

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, NOVEMBER 13, 2003**

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2003-41 The City Council convened in an informal "B" Session at 10:15 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

A) Staff briefing to provide information regarding interior improvements to the Alamodome, long-term capital improvements and outlining short-term solutions for the lease of an in-fill turf system. (Presented by Michael Abington, Director, Alamodome and Roland A. Lozano, Assistant to the City Manager.)

The Council members present were: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

The "B" Session adjourned at 12:11 P.M.

2003-41 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. ABSENT: None.

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2003-41 Invocation by Pastor Lasalle R. Vaughn, New Life Christian Center.

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2003-41 Pledge of Allegiance to the flag of the United States.

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2003-41 **PROCLAMATION - "PIE IN THE SKY CAMPAIGN DAYS"**

Mayor read a proclamation proclaiming "Pie in the Sky Campaign Days" in San Antonio and invited representatives of the Barn Door to come forward.

Mr. James Strauss, President, Barn Door Restaurants, expressed appreciation and spoke to the Barn Door Restaurants partnering with the Northside Independent School District and donating a percentage of all pie sales at their new location to the Northside Education Foundation's Mini Grants Program.

Mr. Bennie Cole, President, Northside Education Foundation, stated that the funds raised would be used to award grants to teachers and schools for innovative educational programs. He noted that this was the first time that the Foundation had partnered with a restaurant to provide this type of assistance for the schools.

Several Councilmembers commended the Barn Door for sharing its success with the community and congratulated the Foundation for all they do for the district

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2003-41      **PROCLAMATION: "WORLD CHILDREN'S DAY"**

Mayor Garza read a proclamation proclaiming "World Children's Day" in San Antonio and invited members of the Greater San Antonio McDonald's Owners' Association to come forward to accept the proclamation.

Ms. Sybil Pecee thanked the Council for the proclamation, spoke to the annual fundraisers benefiting Ronald McDonald House Charities, and introduced other owners who were accompanying her.

The Oak Crest Children's Choir, East Central ISD, then sang a song to the Council.

Several Councilmembers thanked the owners from area McDonald's for their good work and for sharing their success with the community. They also congratulated the children for their beautiful singing.

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2003- 41      **POINT OF PERSONAL PRIVILEGE – SOUTH TEXAS NEGRO BASEBALL LEAGUE**

Councilman Hall, on a point of personal privilege, invited Mr. Edward Turner and Mr. Lefty O'Neil, who were members of the Negro League, a league that existed for over 50 years until 1978 in San Antonio. He stated that the group would be holding a reunion on November 21<sup>st</sup> and invited both gentlemen to speak to the upcoming reunion.

Mr. Turner and Mr. G'Neil both spoke briefly to the history of the Negro League and to the recognition that would be given at the reunion to players that had not had the opportunity to get to the major leagues.

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2003-41      CONSENT AGENDA – CITIZENS' COMMENTS

Mr. Jack Finger, P. O. Box 12048, spoke to Agenda Items 14, 16, 17, 19, and 20. On Agenda Item 14 he asked those Councilmembers that had received campaign contributions from owners or shareholders of Pape-Dawson Engineers, Inc. refrain from voting on this item to prevent the appearance of conflict of interest. He also spoke to the City still spending monies from 1994 bonds.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke to Agenda Item 28 concerning grant funds received from the Texas Department of Health. He also cited quotes from the Bible.

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2003-41      CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 7 through 30B, constituting the Consent Agenda, except for Items 7, 8, 9, 11, 14, 15, 16, 28, which were pulled for individual consideration. Councilman Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98428

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$142,930.00 TO INCLUDE CONTRACTS FOR MAINTENANCE & REPAIR OF AUXILIARY GENERATORS, PAPER PRODUCTS & JANITORIAL SUPPLIES, 800MZ SUBSCRIBER UNIT ACCESSORIES, AND PET FOOD.

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AN ORDINANCE 98429

ESTABLISHING A BUDGET AND APPROPRIATING \$500,000.00 IN THE AIRPORT CAPITAL IMPROVEMENT FUND TO FACILITATE AIRPORT IMPROVEMENTS PREVIOUSLY CHARGED TO THE AIRPORT OPERATING FUND, AND TO BE ACCOMPLISHED THROUGH CITY PERSONNEL.

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AN ORDINANCE 98430

ACCEPTING THE LOW, QUALIFIED RESPONSIVE BID IN THE AMOUNT OF \$592,000.00 FROM 3TI, INC. (MBE/SBE) IN CONNECTION WITH THE POLICE ARMORY AND BULLET TRAP REPLACEMENT PROJECT AT THE POLICE TRAINING ACADEMY, LOCATED AT 12200 S.E. LOOP 410 IN COUNCIL DISTRICT 3; AUTHORIZING \$29,600.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; FOR A TOTAL AMOUNT OF \$621,600.00 FROM CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98431

AUTHORIZING 1994 G.O. DRAINAGE BOND FUNDS IN THE AMOUNT OF \$7,500.00 FOR THE RIGHT OF ENTRY TO 15 PRIVATELY OWNED PROPERTIES IN CONNECTION WITH THE W. W. WHITE PHASE I - RIGSBY TO LORD PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS FOR RIGHT OF ENTRY AGREEMENTS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98432

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT AND MEMORANDUM OF LICENSE AGREEMENT GRANTING SAN ANTONIO RESORT LIMITED PARTNERS, L.P., THE RIGHT TO USE 0.1226 OF AN ACRE (5,339 SQUARE FEET) OF PUBLIC RIGHT OF WAY UNDER AND ACROSS W. MILITARY DRIVE LOCATED BETWEEN HUNT LANE AND ROGERS ROAD FOR THE CONSTRUCTION OF A GOLF CART TUNNEL ADJACENT TO NCBS 17642 AND 17673, FOR A TEN (10) YEAR TERM AND A LICENSE FEE OF \$5,000.00.

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AN ORDINANCE 98433

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT AND MEMORANDUM OF LICENSE AGREEMENT GRANTING MACK-CALI TEXAS PROPERTY, L.P., THE RIGHT TO USE SURFACE AND SUBSURFACE PORTIONS OF SOLEDAD STREET PUBLIC RIGHT OF WAY TO MAINTAIN AND OPERATE SIX (6) EXISTING LANDSCAPE PLANTERS, FOUR (4) EXISTING FLAG POLES AND AN EXISTING SIDEWALK ELEVATOR IN THE SUBSURFACE OF SOLEDAD STREET LOCATED AT THE RIVERVIEW TOWERS, 111 SOLEDAD STREET, ADJACENT TO NCB 909, FOR A TEN (10) YEAR TERM, AND A LICENSE FEE OF \$5,000.00; AND PROVIDING FOR THE ASSIGNMENT OF THE LICENSE AGREEMENT TO A BUYER OF THE ADJACENT PROPERTY WITHIN ONE (1) CALENDAR YEAR OF THE EFFECTIVE DATE OF THE LICENSE AGREEMENT, WITH THIRTY (30) DAYS' PRIOR WRITTEN NOTICE TO THE CITY.

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AN ORDINANCE 98434

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT AND MEMORANDUM OF LICENSE AGREEMENT GRANTING LA MANSION HOTELS, LTD., THE RIGHT TO USE THE AIR SPACE OVER EAST COMMERCE STREET PUBLIC RIGHT OF WAY FOR THE RECONSTRUCTION OF THE FACADE AT THE WATERMARK HOTEL AT 212 W. CROCKETT STREET, IN NCB 116, FOR A TEN (10) YEAR TERM AND A LICENSE FEE OF \$5,000.00.

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AN ORDINANCE 98435

ALLOWING FOR THE ACCEPTANCE OF TITLE TO REAL PROPERTY LOCATED AT 319 AND 516 CLARK AVENUE (NCB 2848, BLOCK 1, LOT 9 AND NCB 1554, BLOCK 4, LOT 28, RESPECTIVELY) TO BE DONATED TO THE CITY OF SAN ANTONIO BY HABITAT FOR HUMANITY OF SAN ANTONIO IN CONNECTION WITH THE CITY'S HOUSING ASSET RECOVERY PROGRAM.

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AN ORDINANCE 98436

AUTHORIZING PAYMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$215,000.00 TO VARIOUS VENDORS FOR COSTS ASSOCIATED WITH THE SAN ANTONIO CONVENTION AND VISITORS BUREAU MARKETING ACTIVITIES AND HOSTING OBLIGATIONS THROUGHOUT FISCAL YEAR 2004; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98437

AUTHORIZING THE PURCHASE OF MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH UNDERWRITERS @ LLOYDS THROUGH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE-YEAR PERIOD BEGINNING NOVEMBER 15, 2003 AT AN ESTIMATED COST OF \$168,538.00.

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AN ORDINANCE 98438

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A \$76,278.00 SUPPLEMENTAL GRANT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE SAN ANTONIO HIGH INTENSITY DRUG TRAFFICKING AREA INITIATIVE FOR THE GRANT PERIOD JANUARY 1, 2003 THROUGH DECEMBER 31, 2003.

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AN ORDINANCE 98439

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A \$25,000.00 SUPPLEMENTAL GRANT FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE SAN ANTONIO HIGH INTENSITY DRUG TRAFFICKING AREA INTELLIGENCE CENTER FOR THE GRANT PERIOD OF JANUARY 1, 2002 THROUGH DECEMBER 31, 2003.

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AN ORDINANCE 98440

CONSENTING TO THE INCLUSION OF A PORTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION IN THE PROPOSED EMERGENCY SERVICES DISTRICT NO. 1, GUADALUPE COUNTY, FOR THE PROVISION BY THE DISTRICT OF FIRE SUPPRESSION AND EMERGENCY MEDICAL SERVICES FOR INDIVIDUALS RESIDING WITHIN THE BOUNDARIES OF THE PROPOSED DISTRICT.

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AN ORDINANCE 98441

APPROVING THE EXTENSION OF LINE-OF-DUTY LEAVE FOR FIRE APPARATUS OPERATOR JESSE HERNANDEZ, JR. THAT WILL RESTORE ONE THOUSAND FOUR HUNDRED AND SIXTEEN (1,416) HOURS, OR FIFTY-NINE (59) SHIFTS OF HIS PERSONAL LEAVE AND CONVERT THREE HUNDRED AND SIXTY (360) HOURS, OR FIFTEEN (15) SHIFTS, OF TIME SPENT ON LEAVE WITHOUT PAY TO LINE OF DUTY LEAVE TO ALLOW THE FIRE DEPARTMENT TO CONSIDER THAT PERIOD AS LINE OF DUTY LEAVE.

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AN ORDINANCE 98442

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN DOWNTOWN STREETS IN CONNECTION WITH THE CITY'S NEW YEAR'S EVE CELEBRATION TO BE HELD IN HEMISFAIR PARK ON DECEMBER 31, 2003; PROHIBITING "LIQUID STRING", SILLY STRING, SUPER STRING, SNAPPERS, THROWDOWNS, POPPING MATCH STICKS, POP POPS, AND GLASS BEVERAGE CONTAINERS AND REQUIRING ALL PETS TO BE ON A LEASH IN LA VILLITA, HEMISFAIR PARK AND ON CERTAIN DOWNTOWN STREETS NEAR THE HEMISFAIR PARK AREA IN CONNECTION WITH SAID EVENT; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS PROVISION.

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AN ORDINANCE 98443

REAPPOINTING BELVIN B. STEWARD (DISTRICT 2) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2005.

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AN ORDINANCE 98444

APPOINTING RUBEN FLORES, JR. (DISTRICT 8) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2005.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98445

AUTHORIZING A CONTRACT WITH DUPONT QUALICON TO PROVIDE THE CITY OF SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH AN AUTOMATED FOODBORNE BACTERIA ANALYZER FOR A TOTAL COST OF \$35,000.00 AS REQUIRED BY A CONTRACT WITH THE TEXAS DEPARTMENT OF HEALTH FOR THE LABORATORY BIOTERRORISM PREPAREDNESS PROGRAM.

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

In response to a question from Councilman Perez, Dr. Fernando Guerra, Director, Metropolitan Health District, spoke to the actions that trigger the use of the automated food borne bacteria analyzer, noting that it was another tool that assured the City's preparedness in the event that terrorists-type activities occur.

In response to a question from Councilman Williams, Dr. Guerra noted that this was one of a number of steps used for doing rapid analysis.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98446

ACCEPTING THE OFFER FROM OFFICE COMMUNICATIONS SYSTEMS, UTILIZING A TEXAS BUILDING AND PROCUREMENT COMMISSION CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH THREE DIGITAL DUPLICATOR PRINTERS AND THREE ONE-YEAR MAINTENANCE AGREEMENTS FOR A TOTAL COST OF \$27,717.45.

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

In response to a question by Councilman Perez, Dr. Fernando Guerra, Metropolitan Health Director, spoke to the purpose of having this equipment within the department versus the Central Stores print shop utilized by other City departments.

Councilwoman Radle spoke to her concern with regard to the overall use of paper. She expressed her opinion that pages should be fully utilized rather than just using one side of the paper and to the need for recycling.

Ms. Janie Cantu, Director, Purchasing & General Services, spoke to the recycling program that the City has in place.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Schubert.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98447

ACCEPTING THE LOW QUALIFIED BIDS SUBMITTED BY KINLOCK EQUIPMENT & SUPPLY, ITEM 1; ROMCO EQUIPMENT CO., ITEMS 2, 7, 8; HOLT CAT, ITEM 3; EQUIPMENT DEPOT, ITEM 4; QUALITY EQUIPMENT CO., ITEMS 5A-5D; ALAMO AG-CON EQUIPMENT, INC., ITEM 6; AND NORSTAR INDUSTRIES, INC., ITEM 9 TO PROVIDE THE CITY OF SAN ANTONIO

AVIATION AND PUBLIC WORKS DEPARTMENTS WITH HEAVY EQUIPMENT  
FOR A TOTAL AMOUNT OF \$1,594,899.98.

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

In response to a question by Councilman Perez, Ms. Janie Cantu, Director, Purchasing Department, and Mr. Tom Wendorf, Director, Public Works Department, spoke to the uses of the Telescopic Tool Carrier.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Garza. **NAYS:** None. **ABSENT:** Schubert, Haass.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98448

ACCEPTING THE PROPOSALS OF ENVIRONMENTAL/OCCUPATIONAL SOLUTIONS, QUALTECH ENVIRONMENTAL SERVICES, AEHS, INC., AND TLI & ENVIRONMENTAL SERVICES (MBE) TO PROVIDE ON-CALL ENVIRONMENTAL CONSULTING SERVICES IN CONNECTION WITH THE CITY OF SAN ANTONIO'S LEAD BASED PAINT PROGRAM FOR A TWO-YEAR PERIOD AND ONE (1) TWO-YEAR RENEWAL OPTION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF FOUR (4) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROFESSIONAL SERVICES CONTRACTS IN AN AMOUNT NOT TO EXCEED \$150,000.00 EACH; APPROPRIATING FUNDS; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

In response to a question by Councilman Perez, Ms. Paula Stallcup, Assistant Director, Neighborhood Action Department, spoke to the program now in place and to the homes that had already been identified for this program. She noted that some of the homes had been selected from referrals made by the Health Department.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Garza. **NAYS:** None. **ABSENT:** Castro, Schubert, Haass.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98449

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$114,628.00 PAYABLE TO PAPE-DAWSON ENGINEERS, INC. FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE WOODLAWN - BANDERA TO MAIDEN PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING \$22,925.00 FOR ADDITIONAL DESIGN CONTINGENCY EXPENSES; FOR AN OVERALL TOTAL OF \$137,553.00 FROM CERTIFICATES OF OBLIGATION; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

In response to questions by Councilman Perez, Mr. Tom Wendorf, Director, Public Works Department, stated that the project had been extended and some additional scope had been added. He further stated that he would look into what caused the dollar difference in the backup paperwork.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Castro, Haass.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98450

AMENDING THE PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN AN

AMOUNT NOT TO EXCEED \$7,860.00 PAYABLE TO SLAY ENGINEERING CO., INC. (SBE) FOR ENGINEERING SERVICES IN CONNECTION WITH THE HURON - FITCH TO SOUTHCROSS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 4; AUTHORIZING \$1,000.00 FOR MISCELLANEOUS ENGINEERING DESIGN CONTINGENCY EXPENSES FOR A TOTAL AMOUNT OF \$8,860.00; REVISING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE 95863, JUNE 6, 2002)

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

In response to a question by Councilman Perez, Mr. Tom Wendorf, Director, Public Works Department, explained that this contract was being amended to include bid and construction phases. He stated that on CDBG projects, many projects did not proceed beyond this phase; therefore, only the design piece was requested. He stated that this project would be beginning in April, 2004 and be completed in September, 2004.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Castro, Haass.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98451

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING ADDITIONAL FUNDS FROM 1994 DRAINAGE IMPROVEMENT BONDS IN THE AMOUNT OF \$64,935.00 PAYABLE TO HDR ENGINEERING, INC. FOR ENGINEERING EXPENSES IN CONNECTION WITH THE JAMES PARK DEVELOPMENT AND HOLBROOK ROAD IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 2; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT. (AMENDS ORDINANCE 82402, JUNE 22, 1995)

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

In response to questions by Councilman Perez, Mr. Thomas Wendorf, Director, Public Works, spoke to the reasons why this project had been pushed back.

Councilman Perez expressed his opinion that the City needed to do a better job pointing out the circumstances of why a project was delayed to avoid the appearance that the City had not been duly diligent in moving the project forward in a timely manner.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Garza. **NAYS:** None. **ABSENT:** Schubert, Haass.

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2003-41 The Clerk read the following Ordinance:

AN ORDINANCE 98452

AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$143,495.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW THE ONGOING FEDERAL REFUGEE HEALTH SCREENING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2003 THROUGH SEPTEMBER 30, 2004; APPROVING THE EXECUTION OF THE CHANGE TO THE CONTRACT WITH TDH; ADOPTING A PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF A CONTRACT WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, INC. IN CONNECTION WITH THE PROGRAM; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES. (AMENDS ORDINANCE 97154, FEBRUARY 6, 2003)

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

In response to questions by Councilman Perez, Dr. Fernando Guerra, Director, Metropolitan Health District, provided details on this program that had been in place since 1999. Dr. Guerra explained the contract with Catholic Charities and spoke to the number of individuals assisted annually.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Schubert.

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2003-41      **INDIVIDUAL ITEMS – CITIZENS’ COMMENTS**

Jack Finger, P. O. BOX 12048, spoke to Agenda Items 32 and 33 related to the Alamodome, its condition and lack of continuing maintenance. He further stated his opinion on granting the advertising and product rights to The Pepsi Bottling Group.

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2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98453

AMENDING THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.41 ACRES OF LAND LOCATED AT 1638, 1642, AND 1644 W. HOLLYWOOD AVENUE FROM URBAN LOW DENSITY RESIDENTIAL USE TO MIXED USE. STAFF RECOMMENDS APPROVAL OF THE PROPOSED AMENDMENT.

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

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation in which he spoke to the Master Plan Amendment 03007 Near Northwest Community Plan (a copy of which is made a part of the papers of this meeting). He pointed out the significance of the Master Plan component, the background, the adopted plan and its proposed amendment, the land use intensity and compatibility, and the evaluation criteria.

In response to questions by Councilman Flores on his concern with the alleys, Mr. Moncivais stated that the drainage issue had been discussed and HEB had agreed to clean up the area to resolve the drainage problem.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **ABSTAIN:** Castro. **NAYS:** None. **ABSENT:** Williams.

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2003-41      ZONING CASES

3A.) CASE NUMBER #Z2003133: The request of H.E.B. Grocery Company, L.P., Applicant, for H.E.B. Grocery Company, L. P., Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-2" Commercial District on Lots 5 through 7, Block 73, NCB 2768; 1640, 1642 and 1644 West Hollywood Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. John Davis, Vice President, Los Angeles Heights, spoke in favor of this zoning request.

Councilman Flores 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:** Flores, Williams, Perez, Radle, Barrera, Hall, Haass, Garza. **ABSTAIN:** Castro, Schubert. **NAYS:** None. **ABSENT:** Segovia.

AN ORDINANCE 98454

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 5 THROUGH 7, BLOCK 73, NCB 2768 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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3B.) CASE NUMBER #Z2003168 - The request of Marion W. Cain, Applicant, for Marion W. Cain, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "O-1" Office District on Lots 5 and 6, Block 5, NCB 1727, 119 East Dewey Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Flores made a motion to deny the proposed rezoning case. Councilman Hall seconded the motion.

The following citizen(s) appeared to speak:

Mr. J. L. Rodriguez, representing the owner of the property, noted that it had been difficult to work with the neighborhood association because it had a single-minded purpose to keep the area residential.

A brief discussion ensued between Councilman Flores and Mr. Rodriguez in which Councilman Flores spoke to recent meetings with the neighborhood associations, the work his office had put in trying to resolve the issues and to his reasons for supporting denial of this zoning request.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

Zoning Case Z2003168 was denied.

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3C.) CASE NUMBER #Z2003169 - The request of Hixon Properties Incorporated, Attn: William G. Shown, Applicant, for Hixon Properties Incorporated, Attn: William G. Shown, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District on Lots 1 and 2, NCB 13423, 303 S. Santa Rosa. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

The following citizen(s) appeared to speak:

Mr. Keith Johnson, Time Warner Cable, requested an explanation on how his company would be impacted by this zoning change. He stated that his company owned a piece of property across the street from the subject property and it was very critical to their operation. He asked whether it would have an adverse effect on their ability to deliver signals.

In response to a question by Mr. Flores, Mr. Zek Kennedy, applicant, stated that it would not have an adverse effect on Time Warner Cable's property.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

#### AN ORDINANCE 98455

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 1 AND 2, NCB 13423 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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3D.) CASE NUMBER #Z2003187 - The request of City of San Antonio, Historic Preservation Officer, Applicant, for Viola Werner, Owner(s), for a change in zoning to designate Historic Significance on Lots 1, 2 and the west 5.3 feet of Lot 3, Block 1, NCB 129, 833 West Cypress Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Flores 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:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Hall.

AN ORDINANCE 98456

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 1, 2 AND THE WEST 5.3 FEET OF LOT 3, BLOCK 1, NCB 129 TO DESIGNATE HISTORIC SIGNIFICANT.

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3E.) CASE NUMBER Z2003177 - The request of Kirby Investments, Applicant, for Kirby Investments, Owner(s), for a change in zoning from "C-3 NA" General Commercial District, Nonalcoholic Sales and "I-1" General Industrial District to "C-3" General Commercial District on Lot 13, Block 1, NCB 10599, at the intersection of northeast Loop 410 access road and Wehman Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval of "C-3 NA" General Commercial District, Nonalcoholic Sales on the west approximately 133 feet of Lot 13 zoned "I-1" General Industrial District. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Williams 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:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

AN ORDINANCE 98457

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 13, BLOCK 1, NCB 10599 FROM "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

\* \* \* \*

3F.) CASE NUMBER #Z2003181 - The request of Earl & Brown, P. C., Applicant, for R. J. Gilbert; Contact: James Woo, Attorney for Seller, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "MF-25" Multi-Family District on 12.804 acres out of Block 13, NCB 15780, approximately 365 feet south of Eisenhower Road between Ray Bon Drive and Midcrown Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Williams made a motion to approve the proposed rezoning provided that the developer keep an open line of communication with the East Park Village Neighborhood Association. Councilman Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

AN ORDINANCE 98458

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 12.804 ACRES OUT OF BLOCK 13, NCB 15780 FROM

"R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

\* \* \* \*

3G.) CASE NUMBER #Z2003195 - The request of Fidencio R. Salazar and Olga Hernandez Salazar, Applicant, for Fidencio R. Salazar, Owner(s), for a change in zoning from "MF-33" Multi-Family District to "C-1" Light Commercial District on Lot 8, Block 13, NCB 1695, 2230 North Pan Am Expressway. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Williams made a motion to approve the proposed rezoning. Councilman Hall seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

#### AN ORDINANCE 98459

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, BLOCK 13, NCB 1695 FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

\* \* \* \*

3H.) CASE NUMBER #Z2003103 - The request of Jim Burke, Burke Properties, Applicant, for Burke Properties, Ltd., Owner(s), for a change in zoning from "MH" Manufactured Housing District to "C-2" Commercial District on 43.2 acres out NCB 10979, 3143 Military Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to approve the proposed rezoning. Councilman Williams seconded the motion.

The following citizen(s) appeared to speak:

Mr. David Monnich, 8700 Crownhill, #200, stated that he was working with the residents of the mobile home park to assist the nine residents that remained during the transition period. He spoke to the planned development.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

AN ORDINANCE 98460

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 43.2 ACRES OUT NCB 10979 FROM "MH" MANUFACTURED HOUSING DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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3I.) CASE NUMBER #Z2003155 - The request of Southton Ranch, Ltd., Applicant, for Southton Ranch, Ltd., Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District to "MF-25" Multi-Family District (20.647 acres) and "R-5" Residential Single-Family District (96.224 acres) on a 116.871 acre tract of land out of NCB 16624, 13334 Southton Road. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 3)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Segovia made a motion to continue this rezoning case until the City Council meeting of December 4, 2003. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Ms. Reba Malone, 807 Kashmir, spoke to her concerns with this rezoning request noting that she had not seen any new plans. She further stated that she had not been informed of the upcoming meeting and expressed her opinion on the care that should be taken if the new zoning is passed.

Ms. Thora Jendrzek, 4569 Mickey Road, stated that she was not against the development of the area but just wanted it to be within the Southside Initiative.

Ms. Jean Poole, 4589 Mickey Road, stated that she was not against a subdivision but she was against what was presently being proposed for construction.

Ms. Martha Tieken, 9900 S. Foster, stated that her parents lived in the area and further stated that she did not feel that the developer was willing to work with the community nor listen to what the residents wanted for their area.

Ms. Nettie Sandoval, 5210 Fair Ridge, stated her opinion that there were many issues that needed to be resolved, spoke to overcrowding in the schools, and the added pressure to the flood zone. She noted that she would prefer RD zoning in this area (one home per acre).

After consideration, the motion to continue this case until December 4, 2003, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Haass.

Zoning Case #Z2003155 was continued to the City Council meeting of December 4, 2003.

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3J.) CASE NUMBER #Z2003188 - 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 P175 & P175A, NCB 18083, intersection of Border Brook and Timberhill Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. John Jacks, Senior Planner, Development Services Department, 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 following Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Haass.

#### AN ORDINANCE 98461

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 P175 & P175A, NCB 18083 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

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3K.) CASE NUMBER #Z2003182 C - The request of Kaufman & Associates, Inc., Applicant, for Cheryl Drive Warehouse Associates, Owner(s), for a change in zoning from "C-3NA C" General Commercial District Nonalcoholic Sales with a conditional use for electronic fabrication and storage to "C-3NA C" General Commercial District Nonalcoholic Sales with a conditional use for a warehouse on Lot 87, Block B, NCB 11508, 1067 Bandera Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Rob Killen, 100 W. Houston, representing the applicant, stated that the purpose of this request was for a document storage warehouse.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera, Haass.

AN ORDINANCE 98462

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 87, BLOCK B, NCB 11508 FROM "C-3NA C" GENERAL COMMERCIAL DISTRICT NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR ELECTRONIC FABRICATION AND STORAGE TO "C-3NA C" GENERAL COMMERCIAL DISTRICT NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR A WAREHOUSE.

\* \* \* \*

3L.) CASE NUMBER #Z2003198 - The request of Sadruddin Sarfani, Applicant, for Sadruddin Sarfani, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2" Commercial District on Lot 12, Block 1, NCB 9645, 3535 Culebra Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 7)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Mr. Jesus Zuniga, representing Templo Bautista, stated that his church had received a letter advising them of the proposed rezoning and expressed his concern that alcoholic beverages would be sold in the proposed development.

Councilman Castro stated that, because the applicant was not available to answer questions on the proposed development, he would ask for a continuance until this information could be secured.

Councilman Castro then made a motion to continue this rezoning case until the City Council meeting of December 4, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this case until December 4, 2003, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera.

Zoning Case #Z2003198 was continued to the City Council meeting of December 4, 2003.

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3M.) CASE NUMBER #Z2003178 - The request of Whataburger, Inc., Applicant, for Whataburger, Inc., Owner(s), for a change in zoning from "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3R ERZD" General Commercial, Restrictive Alcoholic Sales Edwards Recharge Zone District on Lot 1, Block 2, NCB 19189, 5403 De Zavala. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Hall 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:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

#### AN ORDINANCE 98463

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 2, NCB 19189 FROM "I-1 ERZD" GENERAL INDUSTRIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-3R ERZD" GENERAL COMMERCIAL, RESTRICTIVE ALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT.

\* \* \* \*

3N.) CASE NUMBER #Z2003179 - The request of Earl & Brown, P. C., Applicant, for Kwok Min Lim, Successor Trustee of the Lim Family Trust, Owner(s), for a change in zoning from "C-2 GC-1" Commercial Gateway Corridor District to "C-3 GC-1" General Commercial Gateway Corridor District on 3.257 acres of land out of Tracts 1C, 130 & 131, NCB 14746, 14610 IH 10 West. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

Councilman Hall made a motion to approve the proposed rezoning with the SAWS recommendations attached. Councilman Flores seconded the motion.

Councilman Hall spoke to the proposed zoning and then asked Mr. Scott Halty, Director, Resource Protection & Compliance Department, San Antonio Water System, to come forward to speak to the property. He stated that it was owned by Curtis Gunn, Ltd. and was to be used for the construction of an automobile dealership with associated maintenance and repair facilities.

Mr. Halty spoke to the 30 recommendations SAWS made to address the environmental concerns raised by the construction of this commercial development on the Edwards Aquifer Contributing Zone within the Transition Zone.

Mr. Kenneth Brown, 111 Soledad, representing the applicant, stated that Mr. Gunn had agreed to comply with the 30 recommendations from SAWS.

In response to a question by Councilwoman Radle, Mr. Brown stated that the recommendations will be incorporated into the Ordinance and, as such will be binding. He added that there would be no storage of gasoline on the site above or below ground, no paint and body, and no rebuilding of engines.

In response to a question by Councilwoman Radle, Councilman Hall spoke to the overall effort to limit the development over the contributing zone. He noted that the Water Quality Committee was studying what has been done to protect the Aquifer in the recharge zone at the State, EAA, SAWS and the City of San Antonio levels. He added that the committee was beginning that process to try to do more.

Mr. Halty spoke to rules that the Texas Commission on Environmental Quality had adopted two years ago and to buffer rules that SAWS had adopted. He added that more

needed to be done at the City level and he felt that the committee that Councilman Hall was working with would look at the issue.

Councilman Hall added that the Water Quality Committee had not yet met; however, they hoped to be looking at issues at the policy level and anticipated completing their charge in the next six months.

Councilwoman Radle stated her concerns and reasons why she could not vote in favor of this zoning request at this time.

In response to questions by Councilman Schubert, Mr. Halty explained that SAWS used the map of the Texas Commission on Environmental Qualities as its official map. He further spoke to the difference between the transition zones and contributing zones and their locations.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Radle. **ABSENT:** None.

#### AN ORDINANCE 98464

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 1C, 130 & 131, NCB 14746 FROM "C-2 GC-1" COMMERCIAL GATEWAY CORRIDOR DISTRICT TO "C-3 GC-1" GENERAL COMMERCIAL GATEWAY CORRIDOR DISTRICT.

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30.) CASE NUMBER #Z2003197 - The request of Vincent X. Smith Jr., Applicant, for John Portillo/Enrique Hernandez, Owner(s), for a change in zoning from "C-3 R" General Commercial District, Restrictive Alcoholic Sales to "MF-25" Multi-Family District on 2.102 acres out of NCB 14701, on the southwest side of Oakland Road near Huebner Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Hall made a motion to continue this rezoning case until the City Council meeting of December 4, 2003. Councilman Perez seconded the motion.

After consideration, the motion to continue this rezoning case until December 4, 2003, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Radle.

Zoning Case #Z2003197 was continued to the City Council meeting of December 4, 2003.

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3P.) CASE NUMBER #Z2003149 - The request of Inwood Heights Holding, Ltd., Applicant, for Inwood Heights Holding, Ltd., Owner(s), for a change in zoning from "R-6 PUD ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Non-Alcoholic Sales Edwards Recharge Zone District on 4.43 acres out of Lots 51, 52, 53, 54, 55, 56 and 65, Block 6, NCB 18346, P-1A, NCB 17858, and P-1C, NCB 17857, 16000 Block of Huebner. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Schubert made a motion to approve the proposed rezoning provided that the deed restrictions as noted on the attachment submitted are made a part of this rezoning. Councilman Perez seconded the motion.

In response to a question by Councilman Schubert, Mr. Jacks stated that there were no deed restrictions:

Councilman Schubert asked Mr. Sam Bledsoe, 1035 Central Parkway North, representing the owner, to come forward. Mr. Bledsoe stated that they had deed restrictions signed and executed by the owner of the property and provided a copy to the Clerk.

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Radle.

AN ORDINANCE 98465

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 4.43 ACRES OUT OF LOTS 51, 52, 53, 54, 55, 56 AND 65, BLOCK 6, NCB 18346, P-1A, NCB 17858, AND P-1C, NCB 17857 FROM "R-6 PUD ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 NA ERZD" COMMERCIAL NON-ALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT.

\* \* \* \*

3Q.) CASE NUMBER #Z2003183 - The request of City of San Antonio, Applicant, for A. R. Perez, Realty, Owner(s), for a change in zoning to designate Historic Significance on Lot 14, Block 2, NCB 6228, 111 Davis Court. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 9)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

Councilman Schubert made a motion to deny the proposed rezoning. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Gregory Gray, 130 Davis Court, spoke in favor of the historic designation for two of the homes in his neighborhood. He stated that Davis was a short street of 22 residences built in the 1920s. He showed photographs of some of the houses on the street.

In response to questions by Councilman Castro in which he requested information on why the Zoning Commission had recommended denial of the Historic Designation at 111 Davis Court and approval at 115 Davis Court, it was stated that 111 Davis Court is adjacent to a large lot that fronts on Broadway.

Ms. Ann McGlone, Historic Preservation Officer, stated that it was her understanding that the Zoning Commission had split its decision based on the current commercial zoning at 111 Davis Court and residential zoning on 115 Davis Court. She added that this

area was part of 36 square mile survey that the Council had previously requested and that this neighborhood had already been surveyed and identified as a heritage neighborhood.

Councilman Castro asked Mr. A. R. Perez, Jr., owner of the property at 111 Davis Court, to come forward and Mr. Perez provided a brief history of how the home had been used previously and its use at the present time.

Mr. Perez stated that he had owned property for over 40 years and had requested demolition of the structure at 111 Davis Court to use the property as part of a retail development he was proposing for this lot as well as two other adjacent lots.

Councilman Castro spoke to the importance of preserving historic structures because of their value to the City.

A lengthy discussion followed in response to questions from Councilman Schubert in which Ms. McGlone spoke to the reasons for going forward with the historic designation for this property and to the preservation of other properties in the area.

In response to questions by Mayor Garza, Ms. McGlone explained that the historical designation is a zoning overlay so it is on the property from property line to property line. She further spoke to reasons for not naming all older homes as historic structures and to the reasons why some are allowed to be demolished.

Councilwoman Radle stated her reasons for supporting the historic designation for this property.

Ms. Isabel Garcia, Mahncke Park member, spoke to the reasons for historic designation and to its viability.

In response to a question by Councilman Flores, Ms. McGlone stated that the home was built in 1922 and was a high style example of a craftsman bungalow. She spoke to the house's criteria that qualified it for landmark status.

Councilman Schubert asked Ken Bentley, architect representing Mr. Perez on this property, to share his observations. Mr. Bentley stated that this property did not qualify as a commercial piece of property because it would not meet the City's parking space requirements. He further provided information on the proposed retail center and stated that it would make a great contribution to the neighborhood

In response to a question by Garza, Mr. Emil Moncivais, Director, Planning Department, spoke to parking space requirements and to many areas in the City where the edges had eroded away from residential to commercial zoning

Councilman Schubert stated that he intended to follow the Zoning Commission's recommendation and recommend denial.

City Manager Terry Brechtel stated that the Council could consider postponing this zoning case and letting the staff go through some of the issues that had been addressed to make sure that there was a clear understanding of the historic designation by the owner. She suggested that it could be brought back for consideration in one of the December meetings.

Ms. Francil Redeman, Mahncke Park Association representative, stated that the Conservation Society had written a letter to the Historic and Design Review Commission supporting Mahncke Park's position against demolishing the structure at 111 Davis Court. She noted the importance of preserving the character of the neighborhood.

Mr. J. L. Perez, owner, further spoke on the condition of the property and reiterated his plans to build a retail center.

In response to a question by Councilman Schubert, Mr. Perez stated that he had not considered moving the structure because it was built on two different types of foundations, making it impossible to move.

After consideration, the motion to deny the rezoning request prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Barrera, Schubert, Garza. **NAYS:** Flores, Radle, Castro, Hall, Haass. **ABSENT:** None.

Zoning Case #Z2003183 was denied.

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3R.) CASE NUMBER #Z2003184 - The request of City of San Antonio, Applicant, for A. R. Perez, Realty, Owner(s), for a change in zoning to designate Historic Significance on Lot 13, Block 2, NCB 6228,115 Davis Court. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.

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

After consideration, the motion, carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98466

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 13, BLOCK 2, NCB 6228 TO DESIGNATE "HS" HISTORIC SIGNIFICANT.

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2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98467

DECLARING THE RESULTS OF THE CANVASS OF THE JOINT SPECIAL ELECTION HELD ON TUESDAY, NOVEMBER 4, 2003.

\* \* \* \*

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

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

Yolanda Ledesma, Acting City Clerk, gave a slide presentation on the canvassing results of the November 4, 2003 Joint Special Election. She reported on the makeup of the Canvass Authority members and identified the Bexar County Elections personnel that assisted the Authority, the process used by the Authority to determine results, the 4,653 under votes, and the results of the tabulation of 3 overseas mail ballots. She further reported on the number of votes cast for each proposition during early voting and on election night, the number of registered voters (693,247) in the City, and the 7.6% of the electorate that voted in this election. Ms. Ledesma then advised the Council that each member would be given a handout that reflected the votes cast for each proposition by Council district.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Hall, Haass. **NAYS:** None. **ABSENT:** Segovia, Castro, Schubert, Garza.

— — —  
2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98468

AUTHORIZING THE CITY MANAGER TO EXECUTE A FIVE (5) YEAR LICENSE AGREEMENT GRANTING ADVERTISING AND PRODUCT RIGHTS AT THE ALAMODOME TO THE PEPSI BOTTLING GROUP FOR COMPENSATION IN THE AMOUNT OF \$100,000 PER YEAR OF THE LICENSE AGREEMENT AND A MARKETING AND PROMOTIONAL PACKAGE WITH AN ESTIMATED ANNUAL VALUE OF \$1,281,100, FOR A TOTAL ANNUAL VALUE TO THE ALAMODOME OF \$1,381,100.

\* \* \* \*

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

Mr. Michael Abington, Director, Alamodome, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he reported on the Alamodome's Non-Alcoholic Beverage Advertising and Product Rights Contract. He offered information on the ordinance authorizing the execution of a five-year license agreement granting advertising and product rights at the Alamodome to The Pepsi Bottling Group as well as a marketing and promotional package. He reported on the two proposals, the Coca-Cola proposal and the Pepsi proposal, the financial impact of the Pepsi proposal, and summary of both proposals.

Mr. Donnie McDaniel, Director of Sales, Pepsi Bottling Group, stated that the goal of Pepsi was to create a true partnership with Alamodome. He further spoke to other venues in which Pepsi products were sold. He added that they believed in the long-term viability of the Alamodome and expressed appreciation for the opportunity to demonstrate their support.

In response to questions by Councilman Hall, Mr. Abington stated that the City had never had a similar contract because the San Antonio Spurs had owned the concession and

advertising rights at the Alamodome. He added that the contract had terminated when the Spurs left the Alamodome.

(Mayor Garza returned to the meeting and presided.)

In response to a question by Mayor Garza, Mr. McDaniel spoke to the products that Pepsi Bottling Group would offer at the Alamodome.

In response to questions by Councilman Haass, Mr. Abington stated only Coke and Pepsi had submitted proposals and that the City had expected Coke to propose a marketing package that would benefit Coke but also the Alamodome.

In response to a question by Councilman Flores, Mr. Abington stated that exclusivity is a prize for either company and that sharing the product rights for the Alamodome would not have been considered by either company.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

— — —  
2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98469

AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SPORTFIELD, L.L.C. IN THE AMOUNT OF \$184,000.00 FOR THE LEASE OF AN IN-FILLED TURF SYSTEM FOR USE IN THE ALAMODOME FOR THE PERIOD NOVEMBER 16, 2003 THROUGH JANUARY 16, 2004, WITH AN OPTION PERIOD FROM APRIL 25, 2004 THROUGH SEPTEMBER 18, 2004; AUTHORIZING THE EXPENDITURE OF \$34,350 FOR NECESSARY COSTS ASSOCIATED WITH THE INSTALLATION AND MULTIPLE CONVERSIONS OF THE TURF SYSTEM INCLUDING THE RENTAL OF 25,000 POUND AND 20,000 POUND FORKLIFTS FROM EQUIPMENT DEPOT FOR \$14,300, THE RENTAL OF TWO LAYMORE SWEEPERS FROM SUNBELT RENTAL FOR \$2,400, THE FABRICATION OF TWO SETS OF RACK AND ROLLER SYSTEMS BY PACIFIC MACHINE SHOP FOR \$13,790, SOLID RUBBER TIRES TO RETROFIT EXISTING ALAMODOME FORKLIFTS FROM TEELER INDUSTRIAL TIRES FOR \$3,860; AND PROVIDING FOR PAYMENT.

\* \* \* \*

Councilman Segovia made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Mr. Michael Abington, Director, Alamodome, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he reported on the Alamodome Turf Lease. He spoke to the 11-year-old astro turf and its deteriorating seams and zippers, its average life of 7 – 9 years and the serious concern regarding safety of the playing field. He further reported on the policy analysis of the in-fill turf system, the equipment needed for its installation, and upcoming events and conversions.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera.

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2003-41

**CITIZENS TO BE HEARD**

**TERRE TORRES**

Ms. Terre Torres stated that she was requesting assistance from the Council because she had a house built three years ago and had thus far been unable to move into it because it had failed to pass City inspection. She stated that Jim Walters, the contractor, had stated that the house was ready to be moved into but she stated that it still needed the City's approval for the installation of sewer and water services.

Mayor Garza asked that Ms. Torres visit with Councilwoman Radle to see if she could assist her in learning the status of her home.

\* \* \* \*

**FARIS HODGE, JR.**

Mr. Faris Hodge, Jr., 140 Dora, spoke to various news articles, including the report on Project Quest, hunger, deadbeat dads, and women in Bexar County that are not jailed for failure to pay child support. He spoke to his concern that the Citizens to be Heard portion of the Council meeting be heard in a timely fashion.

\* \* \* \*

JOSE A. PEREZ

Mr. Jose A. Perez spoke to his not being given an equal opportunity to bid on city contracts. He noted that he had come to Council before to discuss this issue with them but that no action had been taken.

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2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98470

AMENDING THE LAND USE PLAN CONTAINED IN THE I.H. 10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.4 ACRES OF LAND LOCATED AT 11822 I.H. 10 EAST FROM NEIGHBORHOOD COMMERCIAL USE TO SINGLE FAMILY USE FOR LOTS 10 AND 11 NCB 18228.

\* \* \* \*

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

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) on the Master Plan Amendment 03008 IH-10 East Corridor Perimeter Plan. He spoke to the significance of the Master Plan Component, the zoning background of the subject property, the motorcycle repair business or other C3 use on Lot 12 that the applicant was proposing, the plan as adopted and the proposed amendment. He further spoke to the evaluation criteria, to staff's recommendation of single-family residential land use for Lots 10 and 11 and denial of an amendment to regional commercial for Lot 12.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

— — —  
2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98471

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY BY; 1)

CHANGING THE USE OF APPROXIMATELY 325 ACRES LOCATED IN AN AREA GENERALLY BOUNDED BY PALO ALTO VILLAGE SUBDIVISION ON THE NORTH, STATE HIGHWAY 16 ON THE EAST, AND LEON CREEK ON THE SOUTH AND WEST FROM URBAN LIVING USE TO AGRICULTURE AND LIGHT INDUSTRY USE; 2) CHANGING THE USE OF APPROXIMATELY 3455 ACRES IN AN AREA GENERALLY BOUNDED BY A LINE APPROXIMATELY 2,000 FEET SOUTH OF INTERSTATE HIGHWAY 410 (SW LOOP) ON THE NORTH, BY PLEASANTON ROAD ON THE EAST, BY THE CENTERLINES OF THE MEDINA RIVER, LEON CREEK, COMANCHE CREEK, MAUERMANN ROAD, APPLEWHITE ROAD, AND SOUTH ZARZAMORA STREET ON THE SOUTH, AND BY STATE HIGHWAY 16 ON THE WEST FROM AGRICULTURE USE TO AGRICULTURE AND LIGHT INDUSTRY USE; AND 3) CHANGING THE USE OF APPROXIMATELY 1708 ACRES IN AN AREA GENERALLY BOUNDED ON THE NORTHEAST AND SOUTHEAST BY THE PROPERTY LINES OF LOT 1, BLOCK 1, NCB 16629 AND THE SAN ANTONIO RIVER, ON THE SOUTH BY THE SOUTH PROPERTY LINE OF CB 4006 P-47B ABS 3 AND BLUE WING ROAD, ON THE WEST BY THE EAST PROPERTY LINE OF CB 4006 P-44 ABS 3, ON THE NORTH AND NORTHWEST BY THE SOUTH PROPERTY LINE OF CB 4006 P-12 & P-12A ABS 3 & CB 5162 P-2 ABS 18, THE SAN ANTONIO RIVER, AND BLUE WING ROAD FROM AGRICULTURE AND LIGHT INDUSTRY USE TO AGRICULTURE USE.

\* \* \* \*

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

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the Master Plan Amendment 03010 Southside Initiative Community Plan. He stated that the proposed land use plan adopted for the Southside Initiative Community Plan represented an assimilation of the most current information available, spoke to the background of this area, the amendment in question, the plan as adopted, and the Planning Commission's recommendation.

In response to a question by Mayor Garza, Mr. Moncivais pointed out the areas where the amendments were being proposed.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro.

— — —  
2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98472

ACCEPTING A GRANT IN THE AMOUNT OF \$435,088.00 FROM THE FEDERAL HIGHWAY ADMINISTRATION THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AUTHORIZING \$98,000 FROM NEIGHBORHOOD ACCESSIBILITY AND MOBILITY PROGRAM AND TRAFFIC SIGNAL UPGRADE FUNDS IN SUPPORT OF THE "SAFE ROUTES TO SCHOOL" PROJECT; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN AGREEMENT WITH TXDOT FOR IMPROVEMENTS TO VARIOUS LOCATIONS IN THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT; AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,423.13 TO TXDOT; SELECTING M.W. CUDE ENGINEERS, L.L.C. FOR PROFESSIONAL ENGINEERING SERVICES AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH M.W. CUDE ENGINEERS, L.L.C. IN AN AMOUNT NOT TO EXCEED \$47,900.00; ESTABLISHING A FORCE ACCOUNT; AUTHORIZING \$482,764.87 FOR CONSTRUCTION SERVICES BY CITY FORCES; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

Mr. Thomas G. Wendorf, Director, Public Works, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the grant from the Federal Highway Administration for the "Safe Routes to School" project. He stated that the Ordinance would authorize execution of a professional services agreement with M.W. Cude Engineers for engineering services for design of school flashers at 20 locations in the City. He further spoke to the background of this grant, to San Antonio's grant being the second largest federal fund award, to project locations, timeline and the grant's fiscal impact.

In response to questions by Councilman Perez, Mr. Wendorf stated that several venues were notified of the monies available and joined in applying for the grant. He spoke to TxDot's safety funding and the type of streets that this program would fund for improvements.

In response to a question by Councilman Haass, Mr. Wendorf spoke to the process that was used to apply for the funds.

Councilman Castro thanked all those who participated in applying for this grant and spoke to the grant's benefits and past history.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Barrera, Haass.

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2003-41      **EXECUTIVE SESSION**

The City Council recessed its regular session at 5:50 P.M. in order to convene in Executive Session for the purpose of:

- A.) Discussing the 5:30 P.M. Public Hearing and consideration of an ordinance approving the terms of a collective bargaining agreement between the City of San Antonio Police Officers' Association for a period through September 30, 2006.

The City Council adjourned the Executive Session at 6:14 P.M. and immediately reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-41      **PUBLIC HEARING AND ORDINANCE: CONSIDERATION OF AN ORDINANCE APPROVING THE TERMS OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO POLICE OFFICERS' ASSOCIATION FOR A PERIOD THROUGH SEPTEMBER 30, 2006.**

Mayor Garza declared the Public Hearing to be open.

Erik Walsh, Assistant to the City Manager, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the terms of the agreement between the City of San Antonio, Texas and the San Antonio Police Officers' Association. He spoke to the collective bargaining history, the process, highlights of the tentative agreement (management issues, financial issues, health issues and other issues), the impact to employees and the estimated cost of the agreement.

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, representing A.F.S.C.M.E., introduced members of A.F.S.C.M.E. One of its members, who was accompanying Mr. Perez, spoke to the organization's support of the police officers' contract and invited Mr. Rene Rodriguez, San

Antonio Police Officers' Association President, to come forward to receive a service award from the organization.

Mr. Faris Hodge, Jr., 140 Dora, expressed his opinion on some of the contract's provisions and spoke to the Council as being in violation of State law.

Mr. Rene J. Rodriguez, President, San Antonio Police Officers' Association, thanked the Council for the time and work involved in negotiating this contract. He spoke to the work of the police officers and the dangers they faced every day, and urged Councilmembers to support the ordinance.

Mr. Larry Birney, San Antonio Police Officers' Association bargaining team member, spoke to the difficulty of the negotiations and stated that, although the contract was not accepted by 100% of the membership, he believed it was a start in the process to reestablish relationships enjoyed in the past.

Mr. Clifford Morgan, San Antonio Police Officers' Association, thanked the Council for their time and consideration of the contract and spoke to the bargaining process. He requested, on behalf of all police officers, that the Council approve the contract.

Mr. David Evans, San Antonio Police Officers' Association, spoke to a shooting in which he was wounded and from which he still carried two bullets in his body. He noted he was happy to be alive and asked that the Council give favorable consideration to the contract.

Mr. Mark Greenwald, Tinsman, Scott, Selano, Inc., lead attorney for the police officers in the AFLSA lawsuit, spoke to the action or non-action by the City in the AFLSA lawsuit, to the City's attempts to have the lawsuit dismissed, and expressed his opinion on why the Council should reject the contract.

Mr. Barney D. Whitson, San Antonio Police Officers' Association, spoke to the membership's approval of this contract.

Mr. Jose A. Perez congratulated the police on their little raise and wished them many more before the misconduct of politicians, government and citizens.

Mr. Jack M. Finger, P. O. Box 12048, asked Councilman Segovia, retired police officer, to abstain from voting on this contract to prevent the appearance of a conflict of interest. He spoke to the 1989 police officers' contract and the provisions it subsequently imposed on the City. He further spoke to the police officers that were arrested for their involvement in drugs and questioned the 180-day rule in which the Chief was only allowed 180 days to act on a violation by a police officer.

Mayor Garza closed the Public Hearing.

The Clerk then read the following Ordinance:

AN ORDINANCE 98473

APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO POLICE OFFICERS' ASSOCIATION FOR A PERIOD THROUGH SEPTEMBER 30, 2006.

\* \* \* \*

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

Mayor Garza acknowledged the members of the bargaining team, spoke to the lawsuit filed by the 67 police officers, and applauded the other officers that were not involved in the lawsuit but still did not support the original contract. He further spoke to the collective bargaining process, and the comments made by Mr. Greenwald. He asked whether the City wanted to respond to Mr. Greenwald's comments.

City Attorney Andrew Martin stated that it was not in the City's interest to respond to the arguments that Mr. Greenwald had raised but added that, if the Council wanted to discuss the lawsuit further, it could do so in Executive Session.

Mr. Lowell Denton, Attorney representing the City in the AFLSA lawsuit, stated that he was very familiar with the issues and stated that he could go into a more detailed explanation in Executive Session.

Mayor Garza spoke to his support for collective bargaining and noted that, as a tool it could be very effective; however, stated that it could also be abused. He thanked the Council members for their diligence during the bargaining process.

Councilman Hall congratulated the bargaining team and stated that he would vote in favor of the contract. He added that he found it to be fair and a more efficient and wiser use of funds.

In response to a question by Mayor Garza, City Attorney Martin stated that the contract being approved today would not have any binding or legal impact on future negotiations with the firefighters' contract.

Councilman Flores congratulated the negotiation team and stated that he felt very strongly that any governmental entity's primary response to the citizens should be to keep them safe and protected. He noted that it was very important that a very strong relationship be developed with the men and women who protect the City's citizens.

Councilman Castro commended the San Antonio Police Officers' Association and the City team for their work on this contract. He spoke to the previous contract that had been rejected by the previous Council of which he, Councilman Schubert and Councilmen Barrera were members. He noted that the contract had been rejected after questions arose because of the lawsuit that was filed. He further spoke to the unprofessional manner in which the Association had cast dispersions on Council members who voted against the contract and added that the Council would not be bullied by tactics that didn't live up to the professional standards that they had set for themselves. He further asked for a new spirit of cooperation.

Councilman Schubert also spoke to the tactics that had been used by the San Antonio Police Officers' Association when he had voted to reject the contract during the last negotiation process. He stated that the tactics had not worked as the Councilmen involved had all been reelected to their Council seats. He stated that members in his neighborhood associations had expressed interest in public safety and he would support the contract because he was looking out for the citizens of San Antonio. He added that, in the spirit of working together, the police officers who filed the lawsuit against the City should now drop it. He spoke to the tremendously dedicated men and women whose jobs can't be compared to any others except, in some instances, to firefighters and stated that he did not agree with Mr. Greenwald's characterizations.

Councilman Barrera thanked the members of the City staff and members of the Association and spoke to the present and prior negotiations as having been done in good faith. He stated that there never had been and never would be a lack of concern for the public safety officers by the City Council. He added that to attempt to portray the Councilmembers as putting peoples' lives at risk was very unprofessional. He further added that the Association had quite a job to do to get over that image that people have of them and needed to step up and tell the citizens of San Antonio how they planned to carry out their roles as public safety officers. He noted that the Council took their roles as City stewards very seriously and further noted that he would support the contract.

Councilman Segovia stated that he had been a member of the police department for over twenty years and would like to see continued communication and unity brought back. He added that he would abstain from this vote because that was an issue that he ran his campaign on and that he would continue to be a believer that San Antonio had a fine police department. He stated his opinion that he thought the contract was fair.

Councilwoman Radle stated that, as a new councilmember, she had learned a lot about the process and thanked all the teams that worked on this contract. She spoke to her tendency to compare salaries in this contract with some of the other City employees who were on a much lower scale of pay. She noted that she had to be at peace with the fact that the City was able to pay police officers and firefighters what they were going to be paid.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **ABSTAIN:** Segovia. **NAYS:** None. **ABSENT:** None.

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

**2003-41 SECOND PUBLIC HEARING ON THE ANNEXATION PLAN FOR THIRTEEN (13) AREAS.**

Mayor Pro Tem Williams declared the Public Hearing to be open.

Emil R. Moncivais, Director, Planning Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) in which he spoke to the 1003-1005 Annexation Plan Areas. He stated that the purpose of the briefing was for a recap on the annexation plan area, the present annexation plan process, and the present service plan provisions. Mr. Lou Lendman, Director, Budget Department, spoke to the present Fiscal Impact Factors used for cost/revenue analysis. Mr. Moncivais then spoke to the present annexation time line.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated that he was not in full support of this annexation. He noted that the Police Department's response time was not what it should be and spoke to the ineffectiveness of 311. He further spoke to other issues that, in his opinion, would further impact the services offered to the citizens of San Antonio if more land was annexed.

Ms. Barbara Roberson, 3900 Ridgeway, stated that she was a 37-year resident of Northwood Hills and went on record as being against the proposed annexation. She added that the residents had twice before fought against this annexation and were prepared to fight again. (A copy of her full statement is filed with the papers of this meeting.)

Ms. Betty Chapman, 4213 Menger, a resident of Northwood Hills spoke to the lack of a comprehensive inventory of services, a flooding problem in Northwood Hills, and asked that this be addressed before annexation. (A copy of her full statement is filed with the papers of this meeting.)

Ms. Cheri Franklin, 3981 Ridgeway Drive, Northwood Hills resident, spoke to the drainage problems in the area and stated that she was against annexation since the City had not fixed the

drainage problems it presently has within its limits. She added that the City needed to fix the widespread problems in the City before annexing any more land.

Ms. Elaine Adams, 3900 Menger, Northwood Hills resident, spoke against being annexed and stated that the City, with its budget shortfall, could not provide the services that the neighborhood would need.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Avenue, spoke about consequences of annexing more areas into the city.

Mr. Ken "Tex" Carey, 2110 Saw Grass Ridge, Summer Glen Property Owners Association, stated that the Association had conducted a survey and that 91% of its residents did not agree with annexation and 72% stated that living outside the city limits was important to them. He spoke against annexation.

Councilman Schubert advised Mr. Carey that there would be a public hearing in response to the petition that was filed by Mr. Carey's neighborhood association.

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

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**2003-41 MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF SAN ANTONIO, TEXAS STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.**

Mayor Pro Tem Williams recessed the regular City Council meeting at 8:15 P.M. in order to convene the meeting of the Board of Directors of the **STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION.**

The following members were present: Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. ABSENT: Segovia, Schubert.

The City Clerk read the following Resolution:

**A RESOLUTION  
SIDC-2003-13**

**BY THE BOARD OF DIRECTORS OF THE CITY OF SAN ANTONIO, TEXAS,  
STARBRIGHT INDUSTRIAL DEVELOPMENT CORPORATION ("IDC") AUTHORIZING  
AN AGREEMENT BETWEEN THE IDC AND TOWER ASSET SUB, INC. FOR THE**

PURPOSE OF THE REMOVAL OF A COMMUNICATIONS TOWER AND RELATED EQUIPMENT AS PART OF THE IDC'S OBLIGATIONS TO TRANSFER CERTAIN PARCELS OF REAL PROPERTY UNDER THE PROJECT STARBRIGHT AGREEMENT.

\* \* \* \*

Councilman Haass made a motion to approve the proposed Resolution. Councilman Flores seconded the motion.

Mr. Christopher J. Brady, Assistant City Manager, gave a slide presentation (a copy of which is filed with the papers of this meeting) which addressed Agenda Items 38 and 39. He stated that as part of the Starbright Agreement, the City was obligated to move the cell tower from the Toyota site and, in order to expedite relocation of the cell tower, the City would assume the existing cell tower agreement. He spoke to the relocation agreement, the financial impact of the tower's relocation, the existing lease agreement, and the five remaining five-year renewal terms under the original agreement. He further spoke to the steps that would follow, including negotiation of a memorandum of agreement with the Texas Historic Commission, Conservation Society and other stakeholders to comply with guidelines required to receive Federal Economic Development grants and permits, to the public hearing, the completion of the land exchange with SAWS, and the application for an Economic Development Administration grant to fulfill the City's \$10 million reimbursement obligation to Toyota.

After consideration, the motion, carrying with it the passage of the Resolution, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia, Schubert.

Mayor Pro Tem Williams adjourned the meeting of the Board of Directors of the City of San Antonio, Texas Starbright Industrial Development Corporation, and reconvened the regular session of the City Council meeting at 8:20 P.M.

(Mayor Garza returned to the meeting and presided.)

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2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98474

AUTHORIZING A TWENTY-FIVE YEAR GROUND LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND TOWER ASSET SUB, INC., A WHOLLY OWNED SUBSIDIARY OF SPECTRASITE COMMUNICATIONS, INC., FOR THE PURPOSE OF CONSTRUCTING, MAINTAINING, SECURING AND OPERATING A

COMMUNICATIONS FACILITY AT MEDINA RIVER PARK FOR AN INITIAL ANNUAL AMOUNT OF \$7,300.00 SUBJECT TO ANNUAL ADJUSTMENT, PLUS ADDITIONAL CONSIDERATION FOR RELOCATING EXISTING FACILITIES IN SUPPORT OF THE CITY'S OBLIGATIONS UNDER THE PROJECT STARBRIGHT AGREEMENT.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Segovia, Schubert.

— — — — —  
2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98475

APPROVING THE SELECTION OF A FINANCIAL UNDERWRITER POOL FROM WHICH FINANCIAL UNDERWRITER SYNDICATES WILL BE SELECTED AND APPROVED BY CITY COUNCIL FOR VARIOUS FINANCINGS FOR THE TERM COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE AND TERMINATING ON SEPTEMBER 30, 2006 WITH THE EXCEPTION OF ANY UNDERWRITINGS THAT ARE IN PROGRESS BUT HAVE NOT BEEN COMPLETED; AND APPROVING INITIAL FINANCIAL UNDERWRITER SYNDICATES SELECTED FROM THE FINANCIAL UNDERWRITING POOL FOR FINANCINGS RELATED TO (1) GENERAL OBLIGATION BONDS AND CERTIFICATES OF OBLIGATION; (2) GENERAL AIRPORT REVENUE BONDS AND AIRPORT PASSENGER FACILITY CHARGE BONDS; (3) CONVENTION CENTER HOTEL OCCUPANCY TAX REVENUE BONDS; AND (4) PENSION OBLIGATION BONDS.

\* \* \* \*

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

Mr. Milo D. Nitschke, Director, Finance Department, gave a slide presentation (a copy of which is filed with the papers of this meeting) which covered Agenda Items #40 A, B, & C. His presentation included an overview of the firms selected to provide professional financial and legal services related to various financings, the criteria, methodology, evaluation process and

recommended firms for such services as financial underwriters, investment banking firms, arbitrage rebate compliance services and bond counsel firms.

City Attorney Andrew Martin continued the slide presentation in which he covered Agenda Item #40 D which named the current bond counsel contracts, the additional need for bond counsel, the selection process and the bond counsel selected for various pending transactions.

Mayor Garza spoke to the many firms being recommended today and asked Mr. Nitschke to comment on the likelihood that transactions would occur in the next three-year period.

Mr. Nitschke stated that the likelihood of general obligation bonds being sold within the next three years was 100%, airport bonds was 100% and convention center bonds was 75%. He added that by this time next year, a forward refunding would be considered as had been done in the past. He further stated that pension obligation bonds were in the evaluation stage but he believed there was less than a 50% chance of action being taken at this time.

A lengthy discussion followed on the local presence of firms versus those located out of state, on the criteria used to determine when a firm was considered local, the makeup of the different firms by size and how some firms did not have a presence in San Antonio, at certain times and on certain transactions, add value to the whole transaction.

Councilman Perez commended Mr. Nitschke on the process and requested information, which Mr. Nitschke provided, on the functions of the senior manager and co-senior manager. He questioned the reason why Ramirez and Company, which was not based in San Antonio, was the senior manager and First Southwest Company, an established Texas firm, named co-senior manager. Councilman Perez stated that, in his own opinion, he felt more comfortable with the dollars staying in Texas and asked his colleagues to support his amendment to the motion.

Mr. Perez then offered an amendment to the main motion naming First Southwest Company as senior manager and Ramirez and Company as co-senior manager for G.O. Bonds and Certificates of Obligation. Mr. Williams seconded the motion.

Mr. Robert Rodriguez, Southwestern Capital, spoke to the amount of fees local firms received versus those received by firms located outside Texas and asked that the numbers be reversed. He spoke to the need to support local companies that hire local people and are paying great wages. He added that San Antonio is the only city in the top ten cities that had not retained a local firm to do a senior manager underwriting.

In response to a question by Councilwoman Radle, Mr. Nitschke explained the point difference between the Ramirez and Company and the First Southwest Company. He added that Ramirez and Company's total score was 74.7 and First Southwest Company's total score was 74.3 but that these companies were in two different categories.

City Manager Terry Brechtel asked Mr. Nitschke to explain the three categories: large firm, mid-size firm, and small firm. He stated that First Southwest Company was in the mid-size firm category and Ramirez and Company was classified as a small firm. He then spoke to the criteria that they used to select senior and co-senior managers.

In response to a question by Councilwoman Radle, City Attorney Martin stated that when selecting a bond counsel for pending transactions there was no area for competition. He added that State law dictated that when hiring a bond counsel you first select the counsel and then discuss the fee arrangements. He further added that this was not intended to be a low bid type of situation.

Councilman Hall re-emphasized the need to nurture the local financing industry, spoke to his belief that there was a difference between locally based companies and locally branched companies and to the inadequate job the City was doing in spending monies with local firms.

In response to questions by Councilman Hall, Mr. Nitschke explained the role of the Financial Advisor, what roles relationships played between the financial advisor and the individuals representing the investment banking firms, what constituted a local office and who made the determination on which persons were assigned to work with the City.

Councilman Hall then asked a member of the First Southwest firm to provide information on how her company made the decision as to who would get credit for the transaction.

Councilman Flores noted that Councilman Hall had raised some interesting questions in regards to what constituted local offices and how the City was going to be working with those local offices and asked Mr. Nitschke to provide a breakdown of the local offices and specifically what work they were geared to do in regards to the convention center hotels occupancy revenue bonds.

Councilman Flores stated that he was leaning towards naming a firm that had a good grasp not only on bonds but a specific knowledge of San Antonio's operation and finances.

Mr. Nitschke explained the experience of the firms being considered.

Councilman Flores offered an amendment to name A. G. Edwards and Son as co-senior manager. Councilman Segovia seconded the motion.

In response to a question by Councilman Segovia, Mr. Nitschke provided information on Jackson Security. Councilman Segovia then voiced his concern that he would like to keep as much business as possible.

After consideration, the motion, carrying with it the passage of the amendment by Councilman Flores naming A.G. Edwards and Son as co-senior manager of the Convention Center Hotel Occupancy Tax Revenue bonds, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Garza. **ABSTAIN:** Hall, Haas. **NAYS:** None. **ABSENT:** None.

After consideration, the motion, carrying with it the passage of the amendment by Councilman Perez that names First Southwest Company as Senior Manager and Ramirez and Company as Co-Senior Manager in the General Obligations Bonds and Certificates of Obligation, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. **ABSTAIN:** Flores, Hall. **NAYS:** None. **ABSENT:** None.

After consideration, the main motion as amended and carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Schubert, Haass, Garza. **ABSTAIN:** Hall. **NAYS:** None. **ABSENT:** None.

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2003-41      The Clerk read the following Ordinance:

AN ORDINANCE 98476

AUTHORIZING STAFF TO PROCEED WITH THE EVALUATION OF THE FINANCIAL OPPORTUNITIES THAT THE CITY MAY REALIZE BY ENTERING INTO A LEASE-LEASE BACK, SECURITIZATION AND MONETIZATION OR OTHER SUCH TRANSACTIONS COMMONLY DESCRIBED BY INDUSTRY VERNACULAR; DIRECTING STAFF TO REPORT SUCH FINDINGS TO CITY COUNCIL; AND APPROVING THE SELECTION OF INVESTMENT BANKING FIRMS TO ASSIST IN SUCH EVALUATIONS AND POSSIBLE EXECUTION OF SUCH TRANSACTIONS SUBSEQUENT TO CITY COUNCIL APPROVAL.

\* \* \* \*

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Haass.



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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Haass.

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2003-41      **CITY MANAGER'S REPORT**

City Manager Terry Brechtel introduced Mr. Mike Sawaya as the new Director of the Convention Center Facilities. She also thanked Mr. Roland Lozano who served on an interim basis as the Interim Convention Facilities Director.

Mr. Sawaya stated that he was looking forward to using his past experience to further advance the Convention Center and making the facility one of the best in the country.

Several councilmembers congratulated Mr. Sawaya and welcomed him back to San Antonio.

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2003-41      **EXECUTIVE SESSION**

The City Council recessed its regular session at 9:47 P.M. in order to convene in Executive Session for the purpose of:

- A.) Discuss legal issues related to City contracts for solid waste disposal at landfills, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B.) Discuss the periodic performance evaluation of City Internal Auditor Patricia Major, pursuant to Texas Government Code Section 551.074 (personnel matters).

The City Council adjourned the Executive Session at 10:31 P.M. and immediately 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.

2003-41

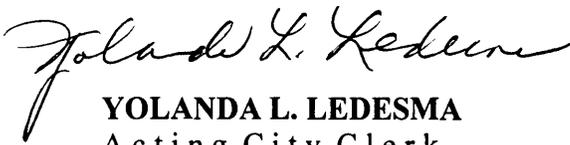
There being no further business to come before the City Council, the meeting was adjourned at 10:31 P.M

A P P R O V E D



**EDWARD D. GARZA**  
M A Y O R

Attest:



**YOLANDA L. LEDESMA**  
Acting City Clerk