



2003-06 Minutes of the Regular City Council meeting of January 9, 2003 were approved.

— — —  
2003-06 **ON A POINT OF PERSONAL PRIVILEGE**

Councilman Castro, on a point of personal privilege, introduced 3<sup>rd</sup> grade students from DeZavala Elementary School who were visiting the Council Chamber and learning about City government.

Councilwoman Herrera also welcomed the group to City Hall.

— — —  
2003-06 **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 8 through 22E, constituting the Consent Agenda, except for Items 9, 11, 13, 16, and 19, which were pulled for individual consideration. Councilwoman Moorhouse seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P. O. Box 12048, noted his objections to the approval of Agenda Item 17.

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

AN ORDINANCE 97174

ACCEPTING THE LOW, QUALIFIED BID SUBMITTED BY WILSON FIRE APPARATUS & EQUIPMENT TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH FIRE RESCUE EQUIPMENT FOR A TOTAL SUM OF \$34,955.00.

\* \* \* \*

AN ORDINANCE 97175

ACCEPTING THE BID FROM TEXAS HIGHWAY PRODUCTS, LTD., UTILIZING THE TEXAS DEPARTMENT OF TRANSPORTATION CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH VIDEO IMAGE VEHICLE DETECTION SYSTEMS FOR A TOTAL SUM OF \$98,011.50.

\* \* \* \*

AN ORDINANCE 97176

SELECTING BEATY & PARTNERS ARCHITECTS, INC. TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE MUNICIPAL FACILITIES IMPROVEMENTS WITHIN THE HISTORIC CIVIC CENTER, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$265,500.00; AUTHORIZING \$3,000.00 FOR REIMBURSABLE EXPENSES; AUTHORIZING \$2,500.00 FOR ADVERTISING EXPENSES AND \$15,000.00 FOR MISCELLANEOUS CONTINGENCY EXPENSES, FOR AN OVERALL TOTAL OF \$286,000.00 FROM 2002 CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 97177

APPROVING A RENEWAL AND EXTENSION OF THE AUTOMATED TELLER MACHINE (ATM) LICENSE AGREEMENT, AND INCORPORATING A SECOND AMENDMENT, BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO CITY EMPLOYEES FEDERAL CREDIT UNION (SACEFCU) FOR THE PLACEMENT OF ATM MACHINES ON CITY PROPERTY; APPROVING AN EXTENSION OF THE TERM OF LICENSE FROM MARCH 1, 2003 THROUGH FEBRUARY 29, 2008, AND ADDING TWO NEW LOCATIONS FOR A TOTAL OF 14, UNDER THE SAME TERMS AND CONDITIONS, EXCEPT THAT THE MONTHLY LICENSE FEE DUE TO THE CITY IS CAPPED AT THE TOTAL

AMOUNT OF FEES RECEIVED BY SACEFCU ASSOCIATED WITH FOREIGN TRANSACTION VOLUME AND ALTERNATE TRANSACTION VOLUME FOR EACH ATM, AS SUCH TERMS ARE DEFINED IN THE LICENSE AGREEMENT.

\* \* \* \*

AN ORDINANCE 97178

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$50,000.00 WITH THE SAN ANTONIO MOBILITY COALITION, INC. FOR ANNUAL MEMBERSHIP DUES FOR THE PERIOD FEBRUARY 1, 2003 THROUGH JANUARY 31, 2004; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 97179

AUTHORIZING THE RENEWAL OF A LICENSE AGREEMENT IN THE AMOUNT OF \$5,000.00 BETWEEN THE CITY OF SAN ANTONIO AND MONROE COUNTY, NEW YORK FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONTINUE TO USE CERTAIN LICENSOR'S BROADCAST PRODUCTS IN CONNECTION WITH THE "NOT ME, NOT NOW" ABSTINENCE-BASED TEENAGE PREGNANCY PREVENTION CAMPAIGN; APPROVING THE EXECUTION OF THE AGREEMENT WITH MONROE COUNTY FOR THE PERIOD FEBRUARY 27, 2003 THROUGH FEBRUARY 26, 2004; AND AUTHORIZING LICENSE FEE PAYMENT TO METRIX MARKETING, INC.

\* \* \* \*

AN ORDINANCE 97180

AUTHORIZING THE ACCEPTANCE OF AN ADDITIONAL GRANT AWARD TOTALING \$232,350.00 IN CASH ASSISTANCE FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO SUPPORT THE ONGOING HIV/AIDS PREVENTION AND SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003; AUTHORIZING EXECUTION OF THE

CONTRACT CHANGE WITH THE TDH; REVISING THE BUDGET FOR THE PUBLIC HEALTH STATE SUPPORT PROJECT 2003/2004 - FEDERAL ACCOUNT ESTABLISHED IN ORDINANCE NO. 97154 PASSED AND APPROVED FEBRUARY 6, 2003; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

\* \* \* \*

AN ORDINANCE 97181

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$100,000.00 WITH THE METROPOLITAN PARTNERSHIP FOR ENERGY TO PROVIDE CONTINUED TECHNICAL SUPPORT FOR SENATE BILL 5 ENERGY EFFICIENCY ISSUES AND TO BE A CLEARINGHOUSE FOR EDUCATIONAL PROGRAMS RELATED TO ENERGY EFFICIENCY AND CONSERVATION, FOR THE PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003; AND PROVIDING FOR PAYMENT.

\* \* \* \*

AN ORDINANCE 97182

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE DOWNTOWN AREA IN CONNECTION WITH THE MASONIC LODGE PROCESSION TO BE HELD ON SATURDAY, MARCH 1, 2003 FROM 8:45 A.M. TO 9:15 A.M.

\* \* \* \*

AN ORDINANCE 97183

APPOINTING ELLEN LOCKWOOD (DISTRICT 8) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2004.

\* \* \* \*

AN ORDINANCE 97184

REAPPOINTING MARY R. RITTGERS (DISTRICT 1) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2004.

\* \* \* \*

AN ORDINANCE 97185

APPOINTING FRANK PALMER (DISTRICT 8) TO THE CLEAN-UP CITY COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 24, 2005.

\* \* \* \*

AN ORDINANCE 97186

REAPPOINTING VERONICA R. GARCIA (DISTRICT 6) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

\* \* \* \*

AN ORDINANCE 97187

APPOINTING VERONICA R. GARCIA (DISTRICT 6) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

— — —

(At this point, Mayor Garza arrived at the meeting to preside.)

— — —

2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97188

ACCEPTING THE LOW BID SUBMITTED BY TIMBERLINE TECHNOLOGIES, L.L.C. TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH AN ANNUAL CONTRACT FOR THE RENTAL OF A HYDRO-AXE FOR AN ESTIMATED ANNUAL COST OF \$480,000.00.

\* \* \* \*

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

Mr. Tom Wendorf, Director of Public Works Department, narrated a slide presentation in which he spoke to the operation of a hydro-axe, its use in the removal of overgrown vegetation in natural and developed flood channels and specialized riparian zone training. He further spoke to the interest of NRCS, EPA, and TCEQ in the City's innovative and more environmentally friendly approach. A copy of the presentation is filed with the papers of this meeting.

In response to questions by members of the Council, Mr. Wendorf noted that this equipment would be used in the Salado Creek clean up, stating that only debris would be affected not the natural amenities. He spoke to the ineffectiveness of dredging, terms of the contract for this new piece of equipment, the cost to maintain and repair it and the purpose for renting rather than buying the equipment.

In response to questions from Councilwoman Moorhouse, Mr. Wendorf stated that City staff had met with members of the Salado Creek Foundation, the Leon Creek Coalition and the San Antonio River Authority to discuss this new equipment and its planned uses.

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

— — —  
2003-06      The Clerk read the following Ordinance:

AN ORDINANCE 97189

ACCEPTING THE LOW, QUALIFIED BIDS SUBMITTED BY HOLT CAT, COOPER EQUIPMENT CO., GAMBLE EQUIPMENT CO., INC., QUALITY EQUIPMENT, GRANDE TRUCK CENTER, NIECE EQUIPMENT, LLC, AND INDUSTRIAL DISPOSAL SUPPLY INC., TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH HEAVY EQUIPMENT FOR A TOTAL SUM OF \$3,554,089.52.

\* \* \* \*

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

Ms. Janie Cantu, Director of Purchasing & General Services, and Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation in which they spoke to the heavy equipment that would be utilized by Public Works in conjunction with the pavement reclamation enhancement program. A copy of the presentation is made a part of the papers of this meeting. The presentation also included information on the bid process, the cold planer milling machines, the self-propelled asphalt paver bids, the live bottom trailers, and the equipment's benefits.

The following citizen(s) appeared to speak:

Mr. Robert Hickson, Mecom Equipment Vendor, asked the City Council to honor the low bid.

In response to a question by Councilman Sanders, the staff stated that the equipment bid by the low bidder did not meet specifications.

Mr. Mike Lothian, CESA Equipment, stated that his company had bid Live Bottom Trailer Model LB 237 but that the equipment had numerous options. He added that in their bid they stated that their trailers met or exceeded all specifications. He asked the Council not to accept the bid recommended for approval but rather go out for a new bid if there were still questions about the suitability of their model.

Mr. John Clamp and Mr. Ed Black, also from CESA Equipment, reiterated comments made by Mr. Lothian affirming that LB 237 had met all the required specifications that were set out and their company should be recognized as lowest qualified bidders.

\* \* \* \*

A brief discussion ensued regarding the equipment being purchased and the bid process. Mr. Rocky Aranda, Public Works, explained the proposed use of the equipment.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97190

AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH VAUGHN CONSTRUCTION COMPANY IN THE AMOUNT OF \$679,534.00 IN CONNECTION WITH THE CARVER COMMUNITY CULTURAL CENTER, PHASE II COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

Mr. Roland A. Lozano, Assistant to the City Manager, stated that this Ordinance would authorize Phase II of the construction contract for structural building repairs of the Carver Community Cultural Center, a copy of which is on file with the papers of this meeting. He noted that the work for this phase would be completed in no later than 126 calendar days and that approval for Phase III of the project would be brought back to the Council for consideration at a later date.

Councilman Sanders thanked everyone involved in this project and stated that he was looking forward to the next phase of the work.

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

2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97191

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES, YOUTH SERVICES DIVISION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR THE SAFE AND DRUG FREE SCHOOLS AND COMMUNITIES GRANT IN THE AMOUNT OF \$259,956.00 TO IMPLEMENT A STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS (START) PROGRAM FROM SEPTEMBER 1, 2003 TO AUGUST 31, 2004 IN THREE SCHOOLS IN THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT.

\* \* \* \*

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

Mr. Dennis Campa, Director of the Department of Community Initiatives, narrated a slide presentation which offered information on the background, proposed action, accountability measures, and summary relating to an application by the Community Initiatives Department to the Office of the Governor, Criminal Justice Division for the Safe and Drug Free Schools and Communities Grant. A copy of this presentation is made a part of the papers of this meeting.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97192

ACCEPTING A DONATION OF \$5,000.00 FROM MILK-BONE/HEB ALLIANCE FOR THE PURCHASE OF A POLICE DOG FOR THE SAN ANTONIO POLICE DEPARTMENT'S K-9 DETAIL.

\* \* \* \*

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

Chief of Police Albert A. Ortiz, explained the purpose of this program and the donation the City received from Milk-Bone/HEB Alliance, a copy of which is on file with the papers of this meeting.

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

— — —  
2003-06      **ZONING HEARINGS**

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

Zoning Commission has recommended that case be sent to City Council for consideration. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

Councilman Sanders invited Mr. Aaron Seaman to come forward. Mr. Seaman, representing K. B. Homes, stated that K. B. Homes was committed to making potential homebuyers fully aware of the location of a landfill nearby and advising them whether it will directly or indirectly affect the community.

Councilman Sanders read a draft of a disclosure, which stated in part, (1) anyone interested in buying a home in the area be advised that it is adjacent to a landfill, and (2) that an association would be formed and a park would be developed by the builder. He stated that the disclosure would state that the builder would work with the City's Parks & Recreation Department to designate and develop the actual park. He further added that

based on the agreement reached of providing this disclosure to potential homebuyers, he would recommend the zoning for approval.

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

AN ORDINANCE 97193

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 58.363 ACRES OUT OF NCB 35098, 1100 BLOCK OF FOSTER ROAD, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT.

\* \* \* \*

— — —  
4B.) CASE NUMBER #Z2002244 - The request of C.G. (Greg) Huber, Applicant, for Norma L Jaksik, Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District to "L" Light Industrial District on Parcel 5, NCB 17996, 1437 FM 1516. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

The following citizen(s) appeared to speak:

Mr. Greg Huber, 2230 Pipestone, spoke to the proximity of the BFI Landfill and the decreased marketability of the property.

Mrs. Norma Jaceik, 7164 Tree Bend, noted that she proposed to turn this tract into 71 commercial acres.

\* \* \* \*

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

AN ORDINANCE 97194

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 5, NCB 17996, 1437 FM 1516, FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT.

\* \* \* \*

— — —  
2003-06      At this time, reference was made to Case Number 4E.

4E.)                      CASE NUMBER #Z2002240 S - The request of Daniel Burdin, Applicant, for Texas Home Improvement Inc., Owner(s), for a change in zoning from "PUD C-2 ERZD" Planned Unit Development Commercial Edwards Recharge Zone District to "PUD C-2 ERZD S" Planned Unit Development Commercial Edwards Recharge Zone District with a specific use authorization to permit a self-serve car wash on Lot 1, Block 3, NCB 16633, 7126 UTSA Blvd. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Councilwoman Conner made a motion to continue this rezoning case until the City Council meeting of February 27, 2003. Councilwoman Moorhouse seconded the motion.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Brad Burdin, 3740 Colony Drive, stated that the property is over the recharge zone.

Mr. Scott R. Halty, Director, Resource Protection & Compliance Department, stated that a storm water drainage plan had been approved.

\* \* \* \*

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

Zoning Case #Z2002240 S was continued to the Council meeting of February 27, 2003.

— — —

4F.) CASE NUMBER #Z2002261 - The request of Kaufman & Associates, Inc., Applicant, for Way Out West Ltd., LLC, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-3" Commercial District on 17.918 acre tract of land out of NCB 34732, 24165 and 24175 Interstate Highway 10 West. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin.

#### AN ORDINANCE 97195

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 17.918 ACRE TRACT OF LAND OUT OF NCB 34732,

24165 AND 24175 INTERSTATE HIGHWAY 10 WEST, FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT.

\* \* \* \*

4G.) CASE NUMBER #Z2002262 - The request of Vincent Huebinger, Vincent Gerard & Assoc., Applicant, for Angie Coppedge, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2" Commercial District on Lot 12, Block B, NCB 11609, 7323 Snowden Road. Staff's recommendation was for denial of "C-3" Commercial District and approval of "C-2" Commercial District.

Zoning Commission has recommended approval of "C-2" Commercial District. (Council District 8)

Mr. John Jacks, 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, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin.

AN ORDINANCE 97196

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 12, BLOCK B, NCB 11609, 7323 SNOWDEN ROAD, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

\* \* \* \*

4H.) CASE NUMBER #Z2002264 - The request of Kaufman & Associates, Inc., Applicant, for Beta Growth Investments, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" Commercial District on Parcel 7B, NCB 17702, 4919 Bacon Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

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

#### AN ORDINANCE 97197

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 7B, NCB 17702, 4919 BACON ROAD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT.

\* \* \* \*

— — —  
2003-06      At this time, reference was made to Case Number 4C.

4C.) CASE NUMBER #Z2002258 - The request of City of San Antonio, Applicant, for WOH Holdings INC c/o Charles Martin Wender, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 PUD" Residential Single-Family Planned Unit Development District on 92.34 acre tract of land out of NCB 17642, 4100 Block of Wiseman Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 6)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Barrera made a motion to continue this rezoning case until the City Council meeting of March 20, 2003. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke against the rezoning citing the high number of notices that had been returned in opposition of this rezoning.

\* \* \* \*

Councilman Barrera stated that the developer and owners associations were in favor of a continuance to allow more time for discussion.

After consideration, the motion to continue this case until March 20, 2003, prevailed by the following vote: **AYES:** Sanders, Moorhouse, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Martin, Conner.

Zoning Case #Z2002258 was continued to the Council meeting of March 20, 2003.

— — —

4D.) CASE NUMBER #Z2002267 - The request of Legacy Trails Development Joint Venture, Applicant, for Legacy Trails Development Joint Venture, Owner(s), for a change in zoning from "R-6" Single-Family District, "C-2" Commercial District and "C-3" Commercial District to "ED" Entertainment District on 135.2 acres out of NCB 17642, at the intersection of Hunt Lane and Highway 151. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

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

AN ORDINANCE 97198

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 135.2 ACRES OUT OF NCB 17642, AT THE INTERSECTION OF HUNT LANE AND HIGHWAY 151, FROM "R-6" SINGLE-FAMILY DISTRICT, "C-2" COMMERCIAL DISTRICT AND "C-3" COMMERCIAL DISTRICT TO "ED" ENTERTAINMENT DISTRICT.

\* \* \* \*

— — —  
2003-06      At this time, reference was made to Case Number 4I.

4I.)                    CASE NUMBER #Z2002254 - The request of J.S. Developments, Inc. - Katherine Soliz, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning from: "R-5" Residential Single-Family District to "R-4" Residential Single-Family District on Lots 2 and 3, Block 11, NCB 11727; Lots 1 thru 5, Block 14, NCB 11730; Lots 1 and 3, Block 18, NCB 11734; Lots 2 and 3, Block 19, NCB 11735; Lots 8 thru 14, Block 26, NCB 11742; Lot 1, 2 and 10, Block 29, NCB 11745; The northeast 62.5 feet of Lot 1, Block 33, NCB 11749, and to "MF-33" Multi-Family District, on Lots 9 thru 12, Block 10, NCB 11726; Lots 4, 5, 9, 10, 13 thru 16, Block 13, NCB 11729; Lots 4, 5, 6, 8 thru 13, the northeast 62.5 feet of Lots 2 and 3, Block 16, NCB 11732; Lots 4 and 5, Block 17, NCB 11733, area bounded by Baltic Dr. to the north, Anchor Dr. to the west, Larkspur Dr. to the east, & Lisbon Dr. to the south. Staff's recommendation was for approval.

Zoning Commission has recommended the approval of the amended application. (Council District 9)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Schubert made a motion to continue this rezoning case until the City Council meeting of February 27, 2003. Councilwoman Herrera seconded the motion.

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

Zoning Case #Z2002254 was continued to the Council meeting of February 27, 2003.

4J.) CASE NUMBER #Z2002260 S - The request of JMA Inc., Applicant, for Showcase Custom Homes of Texas, Inc., Owner(s), for a change in zoning from "C-3 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD S" Commercial Edwards Recharge Zone District with specific use authorization for a self-service car wash on Lot 1, Block 7, NCB 17586, on the east side of U.S. Highway 281, south of its intersection with Encino Rio. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

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

#### AN ORDINANCE 97199

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 7, NCB 17586, ON THE EAST SIDE OF U.S. HIGHWAY 281, SOUTH OF ITS INTERSECTION WITH ENCINO RIO, FROM "C-3 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD S" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A SELF-SERVICE CAR WASH ON THE PROPERTY.

\* \* \* \*

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

1. All wash water must be recycled or the proper permits obtained to allow for the discharge of wash water to the sanitary sewer system.
2. The owner should participate in the SAWS Commercial Car Wash Conservation program.
3. If any significant geologic features such as, but not limited to, 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 Resource Protection Division of the San Antonio Water System at (210) 704-7305.
4. Prior to the release of any building permits the owner/operator of any Category 2 property shall submit an Aquifer Protection Plan to the Resource Protection Division of the San Antonio Water System. Should the property be designated as a Category 2 property, all buffering of flood plains and sensitive recharge features shall be in accordance with Aquifer Water Ordinance #81419.
5. 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.
6. Prior to the release of any building permits, the following shall be submitted to the SAWS Aquifer Protection & Evaluation Section of the Resource Protection Division:
  - A. A copy of the 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 WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
  - D. A copy of the approved Water Pollution Abatement Plan.
7. As a minimum condition of approval of this zoning case, the owner/operator shall submit and maintain a Chemical Spill Prevention Plan to the San Antonio Water System (SAWS) for review and approval. The Chemical Spill Prevention Plan shall include, but is not limited to the following provisions:
  - A. A complete list, including Material Safety Data Sheets (MSDS), of all chemicals to be stored on the site. The list must include the maximum amount of each chemical kept on site at any time,
  - B. Procedures for promptly and properly cleaning any chemical leaks or spills,
  - C. Procedures for the proper disposal of any contaminated materials,
  - D. Procedures for preventing any spilled chemicals from leaving the storage area(s),
  - E. All chemical storage areas shall be constructed with a depressed floor to contain and assist the cleanup of any spilled chemicals,

- F. 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. 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 City of San Antonio shall inspect all future construction of sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
  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: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

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

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

SECTION 5: This ordinance is not severable.

\* \* \* \*

4K.) CASE NUMBER #Z2002270 - The request of Jerry Arredondo, Applicant, for Harry Eisenhower, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3 NA" Commercial Non-alcoholic Sales District on the east 125 feet of Parcel 28A, NCB 15684, and to "I-1" General Industrial District on Parcels 28 and 28A save and except the east 125 feet of Parcel 28A, NCB 15684, 10803 Perrin Beitel Road. Staff's recommendation was for denial of "I-1" but approval of "C-2".

Zoning Commission has recommended denial of "I-1" but approval of "C-3 NA" for front 125 feet of the subject site, then "I-1" for the remainder of the subject site. (Council District 10)

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

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

AN ORDINANCE 97200

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 28 AND 28A, NCB 15684, 10803 PERRIN BEITEL ROAD, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT ON THE EAST 125 FEET OF PARCEL 28A, NCB 15684, AND TO "I-1" GENERAL INDUSTRIAL DISTRICT ON PARCELS 28 AND 28A SAVE AND EXCEPT THE EAST 125 FEET OF PARCEL 28A, NCB 28A, NCB 15684 ON THE PROPERTY.

\* \* \* \*

2003-06 PUBLIC HEARING AND ORDINANCE: THE GREAT SOUTH TEXAS INDUSTRIAL PARK REINVESTMENT ZONE.

Mayor Garza declared the Public Hearing to be open.

Mr. Ramiro A. Cavazos, Director, Economic Development Department, narrated a slide presentation on Items 5A and 5B related to the HEB Regional Distribution Facility Tax Phase-In and Designation of Reinvestment Zone (a copy of which presentation is made a part of the papers of this meeting). Mr. Cavazos spoke, in part, to the purpose of the ordinance, the reinvestment zone area, the background of this company, project information, the policy analysis, fiscal impact, the recapture provisions and past tax phase-in agreements. He added that staff recommended approval of this ordinance and introduced Mr. Bob McCullough, Mr. Michael Mims and Mr. Greg Flores, HEB representatives, as well as City staff who were in the chamber to answer any questions.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P. O. Box 12048, spoke against approving tax abatements to HEB and to campaign contributions received by members of the City Council.

\* \* \* \*

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

The Clerk then read the following Ordinance:

AN ORDINANCE 97201

APPROVING THE GREAT SOUTH TEXAS INDUSTRIAL PARK REINVESTMENT ZONE CONSISTING OF APPROXIMATELY 70 ACRES OF LAND LOCATED IN CITY COUNCIL DISTRICT 2 IN THE GREAT SOUTH TEXAS INDUSTRIAL PARK AND HEB DISTRIBUTION CENTER BOUNDED BY INDUSTRIAL PARK DRIVE TO THE WEST AND SPACE CENTER DRIVE TO THE SOUTH.

\* \* \* \*

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

Mayor Garza spoke to HEB's contributions to the City of San Antonio in terms of jobs and their plans to continue to invest in the community. He spoke in support of this Ordinance and thanked HEB representatives for being in the chamber today.

A discussion followed in which several Council members spoke to the merits of approving this tax phase-in, the financial benefits to be gained by the City and its citizens, and to the varied contributions made by HEB to the community.

In response to a question by Councilman Carpenter on the impact the increased traffic will have in this area, Mr. McCullough stated that HEB was aware of the potential problem and was working to address this added traffic issue.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97202

APPROVING AND AUTHORIZING THE EXECUTION OF A TAX PHASE-IN AGREEMENT WITH THE HEB GROCERY COMPANY TO EXEMPT FROM AD VALOREM TAXATION APPROXIMATELY \$11.3 MILLION IN REAL PROPERTY IMPROVEMENTS AT ONE HUNDRED PERCENT (100%) FOR A SIX (6) YEAR TERM.

\* \* \* \*

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

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97203

APPOINTING TOM REEDY (DOWNTOWN RESIDENT/NOT A RIVERBEND LESSEE CATEGORY - DISTRICT 1) TO THE RIVERWALK CAPITAL IMPROVEMENTS ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 19, 2003.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97204

REAPPOINTING PAUL KLEIN (DISTRICT 9) AND APPOINTING GENE CAMARGO (DISTRICT 6) AS ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 22, 2005 AND FEBRUARY 22, 2004, RESPECTIVELY.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97205

APPOINTING ANDREW FICHTHORN (THEME PARKS CATEGORY - DISTRICT 6) AND REAPPOINTING EDWARD FOSTER (HOTEL/MOTEL ASSN. REP. CATEGORY - DISTRICT 8) AND DON NEWMAN (HOTEL/MOTEL ASSN. REP. CATEGORY - DISTRICT 3) TO THE CONVENTION AND VISITORS COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON JUNE 30, 2005.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97206

APPOINTING LIZA ANN REYES (BUSINESS CATEGORY - DISTRICT 2) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2004.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97207

APPOINTING ROMAN PENA (DISTRICT 3) AND GRACE HERNANDEZ (DISTRICT 2) AS ALTERNATE MEMBERS TO THE MUNICIPAL CIVIL SERVICE COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON JUNE 6, 2005 AND JUNE 6, 2004, RESPECTIVELY.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97208

REAPPOINTING JAMES DARRYL BYRD (MAYOR) AND JONATHAN STARR (MAYOR/DISTRICT 8) AND APPOINTING MIGUEL AGUILAR (DISTRICT 1) TO THE SAN ANTONIO DEVELOPMENT AGENCY FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 18, 2004.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97209

APPOINTING AL MARIN (CLERGY CATEGORY - DISTRICT 2) AND SHEILA MCNEIL (CITY-WIDE COMMUNITY LEADER CATEGORY - DISTRICT 2) AND APPOINTING MARIE STOUT (GOVERNMENT HILL ALLIANCE CATEGORY - DISTRICT 2) TO THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE ON JANUARY 28, 2005.

\* \* \* \*

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

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97210

CALLING THE REGULAR MUNICIPAL ELECTION TO BE HELD ON THE 3<sup>RD</sup> DAY OF MAY, 2003 FROM 7:00 A.M. TO 7 P.M., IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR THE PURPOSE OF ELECTING THE MEMBERS OF THE COUNCIL OF THE CITY OF SAN ANTONIO.

\* \* \* \*

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

Acting City Clerk Yolanda Ledesma, narrated a slide presentation in which she reported on the calling of the Regular Municipal Election, the Election Calendar, the run-off date, if necessary, and the fiscal impact of the election. A copy of the presentation is filed with the papers of this meeting.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97211

APPROPRIATING \$7,274,000 FROM THE 1999 G.O. PUBLIC SAFETY IMPROVEMENT BOND FUNDS FOR THE NEXT PHASE OF THE PUBLIC SAFETY INTEGRATED TECHNOLOGY SYSTEM; AUTHORIZING PAYMENT AND ENCUMBERING FUNDS IN THE AMOUNT OF \$1,360,000 TO OPEN SYSTEM GROUP, INC. (OSG) FOR DEVELOPMENT OF PROPRIETARY SOFTWARE; AND ESTABLISHING A PROJECT BUDGET COMPRISED OF \$125,000 FOR COMMUNICATIONS, \$547,500 FOR MODEMS, AND \$5,241,500 FOR COMPUTER HARDWARE.

\* \* \* \*

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

Police Chief Albert A. Ortiz, narrated a slide presentation in which he spoke to the Public Safety Integrated Technology System (PSIT) which provides technological improvements consisting of three components: the Field Entry Reporting System (FERS), Supplemental Report Management System (SRMS) and Electronic Document Management System (EDMS). A copy of the presentation is filed with the papers of this meeting. He pointed out the merits of each component, the timeline, software development, and the estimated expenditures.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97212

AMENDING CHAPTER 10 OF THE CITY CODE TO PROVIDE FOR A CHANGE IN ELECTRICAL LICENSE EXPIRATION DATES TO BE BASED UPON THE DATE OF THE ISSUANCE OF THE LICENSE.

\* \* \* \*

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

Mr. Florencio Pena, Director, Development Services, narrated a slide presentation in which he spoke to the history of the collection of fees for electrical licenses, the Code's amendment in 1997 and the new proposed amendment which would allow for fees assessed for a license to be for a fixed period of time based on the date of the license was issued. A copy of the presentation is filed with the papers of this meeting.

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

— — —  
(Mayor Garza returned to the meeting and presided.)  
— — —

2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97213

AMENDING CHAPTER 10 OF THE CITY CODE TO INCLUDE THE PROHIBITION OF THE USE OF NON-METALLIC SHEATHED CABLE IN ANY MULTIFAMILY DWELLINGS OR OTHER STRUCTURES EXCEEDING THREE FLOORS ABOVE GRADE.

\* \* \* \*

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

Mr. Florencio Pena, Director, Development Services, narrated a slide presentation in which he spoke to the adoption of the 2002 Edition of the National Electrical Code by the Electrical Examining and Supervising Board and the proposed amendment to Chapter 10 of the City Code. A copy of the presentation is filed with the papers of this meeting.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97214

ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$20,000.00 FROM THE J. P. MORGAN CHASE FOUNDATION TO IMPLEMENT A FINANCIAL LITERACY INSTRUCTION PROGRAM FOR YOUTH PARTICIPATING IN THE SAN ANTONIO EDUCATION PARTNERSHIP AND THE YOUTH OPPORTUNITY PROGRAM FOR A ONE YEAR PERIOD BEGINNING FEBRUARY 23, 2003; AND APPROVING A BUDGET FOR SAID PROGRAM.

\* \* \* \*

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

Mr. Dennis Campa, Director, Department of Community Initiatives, narrated a slide presentation in which he spoke in part to the purpose of the grant from J. P. Morgan Chase Foundation to the Youth Opportunity Program, its background, the training of a staff person on the selected financial literacy curriculum, and the benefits to program participants. A copy of the presentation is filed with the papers of this meeting.

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

— — —  
2003-06 The Clerk read the following Ordinance:

AN ORDINANCE 97215

AUTHORIZING THE ALLOCATION AND EXPENDITURE OF HUMAN DEVELOPMENT SERVICES FUNDS IN THE AMOUNT OF \$5,000.00 FROM DISTRICT 1, \$1,000.00 FROM DISTRICT 6, \$1,000.00 FROM DISTRICT 7, \$2,000 FROM DISTRICT 8, \$1,000.00 FROM DISTRICT 9 AND \$1,000.00 FROM DISTRICT 10 FOR SUPPORT OF THE DEPARTMENT OF COMMUNITY INITIATIVES' TEEN COURT PROGRAM; AS REQUESTED BY COUNCILMEMBER BOBBY PEREZ.

\* \* \* \*

Councilwoman Moorhouse made a motion to approve the proposed Ordinance with additional funds from the following districts [Human Development Services Funds]: District 6 - \$1,000; District 7 - \$1,000; District 8 - \$2,000; District 9 - \$1,000; District 10 - \$1,000. Councilman Schubert seconded the motion.

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

— — —  
2003-06 SETTING TERMS FOR MUNICIPAL CIVIL SERVICE APPOINTEES (ITEM NO. 23E).

At this point, lots were drawn for terms of office for the two alternate Municipal Civil Service appointees and it was determined that Roman Pena (District 3 appointee) would serve for a term of office to expire June 6, 2005 and Grace Hernandez (District 2 appointee) would serve for a term of office to expire June 6, 2004.

— — —  
2003-06 At 4:20 P.M., Mayor Garza recessed the City Council meeting to convene in an informal "B" Session, to consider the following items(s):

- A) **Update on the Convention Center Expansion Project.** (Presented by Roland A. Lozano, Assistant to the City Manager)
- B) **Briefing on the status of the Convention Center Hotel Project.** (Presented by Ramiro Cavazos, Director, Economic Development)

The Council members present were: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

The "B" Session adjourned at 6:01 P.M.

— — —  
2003-06 Mayor Garza reconvened the Regular City Council meeting at 6:03 P.M. for Citizens to be Heard.

— — —  
2003-06

**CITIZENS TO BE HEARD**

**MR. NAZARITE RUBEN FLORES PEREZ**

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, relinquished his time to Former Councilman Juan Solis who spoke to proposed cuts to the Headstart program by the Bush Administration and requested that the Council consider passage of a resolution of support for the workers of the Headstart Program. He further asked for support of a street closure for a press conference/rally and a day of prayer for the children of Headstart.

Councilman Sanders thanked everyone who was here for this request and spoke to directing staff to have this resolution placed on next week's agenda.

Councilman Barrera stated that the issue had been discussed and staff would be making a presentation. He asked that Mr. Solis provide any additional information he had to Frances Gonzales, Assistant to the City Manager, so that it could be made a part of the presentation to the City Council.

\* \* \* \*

**MS. MARTHA VON ELLENRIEDER**

Ms. Martha Von Ellenrider, 40775 Legend Creek, spoke to the work of Cesar Chavez and to his devoting his life to stopping the use of pesticides. She added that she would like to have the Council consider changing the name of Commerce Street to Cesar Chavez

Avenue and asked that a public hearing be scheduled for a specific date and time so that discussion could be held on this request.

\* \* \* \*

**MR. TONY MANDUJANO**

Mr. Tony Mandujano spoke in favor of renaming Commerce Street to Cesar E. Chavez Avenue. He read from a document that had been prepared expressing support for this street name change.

\* \* \* \*

**MR. TERRY HILL**

Mr. Terry Hill stated that the City Ordinance on smoking was not being enforced and questioned whether there was a ban on people smoking as they walked in the downtown area.

\* \* \* \*

**MR. HABIB ERKAN, JR.**

Mr. Habib Erkan, Jr., 111 Soledad, representing Continental Homes and ABG, Inc., requested a waiver from Ordinance 97173 for Hunters Pond, Unit 1. He stated that he had submitted a written request to the City Clerk to that effect. He further stated that he had discussed obtaining permits with the Director of Development Services who advised him that he was precluded from obtaining these building permits until he got a waiver from the City Council. He noted that he was, therefore, requesting a hearing on the waiver at the February 20, 2003 meeting.

\* \* \* \*

**MR. PEDRO MARTINEZ**

Mr. Pedro Martinez, a K B Homes owner for 20 months, spoke to the deteriorating condition of his home and to the lack of customer service by the builder. He spoke to

severe foundation, electrical, and plumbing problems. He further urged the City Council to support a lemon law to hold K B Homes accountable.

\* \* \* \*

**MS. VIRGINIA A. MARTINEZ**

Mrs. Virginia A. Martinez spoke in support of her husband Pedro's comments regarding the condition of their home. She noted that problems started surfacing three months after they moved into their home.

\* \* \* \*

**MR. RICHARD ALLES**

Mr. Richard Alles, representing Citizens' Tree Coalition, narrated a slide presentation on the tree ordinance revision. He spoke to the amount of work that had been done over the past three years on the tree ordinance revision and pointed out that the revision addressed a lot of the problems and interests of both groups. He urged the Council to support the tree ordinance.

\* \* \* \*

**MS. SUE CALBERT**

Ms. Sue Calbert, Salado Creek Foundation, spoke to the \$480,000 hydro-axe contract (Item 9 on today's agenda) and thanked the City Council for giving Public Works the resources that they needed to take care of the City's creekways in an appropriate manner. She stated that while the hydro-axe was an incredible tool, it needed to be used with a lighter touch to prevent the mulch to being too compacted.

\* \* \* \*

## **TREE ORDINANCE**

Mr. Allen Townsend, Ms. Diane Lang, and Mr. Stephen Colley spoke in support of the tree ordinance and encouraged the Council to vote for its passage as it was originally worked out over the past three years.

\* \* \* \*

## **K. B. HOMES**

The following citizens appeared to speak on the conditions of homes they had purchased from K.B. Homes: Ms. Elena Rocha, Ms. Amanda Butler Williams, Ms. Patricia Middleton, Ms. Lisa A. Nogle, Ms. Diane Barkalow, Mr. Roberto Rodriguez, Mr. Robert Comer, Mr. Sean O'Brien, Ms. Michelle Marsh, Mr. Daniel Marsh, Mr. Tony Vasquez, and Ms. Janet Ahmad. All spoke of cracks in the exterior and interior of their homes and to the lack of responsiveness on the part of K.B. Homes representatives when they are contacted about the deterioration their homes are experiencing. Several of the owners invited the Council to come tour their homes.

Mr. Comer showed photos of the problems he was experiencing in his home and Ms. Marsh stated that any attempts by K.B. Homes to remedy the problem had, in her opinion, been a "band-aid"--not repair that would solve the problem.

\* \* \* \*

Councilman Sanders stated that K.B. Homes specializes in starter homes for first time homebuyers and stated that homeowners that are caught in homes that are not livable need support. He added that K.B. Homes was not working with their customers to remedy their home construction problems.

Mayor Garza stated that he had spoken to several homeowners and would make arrangements with Councilman Barrera to find a suitable time for them to visit some of the homes. He also spoke to the roles of the City and State with regard to building codes, etc. and to the importance of homeowners keeping their state representatives informed of their situation.

Councilman Barrera thanked the homeowners for the manner in which they presented their concerns to the Council. He added that he looked forward to working with them to attempt to resolve their concerns.

— — —

2003-06      EXECUTIVE SESSION

The City Council recessed its regular session at 7:30 P.M. in order to convene in Executive Session for the purpose of:

- A) Discuss the lawsuit styled Charles Pollock and Tracy Pollock, individually and as next friend of Sarah Jane Pollock, a minor child, v. the City of San Antonio, Cause No. 2000-CI-01201, in the 225th Judicial District Court, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B) Discuss land acquisition, economic development negotiations, incentives offered, and related legal issues concerning a decision by Toyota Motor Manufacturing North America, Inc., to build and operate a manufacturing facility in San Antonio, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney).
- C) Item C, to discuss lease and economic development negotiations, incentives offered, and related legal issues concerning a decision by the Dallas Cowboys NFL Team to stay in San Antonio for its 2003 training camp, pursuant to Texas Government Code Sections 551.072 (deliberations involving real property), 551.087 (deliberations regarding economic development negotiations), and 551.071 (consultation with attorney), was pulled earlier from discussion.
- D) Discuss the lawsuit styled Matthew J. Jackson, et al, and other Similarly Situated Persons vs. City of San Antonio, cause No. 2002-CI-18233, 408<sup>th</sup> Judicial District Court, Bexar County, Texas, and legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 8:45 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

— — —

2003-06 There being no further business to come before the City Council, the meeting was adjourned at 8:46 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