particular neighborhood who have been affected by the Ft. Sam Houston Gate closure. He said that he contacted the Texas Department of Transportation (TxDOT) and other legislators, and stated that the businesses had received relief packages. He further explained that the jurisdiction of the base did not lie on the City Council. He further noted that he has met with staff to see what they could do about getting the gates open again. He again emphasized that the City cannot control that base, and said that these were issues that had to be worked out by the federal government. He spoke to the meetings they've had in an attempt to work something out about this problem. He further explained that the City is willing to work with those businesses in that area.

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MR. CRUZ CHAVIRA

Mr. Cruz Chavira, Taxi Driver, spoke to the fees collected and the insurance that they have to carry as taxi cab drivers. He urged Council to pay attention to what is happening to the taxi cab market, and how it is deteriorating. He expressed his disapproval about the City having one group of transportation operators who have vans, and how their regulations allow them to rent additional vehicles at \$25 per permit. He spoke to the difference in city permits for vans and taxis, and the money yielded by the City.

Deputy Police Chief Tyrone Powers concurred with Mr. Chavaria and noted that he and others were absolutely right about chartering companies having temporary permits. He

noted that some of the police who are in that area suspended some of those temporary permits. He did agree to look into the matter to see what they can do about this issue.

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MS. MARIA PFEIFFER

Ms. Maria Pfeiffer, 213 Washington, resident of District 1, submitted a petition containing the signatures of citizens who were against the renaming of Durango Street to H.F. Garcia Blvd. She explained to the Council that the signatures expressed something about the residents of San Antonio, and urged the Council to keep the name Durango and memorialize Judge Hippo Garcia in another way.

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MR. MIKE SCHROEDER

Mr. Mike Schroeder, King William Assoc., read a letter from the Board of Directors from the King William District. He spoke to the contributions of Judge Hippo Garcia and the problems that could occur with the name change of Durango Street. He stated that the King William Association concurs with the importance of honoring Judge Garcia, but urged Council to do so in a different way.

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MR. MICHAEL NYE

Mr. Michael Nye, King William Assoc., spoke in opposition to the name change of Durango and urged Council to rescind the Ordinance. He stated that Judge Garcia was a man of integrity, and he should be respected, but not by re-naming a street that too many citizens would be against. He indicated that the Councilman failed to notify the citizens of those in the area affected by the Durango Street name change. He urged the City Council to rescind the Ordinance because of the overwhelming opposition.

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MR. DON NOBLE

Mr. Don Noble, 102 Turner, business owner off of King William, expressed his disapproval of the name change, and said that Durango was an important downtown intersection. He spoke to the confusion being caused by the name change for many of his guests. He urged the Council to restore the street name to Durango Street.

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MR. LARRY ROMO

Mr. Larry Romo, 2906 Wood Knoll, outlined a letter regarding the endorsement of the International Channel. The letter was made a part of the official papers of this meeting.

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MS. PENNY BOYER

Ms. Penny Boyer, 127 Callaghan Ave., Lavaca N.A., spoke in opposition to the name change of Durango Street to HF Garcia Blvd. She encouraged the City to consider other means by which the late Judge could be honored.

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MR. FARIS HODGE, JR.

Mr. Faris Hodge, Jr., 140 Dora, spoke to various newspaper articles and cited various Council members who were mentioned in these newspaper articles.

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MS. JOYCE DORRYCOTT

Ms. Joyce Dorrycott, 301 S. Frio, spoke to a newspaper article regarding child abuse laws. She made reference to child abuse laws and the importance of these laws. She said that they have made a massive effort in this state to educate children to tell someone if

they were abused. She then spoke of an incident regarding a San Antonio Police Officer, and spoke about a rule in the contract and how it needs to be changed.

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MR. GEORGE KORBEL

Mr. George Korbel spoke to the street name change of Durango Blvd to H.F Garcia Blvd. He spoke to various streets named after other important people in our City, and also spoke to the complaints about buildings being named after someone and waiting for 25 years after they have been deceased. He gave various examples to street name changes made throughout the years. He applauded the City Council for the street name change.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, cited various biblical verses.

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MR. KYLE HENDRICKS

Mr. Kyle Hendricks, Suburban Transportation, spoke to the City's regulation of cabs. He stated that the market is only directed for military. He then spoke to the Ordinance involving shuttles, and read an excerpt from a supplementary permit.

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MR. JOHN MYRCIK

Mr. John Myrcik, Suburban Transportation, spoke to the importance of the supplementals and how important they were for the families employed. He spoke about the impact on his company and how they were struggling to survive. He urged the Council to look at the regulations set forth.

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MR. TOM NASER

Mr. Tom Naser, American Transportation, explained to the City Council that his employees have families, and by shutting them down, that the Council is shutting these families out of money. He spoke to the costs of maintaining his business and the revenue that the City gets from them. He urged the City Council to help them out.

Councilwoman Conner suggested Mr. Naser meet with Deputy Police Chief Tyrone Powers.

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Ms. Diane Smilgin spoke to Councilman Sanders' response to Mr. Worneky.

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2003-01 There being no further business to come before the City Council, the meeting was adjourned at 7:29 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk