

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, FEBRUARY 27, 2003.

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2003-08 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

- A) **Update on Fiscal Year 2003 Forecast.** (Presented by Lou Lendman, Director, Office of Management & Budget).

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

The "B" Session adjourned at 11:34 A.M.

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2003-08 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: None.

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2003-08 Invocation by Leighanne Brechin, Aldersgate Methodist Church.

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2003-08 Pledge of Allegiance to the flag of the United States.

2003-08 PRESENTATION OF RESOLUTION OF RESPECT FOR MR. FRANK MANUPELLI.

Mayor Garza invited the family of Mr. Frank Manupelli to come forward. He then read the Resolution of Respect, and asked that the Resolution be made a part of the minutes of the meeting, and presented it to Mr. Manupelli's family.

**RESOLUTION OF RESPECT
MR. FRANK MANUPELLI**

A RESOLUTION
NO. 2003-08-08

- Whereas,** on January 8, 2003, life came to a close for Mr. Frank Manuppelli, a loving husband, father, and grandfather; and
- Whereas,** Mr. Manuppelli attended Jefferson High School, the University of Texas at Austin and St. Mary's School of Law; he gallantly served this country in the U.S. Navy during World War II; and
- Whereas,** Mr. Manuppelli was a special agent of the FBI, and served as Personnel Director for the City of San Antonio; he also served as General Manager of Howard Aero, and General Manager and Executive Vice-President of Ellison Industries; and
- Whereas,** Mr. Manuppelli served as Chairman of the San Antonio Chamber of Commerce, was President of the San Antonio Homebuilders Association, and Life Director of the National Homebuilders Association; he served as Chairman of the Development Board of Incarnate Word College, was a founding member of the Bexar County Hospital District, and Chairman of the Ex-FBI Agents Association; and
- Whereas,** for 22 years, Mr. Manuppelli proudly served on the Firemen's and Policemen's Civil Service Commission; in 1964, he served as General Manager of Hemisfair, and two years later was named Vice President; he was a member of The San Antonio Golf Association, now known as Golf San Antonio, for more than 40 years, and served on the association's Board of Directors for more than 20 years; and
- Whereas,** Mr. Manuppelli was an outstanding civic leader whose great love for the City was evident in his service on numerous boards and positions he held throughout his lifetime. NOW, THEREFORE:

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
SAN ANTONIO:**

SECTION 1. That with the death of Mr. Frank Manupelli, the City of San Antonio has lost a valuable asset to its past, present and future.

SECTION 2. That the City Council joins with his family and friends in their sorrow over his death, and extends its sincerest sympathy and prayers of comfort to those who were near him.

SECTION 3. And it is hereby directed that a copy of this Resolution be spread upon the minutes of this meeting and a copy thereof be presented to his family as a token of our deepest sympathy.

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Councilman Schubert made a motion to approve the proposed Resolution of Respect. Councilwoman Moorhouse seconded the motion.

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

A member of the family thanked the City Council for recognizing Mr. Manupelli and his contributions to the community.

Members of the City Council offered their condolences to the family, and spoke to Mr. Manupelli's outstanding work and thanked the family for their support.

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**2003-08 PRESENTATION OF PROCLAMATION TO THE TIP TOP CAFÉ
UPON ITS 65TH ANNIVERSARY.**

Mayor Garza invited Ms. Linda DeWese to come forward to accept a Proclamation honoring Tip Top Café upon its 65th anniversary. He noted that the restaurant opened its doors in 1938 and has continuously served the citizens of San Antonio.

Councilman Castro congratulated Ms. DeWese, granddaughter of the founders and the restaurant's present manager, as the restaurant observes this noteworthy anniversary as well as for the restaurant's fine food and service.

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2003-08 Minutes of the regular City Council meeting of January 23, 2003 were approved as presented.

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2003-09 **CONSENT AGENDA**

Councilman Carpenter made a motion to approve Agenda Items 10 through 18, constituting the Consent Agenda. 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, Moorhouse, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

AN ORDINANCE 97236

APPROVING A LEASE AGREEMENT FOR RESTAURANT SPACE AT BUILDING NUMBER 16 IN THE CITY'S LA VILLITA, LOCATED IN CITY COUNCIL DISTRICT 1, WITH DHBO, INC. D/B/A GUADALAJARA GRILL FOR THE LEASE AMOUNT OF \$20,770.60 IN YEAR ONE, \$21,157.17 IN YEAR TWO, \$21,450.56 IN YEAR THREE, \$21,653.98 IN YEAR FOUR AND \$10,675.94 IN YEAR FIVE (SIX MONTHS).

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AN ORDINANCE 97237

AUTHORIZING THE EXECUTION OF A FIVE (5) YEAR LICENSE AGREEMENT WITH THE MILLER'S POND YOUTH FOOTBALL LEAGUE FOR THE USE OF SPORTS FIELDS IN MILLER'S POND PARK IN CITY COUNCIL DISTRICT 4 FOR RECREATIONAL PURPOSES IN CONSIDERATION FOR THEIR MAINTENANCE OF SAID AREA.

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AN ORDINANCE 97238

AUTHORIZING THE EXECUTION OF THREE (3) SEPARATE LICENSE AGREEMENTS WITH HI TECH ELECTRIC LLC, ASSOCIATED OPERATIONS, INC. D/B/A HARPER WOOD ELECTRIC COMPANY (SWDBE), AND EDLEN

ELECTRICAL EXHIBITION SERVICES OF TEXAS, INC. FOR AN APPROVED LIST OF THREE (3) CONTRACTORS TO PROVIDE TEMPORARY UTILITY SERVICES, INCLUDING ELECTRICAL POWER, WATER AND COMPRESSED AIR, FOR INDIVIDUAL EVENTS/FUNCTIONS AT THE HENRY B. GONZALEZ CONVENTION CENTER, LILA COCKRELL THEATRE, MUNICIPAL AUDITORIUM, ALAMODOME, AND NELSON W. WOLFF MUNICIPAL STADIUM, ALL WITH PRIMARY THREE (3) YEAR TERMS COMMENCING MARCH 15, 2003 AND EXPIRING MARCH 14, 2006, EACH WITH ONE (1) ADDITIONAL ONE (1) YEAR RENEWAL OPTION; FOR A CONSIDERATION OF 25% OF EACH CONTRACTOR'S GROSS RECEIPTS, AFTER TAXES.

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AN ORDINANCE 97239

AMENDING ORDINANCE NO. 95365, PASSED AND APPROVED ON FEBRUARY 28, 2002, BY APPROVING REVISIONS TO THE OFFICIAL CITY STORE TICKET CONSIGNMENT POLICY AND OFFICIAL CITY STORE TICKET CONSIGNMENT AGREEMENT FOR THE CONSIGNMENT AND RESALE OF LOCAL ATTRACTION TICKETS AT THE OFFICIAL CITY STORE, LOCATED AT 317 ALAMO PLAZA, TO INCLUDE TICKETS FOR OTHER ATTRACTIONS (NATURAL) SUCH AS SHOW CAVES, SHOW CAVERNS, ZOOS, AND WILDLIFE PARKS, IN ADDITION TO THEME PARK AND WATER PARK TICKETS WHICH HAVE PREVIOUSLY BEEN SOLD, AS WELL AS TO ALLOW THE SALE OF TICKETS FOR ATTRACTIONS IN BOTH BEXAR AND CONTIGUOUS COUNTIES; AND RE-AUTHORIZING THE DIRECTOR OF ASSET MANAGEMENT TO NEGOTIATE AND EXECUTE EACH AGREEMENT UPON CONSULTATION WITH THE CITY ATTORNEY. (AMENDS ORDINANCE NO. 95365, FEBRUARY 28, 2002.)

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AN ORDINANCE 97240

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE TEXAS ASSOCIATION OF CHILD CARE RESOURCE AND REFERRAL AGENCIES (TACCRRRA) IN THE AMOUNT OF \$65,813.00 TO ENHANCE THE OPERATION OF THE CITY OF SAN ANTONIO'S DEPARTMENT OF COMMUNITY INITIATIVES, CHILDREN'S RESOURCES DIVISION, KIDCARE RESOURCE AND REFERRAL NETWORK FOR THE PERIOD OF JANUARY 1, 2003 THROUGH AUGUST 31, 2003; AUTHORIZING THE EXECUTION OF A CONTRACT

AMENDMENT IN CONNECTION THEREWITH; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

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AN ORDINANCE 97241

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A CONTRACT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) TO ADD THE CITY'S CHILDREN'S RESOURCES DIVISION (CRD) AS A PROJECT SPONSOR TO PROVIDE CHILD CARE SERVICES TO HOMELESS CHILDREN AND TO EXTEND THE TERM OF SAID CONTRACT TO JUNE 30, 2004; ALLOCATING FUNDS IN THE AMOUNT OF \$248,212.05 TO CRD FOR THE PERIOD OF MARCH 1, 2003 TO JUNE 30, 2004; ALLOCATING \$21,722.00 TO THE COMMUNITY ACTION DIVISION FOR ADMINISTRATIVE SUPPORT OF THE SUPPORTIVE HOUSING PROGRAM; APPROVING A BUDGET REVISION; AND AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE CHILDREN'S SHELTER REDUCING THE AMOUNT OF THEIR CONTRACT BY \$269,934.05 IN SUPPORTIVE HOUSING PROGRAM FUNDS.

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AN ORDINANCE 97242

ACKNOWLEDGING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$2,500.00 FROM BANK ONE TO THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. AS FISCAL AGENT FOR THE CITY OF SAN ANTONIO FOR THE PURCHASE OF TEXT BOOKS TO BE USED BY THE NEIGHBORHOOD ACTION DEPARTMENT FOR ITS HOMEBUYERS' COUNSELING CLASSES DURING THE PERIOD OF OCTOBER 1, 2002 THROUGH SEPTEMBER 30, 2003.

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AN ORDINANCE 97243

APPOINTING VALERIE E. MEADS (DISTRICT 10) AS TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2005.

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AN ORDINANCE 97244

REAPPOINTING JESSE F. JENKINS (DISTRICT 3) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2005.

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AN ORDINANCE 97245

REAPPOINTING JOHN BRAXTON (GENERAL/REAL ESTATE-LAW - DISTRICT 1) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2004.

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AN ORDINANCE 97246

REAPPOINTING ROBERT RICHARDSON, LANDON KANE, AND LANCE ELLIOTT TO THE BOARD OF DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER TEN COMMONLY REFERRED TO AS STABLEWOOD FARMS PROJECT, LOCATED IN COUNCIL DISTRICT 4, FOR A TERM OF OFFICE TO EXPIRE ON MARCH 16, 2005; AND APPOINTING ROBERT RICHARDSON AS CHAIRPERSON FOR A ONE YEAR TERM BEGINNING ON JANUARY 1, 2004 AND EXPIRING ON DECEMBER 31, 2004.

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2003-08 **INDIVIDUAL ITEMS - CITIZENS COMMENTS.**

Mr. Jack Finger, P. O. Box 12048, spoke against Item 19, being a proposed ordinance which included street closures and fee waivers relating to the 2003 Miss USA Pageant; Item 20, a proposed ordinance relating to amending Chapter 16 Licenses and Business Regulations of the City Code; and Item 23, a proposed Ordinance amending certain sections of Chapter 34 of the City Code.

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2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97247

(1) AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EFFECTUATE ANY AND ALL NECESSARY STREET CLOSURES RELATED TO SEGMENT FILMING AND/OR BROADCAST OF THE 2003 MISS USA PAGEANT, DURING THE PRODUCTION PERIOD OF MARCH 9-25, 2003, PROVIDED THAT ALL NECESSARY PROCEDURES, INCLUDING THE NOTIFICATION OF ADJACENT PROPERTY OWNERS, ARE FOLLOWED; (2) AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO WAIVE APPLICABLE PERMIT FEES FOR THE TEMPORARY CLOSURES OF STREETS, LANES, SIDEWALKS AND/OR LOADING ZONES AND THE BAGGING OF APPLICABLE PARKING METERS PERTAINING TO ANY CITY OF SAN ANTONIO-RELATED NEEDS DURING THE PRODUCTION PERIOD OF THE 2003 MISS USA PAGEANT; AND (3) PROVIDING THAT PARK RESERVATION FEES, FILM PERMIT FEES AND PARK USE POLICIES ESTABLISHED BY ORDINANCE SHALL BE WAIVED FOR ALL VENUES/FACILITIES/PARK AREAS UTILIZED BY THE MISS USA PAGEANT DURING SAID PRODUCTION PERIOD.

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

Mr. Dale Lockett, Acting Director of Convention & Visitors Bureau, narrated a slide presentation in which he spoke to the 2003 Miss USA production waivers as well as the event's background, policy analysis, and financial impact. 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:** Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Carpenter, Garza. **NAYS:** Schubert. **ABSENT:** Perez, Conner.

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2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97248

APPROVING AN ECONOMIC DEVELOPMENT PROGRAM PRESCRIBED UNDER CHAPTER 380, TEXAS LOCAL GOVERNMENT CODE AND PROVIDING FOR

THE IMMEDIATE EFFECTIVE DATE UPON APPROVAL OF EIGHT (8) AFFIRMATIVE VOTES.

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

Mr. Christopher Brady, Assistant City Manager, briefly explained the process that the City Council would follow for consideration of Items 4, 5, and 6. He then asked Mr. Ramiro Cavazos, Director, Economic Development, to narrate a slide presentation in which he spoke to the City's Economic Development Programs, and provided an overview of Agenda Items 4, 5 and 6. A copy of the presentation is filed with the papers of this meeting.

The following citizen(s) appeared to speak:

Mr. Marty Wender, representing The Greater San Antonio Chamber of Commerce, thanked the City Council for their efforts in successfully bringing Toyota to San Antonio. He encouraged the Council to honor the commitments that the City made to Toyota and spoke to the economic boost that the community would realize with this new business coming to San Antonio. He added that the Chamber is a proud member of Team Toyota and thanked everyone who played a role in securing Toyota for San Antonio.

Mr. Jack Finger, P. O. Box 12048, spoke against tax abatements, grants and loans to Toyota. He questioned why the City was going forward with this action since it was his understanding that Toyota did not want any more tax breaks.

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

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2003-08 MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF SAN ANTONIO, TEXAS STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.

Mayor Garza recessed the regular meeting at 1:45 P.M. in order to convene the meeting of the Board of Directors of the **STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION**. The following members were present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **ABSENT:** Conner.

Mr. Trey Jacobsen, Assistant Director, Economic Development Department, narrated a slide presentation in which he spoke to the purpose of the Starbright Industrial Development Corporation. A copy of the presentation is filed with the papers of this meeting.

Acting City Clerk Ledesma then read the following Resolution of the Board:

A RESOLUTION
SIDC NO. 2003-01

APPROVING THE BYLAWS OF THE CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION; ELECTING AND APPOINTING CORPORATE OFFICERS AND AGENTS; AND APPROVING OTHER ADMINISTRATIVE PROCEDURES OF THE CORPORATION.

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

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The Clerk read the following Resolution:

A RESOLUTION
SIDC NO. 2003-02

APPROVING AND AUTHORIZING AN ECONOMIC DEVELOPMENT CONTRACT BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.

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

Mr. Milo Nitschke, Director of Finance, continued the slide presentation in which he spoke to the terms of the contract, 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, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

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The Clerk read the following Resolution:

A RESOLUTION
SIDC NO. 2003-03

APPROVING THE FORM, CONTENT, AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE, SALE AND DELIVERY OF APPROXIMATELY \$22,910,000.00 CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION CONTRACT REVENUE BONDS, SERIES 2003; RETAINING CO-BOND COUNSEL AND SPECIAL ISSUER'S COUNSEL; AND AUTHORIZING OTHER ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH BONDS.

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

Mr. Milo Nitschke, Director of Finance, resumed the slide presentation in which he spoke to the form, content, and distribution of the statement pertaining to the sale of bonds, 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, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Conner.

Mayor Garza adjourned the meeting of the Board Directors of the City of San Antonio, Texas Starbright Industrial Development Corporation, and reconvened the regular session of the City Council meeting at 2:50 P.M.

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2003-09 The Clerk read the following Ordinance:

AN ORDINANCE 97249

APPROVING AND AUTHORIZING AN ECONOMIC DEVELOPMENT CONTRACT BETWEEN THE CITY OF SAN ANTONIO, TEXAS AND CITY OF SAN ANTONIO, TEXAS, STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION; MAKING VARIOUS FINDINGS AND PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR THE IMMEDIATE EFFECTIVE DATE UPON APPROVAL OF EIGHT (8) AFFIRMATIVE VOTES.

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

Mr. Milo Nitschke, Director of Finance, stated that this Ordinance would approve the economic development contract between Starbright Industrial Development Corporation and the City of San Antonio.

In response to questions by Councilman Schubert, Mr. Nitschke spoke to the co-financial advisors and co-bond counsels, the division of services and the duties of each. He stated that Coastal Securities is the lead financial advisor and, as such, is responsible for taking the lead in these issues.

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

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2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97250

AMENDING CHAPTER 16 LICENSES AND BUSINESS REGULATIONS OF THE CITY CODE BY ADDING A NEW ARTICLE ENTITLED ARTICLE XV IRRIGATION CONTRACTORS RELATING TO THE REGISTRATION OF IRRIGATION CONTRACTORS; AND AMENDING THE BUDGET BY CREATING TWO (2) ADDITIONAL CITY PLUMBING INSPECTOR POSITIONS AND

CREATING NEW FEES; PROVIDING A PENALTY; DIRECTING PUBLICATION;
AND DECLARING AN EFFECTIVE DATE; AS REQUESTED BY COUNCILMAN
BOBBY PEREZ, DISTRICT 1.

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

Mr. Mike Wilkinson, Green Industry Alliance, stated that provisions of this Ordinance had been discussed for five years, spoke to his support of its passage and asked for Council approval.

Mr. Christopher Brady, Assistant City Manager, spoke to the proposed Ordinance and asked Mr. Florencio Pena, Director of the Development Services Department, to narrate a slide presentation in which the Ordinance's background was described, existing and proposed requirements were presented, cost analysis were provided and the impact of the proposed ordinance was detailed. A copy of the presentation is filed with the papers of this meeting.

Councilmen Sanders and Perez thanked the industry for working with the City to assure passage of this Ordinance.

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

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2003-08 **ZONING CASES - CITIZEN COMMENTS**

Mr. Jack Finger, P. O. Box 12048, recommended that the Council vote against Agenda Items 7F, Zoning Case Z2002277, a request by Habitat for Humanity of San Antonio on a property located on the north side of Castroville Road/Highway 90 West and 7J Zoning Case Z2002254, a request by J.S. Developments, Inc. – Katherine Soliz, Applicant on a property bounded by Baltic Drive to the north, Anchor Drive to the west, Larkspur Drive to the east, and Lisbon Drive to the south.

Ms. Julie Iris Oldham, Citizens Advisory Council, expressed concern with some of the zoning changes that are currently being approved.

Councilman Perez stated that he recognized the need to rehabilitate many of the historically-designated homes. He further stated that he did not think that this was an appropriate time to rule on this zoning case because of some issues that had not been resolved.

After consideration, the motion to continue this case until March 24, 2003, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Herrera, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Martin, Conner.

Zoning Case #Z2002156 was continued to the Council meeting of March 24, 2003.

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7C.) CASE NUMBER #Z2002246 - The request of Dr. Donald Vestal, Applicant, for Dr. Donald Vestal, Owner(s), for a change in zoning from "R-5" Residential Single Family District, "MF-33" Multi Family District and "I-2" Heavy Industrial District to "I-1" General Industrial District and "C-3" Commercial District, as per exhibit map on 0.9192 acres out of NCB 10759, 2934 - 2940 Rigsby Avenue. Staff's recommendation was for approval.

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. Councilwoman Moorhouse seconded the motion.

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

AN ORDINANCE 97251

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.9192 ACRES OUT OF NCB 10759, 2934 - 2940 RIGSBY AVENUE, FROM "R-5 RESIDENTIAL SINGLE FAMILY DISTRICT, "MF-33"

MULTI FAMILY DISTRICT AND "1-2" HEAVY INDUSTRIAL DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-3" COMMERCIAL DISTRICT ON THE SOUTH 50 FEET.

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7D.) CASE NUMBER #Z2002266 - The request of Jack Drury Family Ltd. Partnership, Applicant, for Jack Drury Family Ltd. Partnership, Owner(s), for a change in zoning from "R-5" Single-Family Residential District to "MF-33" Multi-Family Residential District on Tract E (2.772 acres), except the north irregular 60.5 feet, NCB 10835, 4326 Roland Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

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

The following citizen(s) appeared to speak:

Mr. John King, 4243 Family Tree #201, spoke in favor of the proposed rezoning.

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

AN ORDINANCE 97252

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 TRACT E (2.772 ACRES), EXCEPT THE NORTH IRREGULAR 60.5 FEET, NCB 10835, 4326 ROLAND AVENUE, FROM "R-5"

SINGLE-FAMILY RESIDENTIAL DISTRICT TO "MF-33" MULTI-FAMILY RESIDENTIAL DISTRICT.

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7E.) CASE NUMBER #Z2002273 - The request of Aubrey Smith, Applicant, for Aubrey Smith, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-3" Commercial District on northeast irregular 36 feet of TR-4, NCB 10949, 4211 Clark Ave. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

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

AN ORDINANCE 97253

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 "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT ON THE PROPERTY LISTED AS FOLLOWS:

THAT PORTION OF TRACT 4, NCB 10949 LYING NORTH OF THE NORTHERN PROPERTY LINE OF LOT 15, NCB 10949 AND THE WESTERLY EXTENSION OF SUCH PROPERTY LINE TO ITS INTERSECTION WITH THE EASTERN PROPERTY LINE OF LOT 8, NCB 12712 AND CONTAINING 0.4467 ACRES, MORE OR LESS, AS FURTHER SHOWN ON EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES.

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7F.) CASE NUMBER #Z2002277 - The request of Habitat for Humanity of San Antonio, Applicant, for Habitat for Humanity of San Antonio/Dennis Dechhold, Owner(s), for a change in zoning from "C-3 R" Commercial Restrictive Alcoholic Sales District to "R-6" Residential Single-Family District on Lots 37, 38, 39 and 40, Block 10, NCB 13961, on the north side of Castroville Road/Highway 90 West, between South Callaghan Road and Herbert Lane. Staff's recommendation was for denial.

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. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Brett Campbell, 311 Probandt, spoke to the planned development of the property by Habitat for Humanity.

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Councilman Barrera spoke to the history of this property and noted that construction of homes on this vacant lot will contribute to the development of the area.

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

AN ORDINANCE 97254

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 37, 38, 39 AND 40, BLOCK 10, NCB 13961, ON THE NORTH SIDE OF CASTROVILLE ROAD/HIGHWAY 90 WEST, BETWEEN SOUTH CALLAGHAN ROAD AND HERBERT LANE, FROM "C-3 R" COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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7G.) CASE NUMBER #Z2003003 - The request of George Atallah, Applicant, for George Atallah, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MF-25" Multi-Family District on Lot 2, P-175 & P175A, Block 1, NCB 18084, Border Brook at Timberhill Dr. 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. Councilman Perez 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, Garza. **NAYS:** None. **ABSENT:** Perez, Carpenter.

AN ORDINANCE 97255

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 P-175 & P175 A, BLOCK 1, NCB 18084, BORDER BROOK AT TIMBERHILL DRIVE, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

* * * *

7H.) CASE NUMBER #Z2002257 - The request of Steven E. Hanan, Applicant, for Woodstone Oaks Business Park L.T.D., Owner(s), for a change in zoning from "C-3" General Commercial District to "R-6" Residential Single-Family District as 13.79 acre tract out of block 4446, NCB 18310. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

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

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

AN ORDINANCE 97256

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 13.79 ACRE TRACT OUT OF BLOCK 4446, NCB 18310, FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

* * * *

7I.) 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)

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

In response to a question by Councilwoman Conner, Mr. Ken Cuman, 2145 N.W. Military Highway, stated that the car wash operation did not plan to use recycled water.

Mr. Scott Halty, Director, Resource Protection & Compliance Department, stated that the owner has two options: to recycle or to apply for a discharge permit.

Councilwoman Conner then made a motion to approve the rezoning request provided that the owner agree to one of the two options mentioned by Mr. Halty. Councilman Sanders 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, Herrera, Barrera, Castro, Conner, Schubert, Garza. **NAYS:** None. **ABSENT:** Carpenter.

AN ORDINANCE 97257

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 3, NCB 16633, 7126 UTSA BLVD., 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 THE PROPERTY.

* * * *

Environmental Recommendations:

The following are recommendations to address the environmental concerns raised by the construction of this commercial development on the Edwards Aquifer Recharge Zone:

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. 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 WPAP 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 a 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 and
 - E. An Aquifer Protection Plan, if designated as category 2 or 3 property.
4. 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.

5. 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.
6. If the water pollution abatement structure fails to drain properly, the owner shall notify the Resource Protection & Compliance Department at (210) 704-7305.
7. All water pollution abatement structures shall be properly maintained and kept free of trash and debris.
8. 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'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.
9. 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.
10. 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's) 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 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.
12. 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.
13. 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.
14. 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.

15. 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 of the project.

Based on the site investigation of the property and the proposed land use, staff recommends approval provided the applicant agrees to abide by all recommendations contained in this document.

* * * *

7J.) 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 "MF-33" Multi-Family District, "R-4" Residential Single-Family District on "R-5" to "R-4", 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; Lots 1, 2 and 10, Block 29, NCB 11745; the northeast 62.5 feet of Lot 1, Block 33, NCB 11749; Lot 9, Block 10, NCB 11726; Lot 16, Block 13, NCB 11729; Lots 6 and 8, Block 16, NCB 11732; Lot 5, Block 17, NCB 11733, "R-5" to "MF-33", Lots 10 thru 12, Block 10, NCB 11726; Lots 4, 5, 9, 10, 13 thru 15, Block 13, NCB 11729; Lots 4, 5, 9 thru 13, the northeast 62.5 feet of Lots 2 and 3, Block 16, NCB 11732; Lot 4, 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 approval. (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 March 13, 2003. Councilman Martin seconded the motion.

The following citizen(s) appeared to speak:

Mr. Doug Stover spoke against the rezoning citing that the MF-33 designation as been pretty concentrated for the area. He also spoke to the problem of traffic.

* * * *

Councilman Schubert noted that he was asking for the continuance so that all parties could continue to address these issues.

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

Zoning Case #Z2002254 was continued to the Council meeting of March 13, 2003.

7K.) CASE NUMBER #Z2003004 CS - The request of August Partners, Inc., Applicant, for Blanco Road Retail, Ltd. C/o B & O Blanco Road Investors, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial, Edwards Recharge Zone District to "C-2 CS ERZD" Commercial, Edwards Recharge Zone District with a conditional use for mini-warehouse and a specific use permit for a mini warehouse over 2.5 acres on 6.130 acres out of NCB 18394. 1500 Block of N. Loop 1604 W. 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 Ordinance, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Castro.

AN ORDINANCE 97258

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 6.130 ACRES OUT OF NCB 18394, 1500 BLOCK OF N. LOOP 1604 WEST, FROM "C-2 ERZD" COMMERCIAL, EDWARDS RECHARGE ZONE DISTRICT TO "C-2 CS ERZD" COMMERCIAL, EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR MINI-WAREHOUSE AND A

SPECIFIC USE PERMIT FOR A MINI WAREHOUSE OVER 2.5 ACRES ON THE PROPERTY LISTED AS FOLLOWS:

* * * *

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

1. All persons leasing a storage unit should be informed, in the lease agreement, that storage of chemicals and/or hazardous materials is not permitted. A copy of the standard lease agreement should also be submitted to SAWS for review. Staff from the Aquifer Protection and Evaluation Section of SAWS reserves the right to randomly inspect, without notice, any or all units to ensure compliance.
2. 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.
3. 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.
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 special use, a special permit must be obtained for that use. If the land use is listed as prohibited, that land use will not be permitted on that site.
5. 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 (WPAP) shall be submitted for each development/use within the area being considered for re-zoning,
 - B) A set of site specific plans which must have a signed Engineers Seal from the State of Texas,
 - C) A WPAP approval letter from the Texas Commission on Environmental Quality (TCEQ),
 - D) A copy of the approved Water Pollution Abatement Plan.

6. All approved chemical storage areas shall be constructed with a depressed floor to contain and assist the cleanup of any spilled chemicals.
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. 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 Natural Resource 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 the sewage collection system to include service laterals and sewer mains for proper construction according to State and City Regulations and Code.
10. The owner or agent shall provide a copy of the standard lease agreement to the Aquifer Protection and Evaluation Section of the San Antonio Water System.
11. The Resource Protection Division staff shall have the authority to inspect the site to ensure that the approved recommendations are being strictly adhered to during and after 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 of 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.

* * * *

7L.) CASE NUMBER #Z2002265 C - The request of Cisarik Enterprises, Inc., Applicant, for Charles M. Armstrong, et al (Stewart Armstrong, Trustee), Owner(s), for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with conditional use for a mini-warehouse on 2.003 acres out of NCB 8694, 1258 Austin Highway. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (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 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, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 97259

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 2.003 ACRES OUT OF NCB 8694, 1258 AUSTIN HIGHWAY, FROM "C-2" COMMERCIAL DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A MINI-WAREHOUSE.

* * * *

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

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

1. Any dumpsters shall be enclosed and screened from public view. 2. Parking in front of the building shall be limited to one row and it is encouraged that the

building be placed as close to the street as possible.

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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7M.) CASE NUMBER #Z2002275 - The request of Kenneth J. Weber & Mary Lou Gonzales, Applicant, for Kenneth J. Weber & Mary Lou Gonzales, Owner(s), for a change in zoning from "C2" Commercial District to "R6" Residential Single-Family District on .36 acres out of a 1.36 acre tract of NCB 16582, in the 16000 block of Fox Knoll Street, New City Block 16582. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (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 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, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 97260

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 .36 ACRES OUT OF A 1.36 ACRE TRACT OF NCB 16582, IN THE 16000 BLOCK OF FOX KNOLL STREET, NEW CITY BLOCK 16582, FROM "C2" COMMERCIAL DISTRICT TO "R6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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— — —
2003-08 EXECUTIVE SESSION

The City Council recessed its regular session at 2:34 P.M. in order to convene in Executive Session for the purpose of:

- A) Consideration of Zoning Case 7A. which would designate Lot 11, 12, 12A, 12B, 12C, 13, and 14, NCB 3053 as part of the River Overlay District 2. The regular meeting was reconvened at 3:40 P.M. to consider Agenda Item 7A.

The City Council adjourned the Executive Session at 3:40 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council would consider Agenda Item 7A.

— — —
2003-08 At this time, reference was made to Case Number 7A.

7A.) CASE NUMBER #Z2001223-2A - The request of City of San Antonio, Applicant, for Borden Park L.P., Owner(s), for a change in zoning to designate those properties as part of River Overlay District 2 on Lots 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053, 815, 825, 835, 837, 841, and 875 East Ashby Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

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

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

The following citizen(s) appeared to speak:

Ms. Jill Harrison Souter, San Antonio Conservation Society, spoke in favor of placing this property in the River Improvement Overlay District 2 (a copy of her letter is filed with the papers of this meeting).

Mr. Banks Smith, Attorney for San Antonio Conservation Society, reiterated Ms. Souter's comments and stated that the property should be placed in the River

Improvement Overlay District 2. He further spoke to provisions of the City's Scenic Corridor Ordinance and its provision with regards to off premise signage.

Ms. Angie Ruiz, President of Tobin Hill Residents Association, encouraged the rezoning of the area. She added that it was highly recommended that the City Council not allow the billboards in question to remain as they were highly offensive.

Ms. Kathleen Trenchard, President of Scenic SA, stated that her organization had been discussing the Star Storage situation as it related to the billboards they had erected. She spoke in support of a moratorium on all new billboard construction, replacement or relocation. She added that the Star Storage billboards were an offense to the Tobin Hills neighborhood.

* * * *

Councilman Perez made a motion to follow the recommendations of the Zoning Commission and City staff to include the property in the overlay and that this Ordinance take effect immediately. Councilman Sanders seconded the motion.

Councilman Schubert stated that the signs were a blight in the area and that the parties responsible for erecting them had not showed themselves to be good corporate citizens. He added that he would support Councilman Perez's 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, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 97261

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 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053, 815, 825, 835, 837, 841, AND 875 EAST ASHBY PLACE, TO DESIGNATE THOSE PROPERTIES AS PART OF RIVER OVERLAY DISTRICT 2.

* * * *

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2003-08 **MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF
SAN ANTONIO HOUSING TRUST FINANCE CORPORATION.**

Mayor Garza recessed the regular meeting at 3:55 P.M. in order to convene the meeting of the Board of Directors of the **SAN ANTONIO HOUSING TRUST FINANCE CORPORATION**. The following members were present: Perez, Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **ABSENT**: None.

Acting City Clerk Ledesma then read the following Resolution of the Board:

A RESOLUTION

AUTHORIZING CERTAIN ACTIONS BY THE PRESIDENT OR THE VICE PRESIDENT OF THE CORPORATION TO FACILITATE INCREASED ORIGINATION OF MORTGAGE LOANS RELATING TO SAN ANTONIO HOUSING TRUST FINANCE CORPORATION SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2002.

*** * * ***

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

Mr. David D. Garza, Director, Neighborhood Action Department, spoke to amendments being proposed to the mortgage program to increase the origination of mortgage loans. He then introduced Mr. John Kenney, Executive Director of the San Antonio Finance Corporation.

Mr. Kenney spoke to the City Council's previous approval of the selling of bonds for a mortgage revenue program and the County's participation in the program. He added that the rate had originally been set at 6.2% but that, because of the lowering of interest rates, the coupon rate had been renegotiated with Fannie Mae to bring the interest rate down to 5.95%. He added that this would make them more marketable to the public.

Councilman Perez spoke to the importance of following through with what had been discussed and to insure that there was more frequency of reporting. He noted the need to exercise our efforts to work as much as possible to utilize these funds.

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

Mayor Garza then adjourned the meeting of the Board of Directors of the San Antonio Housing Trust Finance Corporation, and reconvened the regular session of the City Council meeting at 4:00 P.M.

— — —
2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97262

ESTABLISHING THE CONVENTION CENTER HOTEL ADVISORY BOARD (CCHAB) TO ASSIST THE CITY COUNCIL IN FORMULATING RECOMMENDATIONS AND FOCUS ON EXPEDITING THE HOTEL DEVELOPMENT PROCESS.

* * * *

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

Mr. Trey Jacobson, Assistant Director, Economic Development Department, offered a slide presentation in which he spoke to the purpose of the Convention Center Hotel Advisory Board and provided background information, including its makeup and its mandate. A copy of the presentation is filed with the papers of this meeting.

Mayor Garza briefly explained the task of the board and stated that they would provide recommendations to the City Council on how the Council should proceed given all the factors to be considered. He added that names of prospective members would be considered the following week.

Councilman Castro stated that prospective members to the Board should have no pre-existing ties so that they would be free to make impartial decisions.

Councilwoman Moorhouse spoke to the importance of looking closely at all the individuals whose names had already been submitted to determine stability. She added that it was important to meet on these recommendations.

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.

2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97263

APPROVING AN ECONOMIC INCENTIVE RIDER, RIDER E16, PROVIDING FOR A DISCOUNT TO THE SUPER LARGE POWER (SLP) ELECTRIC RATE OF UP TO FIFTY PERCENT (50%) OF DEMAND CHARGES, DEPENDING ON THE SIZE OF THE ELECTRIC LOAD ADDITION, FOR A TERM OF UP TO SEVEN (7) YEARS FOR THOSE CUSTOMERS WHO MEET REQUIREMENTS AS SET OUT IN THE RIDER.

* * * *

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

Mr. Ben Gorzell, Jr., CPA, Assistant Director, Finance Department, and Stephen Bartley, Director of Regulatory Relations, City Public Service, gave a slide presentation on Economic Incentive Rider, E16, its background, features, and staff recommendations, a copy of which is on file with the papers of this meeting.

Mayor Garza thanked the CPS board for creating this rider for Toyota and for other large economic development projects that would provide added benefits to the community.

In response to a question by Councilwoman Conner, Mr. Bartley stated that there would be no impact on residential rates.

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

— — —
2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97264

AMENDING CERTAIN SECTIONS OF CHAPTER 34 OF THE CITY CODE TO INCLUDE THE DEFINITION OF AN ECONOMIC DEVELOPMENT WATER SERVICE CUSTOMERS; ESTABLISHING A RATE SCHEDULE FOR ECONOMIC DEVELOPMENT WATER SERVICE CUSTOMERS; PERMITTING THE WAIVER

OF CERTAIN FEES AND CHARGES; PROVIDING FOR THE CONSTRUCTION OF INFRASTRUCTURE AND FACILITIES; AND ESTABLISHING AN EFFECTIVE DATE OF MARCH 15, 2003.

* * * *

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

Mr. Ben Gorzell, Jr., CPA, Assistant Director, Finance Department, spoke to the purpose of this Ordinance and then introduced John Reynolds, Corporate Counsel for SAWS, who gave a slide presentation on the customer water service rates which included objectives, rate class, rate provisions, fiscal impact and staff recommendation. A copy of the presentation is filed with the papers of this meeting.

Mayor Garza stated that this was part of the overall package that was negotiated with Toyota officials and thanked the Board for taking action on this.

Councilwoman Conner spoke to her morning meeting in Austin with the Texas Transportation Commission that gave approval for infrastructure in the area of the Toyota plant. She spoke to monies received and stated that they would return in March to secure additional funds.

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. **NAYS:** None. **ABSENT:** Perez.

— — —
2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97265

GRANTING A REQUEST SUBMITTED BY VICKI SLATER FOR WAIVER OF THE INTERIM DEVELOPMENT CONTROLS ADOPTED ON FEBRUARY 6, 2003 (ORDINANCE NO. 97173) AS IT APPLIES TO LOT 17, NCB 34286 ALSO KNOWN AS 2027 BLACK BASS LANE.

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

Mr. Florencio Pena, Director of Development Services, gave a slide presentation for Items 24 and 25, the petition for a waiver of requirements in the Limited Purpose Annexation, background of interim development controls, interim development control waiver, and waiver criteria. 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:** Sanders, Moorhouse, Martin, Herrera, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez.

— — —
2003-08 The Clerk read the following Ordinance:

AN ORDINANCE 97266

GRANTING A REQUEST SUBMITTED BY EARL & BROWN FOR WAIVER OF THE INTERIM DEVELOPMENT CONTROLS ADOPTED ON FEBRUARY 6, 2003 (ORDINANCE NO. 97173) AS IT APPLIES TO HUNTERS POND UNIT 1, BEXAR COUNTY.

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

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2003-08 **TRAVEL AUTHORIZATION - Granted:**

Travel Authorization for Councilman Carroll W. Schubert, District 9, who will travel to Washington, D.C. from Sunday, March 9, 2003 through Wednesday, March 12, 2003 to participate in the San Antonio Greater Chamber of Commerce's 25th annual "SA to DC" trip to meet with senior government officials on community issues.

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

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

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2003-08 **CITY MANAGER'S REPORT**

City Manager Terri Brechtel introduced Mr. Jim Campbell, External Relations Director, who gave an update on the State Initiatives Program during the 78th Legislature. A copy of the presentation is filed with the papers of this meeting.

Mayor Garza thanked Mr. Campbell for keeping the Council advised about the latest developments on bills for consideration during this legislative session and spoke to some specific bills that would affect San Antonio.

In response to a question by Councilman Schubert, Mr. Campbell spoke to the sales tax issue.

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2003-08 **EXECUTIVE SESSION**

The City Council recessed its regular session at 4:50 P.M. in order to convene in Executive Session for the purpose of:

A.) Discuss lease and economic development negotiations, incentives offered, and related legal issues concerning a proposal 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).

B.) Discuss legal issues concerning the interpretation and application of Chapter 245 of the Texas Local Government Code, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 6:06 P.M. and reconvened in regular session, at which time Mayor Pro Tem Conner, in the absence of the Mayor, stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-08

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CITIZENS TO BE HEARD
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MR. JOSE A. PEREZ

Mr. Jose Perez, 1502 Holbrook #6, spoke to previous appearances before the City Council in which he had spoken of being wrongly incarcerated for attending a SBA meeting seeking City contracts. He noted that the City Council minutes of December 13, 2001, December 20, 2001, and March 21, 2002, had omitted information he had provided the City Council and asked that the minutes be corrected (a copy of his request is filed with the papers of this meeting).

* * * *

(Mayor Garza returned to the meeting and presided.)

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, 527 Hearne Avenue, read from a prepared statement expressing his support for a stronger tree ordinance (a copy of his statement is filed with the papers of this meeting). He quoted from various Bible passages related to trees.

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MR. PAUL BROCK

Mr. Paul Brock, Olmos Park Terrace Neighborhood, submitted a petition signed by home owners on Mariposa Drive who were urging the City Council to pass the new tree ordinance, encouraging strengthening regulations in residential areas, increasing permeable cover, and granting no exemptions for City agencies. He spoke to the need to protect trees much like the Riverwalk had been protected many years ago.

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MS. MARLYS DIETRICK

Ms. Marlys Dietrick, Smart Growth San Antonio, spoke to the need for a strong tree ordinance and to her presentation to the Planning Commission.

Councilwoman Conner noted that she had been at the meeting for the whole presentation and had heard Ms. Dietrick speak.

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MR. HARRY F. NOYES III

Mr. Harry F. Noyes, III, Bexar Audubon Society, stated that his organization urged the City Council to reject the recommendations of the Planning Commission and requested that they vote for a strong tree ordinance. He further urged the Council to adopt the City staff recommendation with amendments that would strengthen some of the weaker provisions.

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MS. DEANNA FRISK

Ms. Deanna Frisk, President of the League of Women Voters, read a letter into the record that requested that the City Council adopt the staff recommendations when voting on the new tree ordinance. The letter additionally offered for consideration two items that would further improve the ordinance (a copy of the letter is filed with the papers of this meeting).

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MR. JIM KOCH

Mr. Jim Koch, 8214 Evert Street, spoke in favor of a strong tree ordinance adding that it would help cut down on area pollution. He spoke to the root protection zones.

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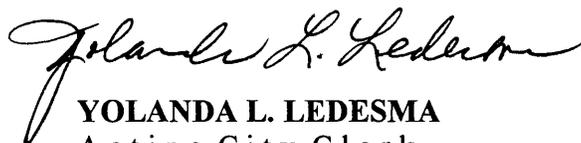
2003-08 There being no further business to come before the City Council, the meeting was adjourned at 6:30 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk