

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,
HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,
THURSDAY, FEBRUARY 12, 2004**

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2004-06 The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

Staff presentation on Sunken Gardens Theater privatization RFP process.

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

The "B" Session adjourned at 11:08 A.M.

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2004-06 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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2004-06 Invocation by Rev. Harry Kahl, Travis Park Methodist Church.

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2004-06 Pledge of Allegiance to the flag of the United States.

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2004-06 **PRESENTATION OF PROCLAMATION FOR THE 19TH ANNUAL TEXAS ALLIANCE OF BLACK SCHOOL EDUCATORS CONFERENCE DAYS**

Mayor Garza issued a proclamation to Mr. Sam Williams, Past President of the Alamo Area Alliance of Black School Educators, for the Texas Alliance of Black School Educators 19th Annual Conference being held in San Antonio February 18 – 22, 2004.

Mr. Williams spoke to the importance of the conference, and urged the community to participate. He then expounded on the work of the Texas Alliance of Black School Educators in relation to public schools.

Members of the Council congratulated the members of the organization for their diligent work and efforts, and offered their best wishes for a successful conference. They then spoke to the significance of this event, noting it was important for San Antonio.

2004-06 PRESENTATION OF CITATION TO THE HARLANDALE HIGH SCHOOL VARSITY CHEERLEADERS

Mayor Garza presented a Citation to Ms. Patricia Ramirez, Principal of Harlandale High School, in recognition of the Varsity Cheerleaders' 1st place title at the National Cheerleaders Association Senior and Junior High School National Competition.

Ms. Ramirez spoke to the dedicated efforts and hard work of the squad, and thanked the Council for the recognition.

Members of the Council commended the squad on their skill and determination, and for representing San Antonio so well. They further congratulated the group on this significant achievement, and offered their best wishes for continued success.

2004-06 POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Councilman Segovia called forward Araceli Fernandez, a senior at Harlandale High School, and informed the Council she was a model student who successfully divided her time among various activities. He spoke to a national title she earned, and presented her with a Certificate of Commendation.

2004-06 CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 8 through 22, constituting the Consent Agenda, except for Items 14, 15, 16, 18, and 21 which were pulled for individual consideration. Councilman Segovia 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 98797

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY GTSI CORPORATION THROUGH U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH TOUGH BOOK ULTRA PORTABLE COMPUTERS AND ACCESSORIES FOR A TOTAL OF \$110,075.00 FROM 1999-2004 GENERAL OBLIGATION PUBLIC SAFETY BOND PROGRAM, AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH U.S. COMMUNITIES IN CONNECTION THEREWITH.

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AN ORDINANCE 98798

ACCEPTING THE LOW, RESPONSIVE BID SUBMITTED BY EMERGENCY ONE INC., TO PROVIDE THE CITY OF SAN ANTONIO INTERNATIONAL AIRPORT WITH A REPLACEMENT CLASS 1, 1500 GALLON AIRCRAFT RESCUE FIREFIGHTING VEHICLE FOR A TOTAL AMOUNT OF \$510,165.00 FROM AIRPORT FUNDS.

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AN ORDINANCE 98799

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$34,983.00 TO INCLUDE CONTRACTS FOR PERIODICAL PUBLICATIONS IN MICROFILM FORMAT AND ELEVATOR MAINTENANCE FOR RIVER WALK FACILITIES

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AN ORDINANCE 98800

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF A GRANT AMENDMENT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROUTINE AIRPORT MAINTENANCE PROGRAM IN AN AMOUNT NOT TO EXCEED \$30,000.00, IN SUPPORT OF ROOF REPAIRS AND EXTERIOR PAINTING AT STINSON MUNICIPAL AIRPORT; AUTHORIZING PAYMENT TO TXDOT IN THE AMOUNT OF \$30,000.00 FOR THE CITY'S MATCHING SHARE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98801

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING \$14,775.00 PAYABLE TO SWCA, INC. FOR ADDITIONAL ARCHEOLOGICAL SERVICES IN CONNECTION WITH THE BRACKENRIDGE PARK REHABILITATION - PACKAGE B PROJECT, LOCATED IN COUNCIL DISTRICTS 1 AND 9; AUTHORIZING \$18,615.00 FOR MISCELLANEOUS LANDSCAPE ARCHITECT CONTINGENCY EXPENSES; AUTHORIZING \$1,500.00 FOR BID ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$34,890.00 FROM 1994-1999 PARK BOND FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS, AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98802

ACCEPTING THE LOW, RESPONSIVE BID OF WESTFIELD CONSTRUCTION, L.P., IN THE BASE BID AMOUNT OF \$618,733.00 WITH BID ALTERNATES 1, 4 AND 5, FOR A TOTAL CONTRACT AMOUNT OF \$631,553.00, IN CONNECTION WITH THE LINCOLN PARK POOL AND PLAYGROUND REHABILITATION PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; APPROPRIATING \$103,129.00 IN 1994-1999 PARK BOND FUNDS, WHICH COMBINED WITH \$714,254.00 PREVIOUSLY APPROPRIATED WILL BRING THE PROJECT TOTAL TO \$817,383.00; AND PROVIDING FOR PAYMENT

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AN ORDINANCE 98803

APPROVING THE RENEWAL AND EXTENSION OF A LICENSE AGREEMENT WITH THE NIX HEALTH CARE SYSTEM FOR A PERIOD OF FIVE (5) YEARS FOR THE USE

OF 400 PARKING SPACES AT THE MID-CITY PARKING GARAGE, FOR A FIRST YEAR MONTHLY LICENSE FEE OF \$67.00 FOR EACH OF THE ABOVE GROUND SPACES AND \$88.00 FOR EACH BASEMENT LEVEL SPACE, SUBJECT TO ANNUAL INCREASES.

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AN ORDINANCE 98804

CHANGING THE STREET NAME OF JOHN BARRETT COURT TO "OAKWOOD COURT" IN COUNCIL DISTRICT 7.

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AN ORDINANCE 98805

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A GRANT IN THE AMOUNT OF \$15,000.00 FROM THE TEXAS COMMISSION ON THE ARTS FOR A CULTURAL TOURISM INITIATIVE TO EXPAND THE MARKETING AND PROMOTION OF THE FOURTH ANNUAL INTERNATIONAL ACCORDION FESTIVAL; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A DELEGATE AGENCY AGREEMENT WITH THE INTERNATIONAL ACCORDION FESTIVAL, TO PRODUCE, MARKET AND PROMOTE THE EVENT FOR AN AMOUNT NOT TO EXCEED \$15,000.00; AND PROVIDING FOR PAYMENT.

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AN ORDINANCE 98806

REAPPOINTING LOREN WOOD (DISTRICT 10) TO THE ETHICS REVIEW BOARD FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 21, 2005.

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AN ORDINANCE 98807

APPOINTING MANUEL LIZCANO (PROFESSIONAL ENGINEER CATEGORY - DISTRICT 7) TO THE MECHANICAL BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON MARCH 20, 2006.

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AN ORDINANCE 98808

APPOINTING SAMMY L GOTT (DISTRICT 10) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2005

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AN ORDINANCE 98809

APPOINTING ERIK FREDERICK (DISTRICT 4) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON JUNE 11, 2005.

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2004-06 The Clerk read the following Ordinance:

AN ORDINANCE 98810

ACCEPTING THE LOW, RESPONSIVE BID OF V.W. BROOKS, INC IN THE BASE BID AMOUNT OF \$576,000.00 WITH BID ALTERNATES 2 THROUGH 5, FOR A TOTAL CONTRACT AMOUNT OF \$613,000.00, IN CONNECTION WITH THE COMANCHE LOOKOUT PARK IMPROVEMENTS PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 10; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$18,000.00 FOR MANDATORY PROJECT FEES; AUTHORIZING \$20,123.16 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AMENDING THE CURRENT BUDGET OF \$62,000.00 BY APPROPRIATING \$550,298.00 IN 1999-2004 PARK BOND FUNDS AND ACCEPTING A \$100,000.00 DONATION FROM THE SAN ANTONIO PARKS FOUNDATION, FOR A TOTAL PROJECT BUDGET OF \$712,298.00; NAMING THE OUTDOOR CLASSROOM TO BE CONSTRUCTED THE EWING HALSELL OUTDOOR CLASSROOM IN GRATITUDE FOR THE \$100,000.00 DONATION; TRANSFERRING SAVINGS WITHIN THE PROJECT; AND PROVIDING FOR PAYMENT.

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

In response to Councilman Perez, Mr. Malcolm Matthews, Director of Parks and Recreation, noted they hadn't budgeted for the pool because it had been closed. He indicated it would cost about three to four thousand dollars extra to manage.

In response to Councilman Haass, Mr. Matthews expounded on the specific details of Phase I of the project, and stated Phase II was being coordinated with the library project. He confirmed they would be adding trails, and construct an amphitheatre.

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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2004-06 The Clerk read the following Ordinance:

AN ORDINANCE 98811

SELECTING PLACE COLLABORATIVE, INC. TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES IN CONNECTION WITH THE CATHEDRAL ROCK NATURE PARK IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 6; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$38,750.00; AUTHORIZING \$68,568.00 FOR WILDLIFE, VEGETATION AND ARCHEOLOGICAL SERVICES; AUTHORIZING \$3,290.00 FOR CONSULTANT FEES; AUTHORIZING \$3,600.00 FOR MISCELLANEOUS CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$800.00 FOR BID ADVERTISING/PRINTING EXPENSES; AUTHORIZING \$1,500.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$77,758.00 FROM 1999-2004 PARK BOND FUNDS; APPROPRIATING FUNDS; 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 Councilman Barrera, Mr. Malcolm Matthews, Director of Parks and Recreation, expounded on the trails grant received. He stated the project would include a parking lot and pedestrian trails all ADA accessible.

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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2004-06 The Clerk read the following Ordinance:

AN ORDINANCE 98812

RATIFYING THE SUBMISSION OF AN APPLICATION TO ACQUIRE .36 ACRES OF PROPERTY ADJACENT TO EISENHOWER PARK IN COUNCIL DISTRICT 8 FROM THE NATIONAL PARK SERVICE, THROUGH THE FEDERAL LANDS TO PARKS PROGRAM, AT NO COST TO THE CITY.

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

In response to Councilman Perez, Mr. Malcolm Matthews, Director of Parks and Recreation, expounded on the nature of the ratification. He acknowledged that the application deadline was January 16, and stated that as soon as the Council ratifies, they would be able to get the property.

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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2004-06

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The Clerk read the following Ordinance:

AN ORDINANCE 98813

AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH LA MANSION DEL RIO, INC., AS LICENSEE, FOR AN INITIAL TERM OF 25 YEARS, WITH RENEWAL OPTIONS, SUBJECT TO CITY COUNCIL APPROVAL, FOR THE USE OF 125 RESERVED PARKING SPACES AT THE MID-CITY PARKING GARAGE FOR VALET PARKING OF MOTOR VEHICLES, AT A MONTHLY LICENSE FEE OF \$180.00 PER SPACE, INCREASING PERIODICALLY THROUGHOUT THE TERM, AND AN ADDITIONAL MONTHLY LABOR CHARGE OF \$650.00, PLUS ANY NECESSARY REIMBURSEMENT FOR SUMS EXPENDED TO PROVIDE SIGNS OR OTHER MARKINGS DESIGNATING THE PARKING SPACES.

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

In response to Councilman Perez, Mr. Tom Wendorf, Director of Public Works, confirmed it was the City's right to renew the contract.

In response to Councilman Perez' request for a list of garages the City owned, and the fees associated with them, Mr. Wendorf confirmed he would provide a listing as soon as possible.

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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2004-06 The Clerk read the following ordinance:

AN ORDINANCE 98814

APPOINTING WILLIAM STEINHAUER (DENTIST CATEGORY – DISTRICT 8) AND ROBERT WOLFE (VETERINARIAN CATEGORY – DISTRICT 8) TO THE ADVISORY BOARD OF HEALTH OF THE SAN ANTONIO METROPOLITAN DISTRICT FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 2007.

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Councilman Flores made a motion to approve the proposed Ordinance. Councilman Williams 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, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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2004-06 The Clerk read the following Ordinance:

AN ORDINANCE 98815

APPOINTING ROBERT ANGUIANO (DISTRICT 3) TO THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2008.

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

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

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2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98816

APPOINTING MARIA GONZALES (HISTORIC PRESERVATION CATEGORY – DISTRICT 6) TO THE MARKET SQUARE COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 11, 2005.

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

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2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98817

APPOINTING CYNTHIA SCOTT (ARCHITECTURAL HISTORY CATEGORY – DISTRICT 6) ONE MEMBER TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2005

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

2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98818

REAPPOINTING GENE CAMARGO (DISTRICT 6) AND GEORGE ALEJOS (DISTRICT 6) TO THE BOARD OF ADJUSTMENT – ALTERNATE MEMBERS FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 22, 2006.

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

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

2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98819

APPOINTING MIKE BARNARD (TAXICAB INDUSTRY CATEGORY – DISTRICT 8) AND MARTIN BOZER (THEME PARK CATEGORY – DISTRICT 8) TO THE CONVENTION AND VISITORS COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON JUNE 30, 2005 AND JUNE 30, 2006 RESPECTFULLY.

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

2004-06 NOMINATIONS FOR THE MUNICIPAL CIVIL SERVICE COMMISSION

Acting City Clerk Yolanda Ledesma presented the nominations for the Municipal Civil Service Commission, Regular Member Category, from February 5, 2004 Work Session which included Ms. Henrietta LaGrange, District 5, and Ms. Margaret Leal, District 7

Councilwoman Radle nominated Ms. Henrietta LaGrange. Councilman Perez seconded the nomination.

Councilman Castro nominated Ms. Margaret Leal. Councilman Barrera seconded the nomination.

After a roll call vote, Ms. LaGrange received the majority of the votes and was selected to fill the slot.

Councilman Perez made a motion to approve the proposed Ordinance appointing Ms. Henrietta LaGrange to serve on the Municipal Civil Service Commission. Councilwoman Radle 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, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98820

APPOINTING HENRIETTA LEGRANGE (REGULAR MEMBER CATEGORY – DISTRICT 5) TO THE MUNICIPAL CIVIL SERVICE COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 6, 2005.

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2004-06 NOMINATIONS FOR THE BEXAR METRO 911 DISTRICT BOARD OF MANAGERS

Acting City Clerk Yolanda Ledesma presented the nominations for the Bexar Metro 911 District Board of Managers from February 5, 2004 Work Session which included Mr. Herberto Gutierrez, District 9, (reappointment), Mr. Steven Jewell, District 8, Mr. Steven Mormino, District 7, and Mr. James Castro, District 10.

Councilman Schubert nominated Mr. Herberito Gutierrez for the first of two slots Councilman Perez seconded the nomination

Councilman Castro nominated Mr. Steven Mormino. Councilman Barrera seconded the nomination.

Councilman Haass nominated Mr. James Castro. Councilman Hall seconded the nomination.

Council Hall nominated Mr. Steven Jewell. Councilman Williams seconded the nomination.

After a roll call vote, Mr. Huberto Gutierrez received the majority of the votes, and was selected for the first slot.

After a second roll call vote, Mr. Steven Jewell received the majority of the votes and was selected for the second slot.

Councilman Schubert made a motion to approve the proposed Ordinance appointing Mr. Huberto Gutierrez and Mr. Steven Jewell to the Bexar Metro 911 District Board of Managers. Councilman Perez 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, Haass, Garza **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98821

REPOINTING HEBERTO GUTIERREZ (REAPPOINTMENT – DISTRICT 9), AND STEVEN JEWELL (DISTRICT 8), TO THE BEXAR METRO 911 DISTRICT BOARD OF MANAGERS FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 28, 2006.

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2004-06 NOMINATIONS FOR THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD

Acting City Clerk, Yolanda Ledesma presented the nominations for the Fort Sam Houston Development Advisory Board from February 5, 2004 Work Session which included Mr. Loyd Hawkins, District 2 (reappointment), Mr. Cecil Williams, District 2 (reappointment), and Mr. Bill Swoveland, District 10, for the Government Hill Category, and Ms Alma Cross, District 2, and Mr. Michael Dean, District 7 for the Business Category.

Councilman Williams nominated Mr. Loyd Hawkins for the first slot on the Government Hill Category. Councilman Perez seconded the nomination.

Councilman Haass nominated Mr. Bill Swoveland for the second slot on the Government Hill Category. Councilman Hall seconded the nomination.

City Council concurred to nominate Mr. Loyd Hawkins and Mr. Bill Swoveland to serve as the Government Hill representatives.

Councilman Williams nominated Ms. Alma Cross to the Business Category. Councilman Perez seconded the nomination.

Councilman Castro nominated Mr. Michael Dean. Councilman Hall seconded the nomination.

After a roll call vote, Ms. Alma Cross received the majority of the votes and was selected to serve as the representative for the Business Category.

Councilman Williams nominated Ms. Florence Alcoser to the City-Wide Community Leader Category. Councilman Perez seconded the nomination.

City Council concurred with Ms. Alcoser's nomination.

Councilman Schubert made a motion to approve the proposed Ordinance re-appointing Mr. Loyd Hawkins, and appointing Ms. Florence Alcoser and Mr. Bill Swoveland to the South Fort Sam Houston Development Board. Councilman Perez 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, Haass, Garza. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 98822

REAPPOINTING LOYD HAWKINS (REAPPOINTMENT – DISTRICT 2) AND FLORENCE ALCOSER (CITY-WIDE COMMUNITY LEADER CATEGORY – DISTRICT 2) AND APPOINTING BILL SWOVELAND (GOVERNMENT HILL ALLIANCE CATEGORY DISTRICT 10) AND ALMA CROSS (BUSINESS CATEGORY- DISTRICT 2) TO THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE ON JANUARY 28, 2006.

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2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98823

APPOINTING WILLIAM F. (RICK) GRINNAN, JR. (RIVER BEND LESSEE CATEGORY – DISTRICT 1) TO THE RIVERWALK CAPITAL IMPROVEMENTS ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 19, 2005.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Haass 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, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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2004-06 ZONING CASES

3A.) CASE NUMBER Z2003231C: The request of Elizabeth Power, Applicant, for Elizabeth Power, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "R-4 C" Residential Single-Family District with a conditional use for a five-unit multi-family dwelling on Lots 5 and 6, Block 12, NCB 2043, 917 Waverly Avenue. Staff's recommendation was for approval with conditions.

Zoning Commission has recommended approval. (Council District 1)

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

In response to Councilman Flores, Mr Jacks delineated those who were for this case, and those who opposed it

In response to Councilman Flores, Mr. Jacks indicated R-4 would allow 11 units per acre.

Councilman Flores made a motion to approve the proposed rezoning. Councilman Segovia 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, Radle, Barrera, Castro, Hall, Schubert. **NAYS:** None. **ABSENT:** Perez, Haass, Garza.

AN ORDINANCE 98824

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 DESCRIBED HEREIN AS LOTS 5 AND 6, BLOCK 12, NCB 2043 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4 C" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A FIVE-UNIT MULTI-FAMILY DWELLING ON THE PROPERTY.

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3B.) CASE NUMBER Z2004002 : The request of City of San Antonio, Historic Preservation Office, Applicant, for Cherise J. Bell, Owner(s), for a change in zoning to designate Historic Significance on Lot 14 and the west 20 feet of Lots 15 & 16, Block D, NCB 2557, 217 Daniel. 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.

In response to Councilman Flores, Ms. Anne McGlone, Historic Preservation Officer, expounded on pictures of the property, and confirmed the owner was the applicant. She stated the house was built in 1907 and depicted the Victorian style architecture that fit into the group of houses in the neighborhood similar to this one.

Councilman Flores made a motion to approve the proposed rezoning. Councilman Segovia 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, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Perez, Garza.

AN ORDINANCE 98825

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY

DESCRIBED HEREIN AS LOT 14 AND THE WEST 20 FEET OF LOTS 15 & 16, BLOCK D, NCB 2557 TO DESIGNATE HISTORIC SIGNIFICANCE.

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3C.) CASE NUMBER Z2004003: The request of City of San Antonio, Historic Preservation Office, Applicant, for Estate of Frank Castillo, Owner(s), for a change in zoning to designate Historic Significance on Lot E, Block 1, NCB 1714, 222 East Russell Place. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 1)

Mr. John Jacks noted the item was pulled from the agenda. He explained the Historic Preservation Office withdrew the application.

Mr. Louis Cooper indicated Code Compliance was ready to tear this structure down. He explained there wasn't a structure underneath it, and therefore urged Council to consider demolition.

Zoning Case #Z2004003 was pulled.

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4D.) CASE NUMBER Z2004004: The request of City of San Antonio, Historic Preservation Office, Applicant, for Helen Sanchez, Owner(s), for a change in zoning to designate Historic Significance on Lot 17, Block 4, NCB 6203, 717 East Woodlawn 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.

In response to Councilman Flores, Mr. Jacks confirmed the applicant was the City

Ms. Ann McGlone, Historic Preservation Officer, stated this property was located in the River Road neighborhood, and the owner abandoned it and refused to spend money on it. She then spoke to the importance of its historic preservation.

The following citizen(s) appeared to speak:

Ms. Karen Stothert, immediate neighbor, spoke against having the house taken out. She suggested it be rehabilitated and fixed up. She indicated many were in favor of declaring it historically significant. She stated they would like to see the house preserved but the garage demolished.

Ms. McGlone stated they approved demolition of the garage.

Councilman Flores expressed his concerns regarding this issue, indicating he wanted to talk to more people in order to further address this issue. He acknowledged he was in favor of highlighting and protecting historic structures.

In response to Councilman Schubert, Ms. McGlone explained what the responsibilities of the owner are if it is declared historic. She indicated they had a responsibility to keep it up in such a way that it's not deteriorating further. If they refuse, she stated they could pursue it in district court. When this happens, she indicated many times the owner will end up selling the property.

Councilman Schubert and Ms. McGlone discussed historic designation. They then discussed the advantages and disadvantages of designating homes historic.

Ms. McGlone amplified on the tax exemptions for those designated historic, noting it was 10 years.

Councilman Flores stated he wanted to make sure they had all the information from the property owner, and that all the issues are addressed. He then made a motion to continue until February 26, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue to the Council meeting of February 26, 2004 prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert. **NAYS:** None. **ABSENT:** Barrera, Haass, Garza.

Zoning Case #Z2004004 was continued to the Council meeting of February 26, 2004.

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3E.) CASE NUMBER Z2004009: The request of Jesus Mauro Leija, Applicant, for Jesus Mauro Leija, Owner(s), for a change in zoning from "O-2" Office District to "C-1" Light Commercial District on Lot 10, Block 10, NCB 847. 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. Jesus Mauro Leija, applicant, indicated they would be putting a day care center there.

In response to Councilman Flores, Mr. Jacks amplified on the responses sent back regarding this zoning case. He acknowledged that the surrounding property was a mixture of commercial and office.

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, Hall, Schubert. **NAYS:** None. **ABSENT:** Haass, Garza.

AN ORDINANCE 98826

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 10, BLOCK 10, NCB 847 FROM "O-2" OFFICE DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

3F.) CASE NUMBER Z2004024: The request of City of San Antonio, Historic Preservation Office, Applicant, for Sherman and Dorothy Byrd, Owner(s), for a change in zoning to designate Historic Significance on Lots 6, 7, and 8, Block 13, NCB 1532, 1824 Martin Luther King 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. 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 **NAYS:** None. **ABSENT:** Haass, Garza.

AN ORDINANCE 98827

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 6, 7, AND 8, BLOCK 13, NCB 1532 TO DESIGNATE HISTORIC SIGNIFICANCE ON THE PROPERTY.

* * * *

3G.) CASE NUMBER Z2004001: The request of Mission Park, Applicant, for Robert Tips, Owner(s), for a change in zoning from "R-6 H RIO-6" Single Family Residential Historic River Improvement Overlay District to "C-3 H RIO-6" General Commercial Historic River Improvement Overlay District on 3.037 acres out of NCB 11175. 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 continue to February 26, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue to the Council meeting of February 26, 2004, prevailed by the following vote. **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert. **NAYS:** None. **ABSENT:** Haass, Garza.

Zoning Case #Z2004001 was continued to the Council meeting of February 26, 2004.

* * * *

3H.) CASE NUMBER Z2003191: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 2, Block 1, NCB 34392A and Lot 1, Block 1, NCB 134362A and from "R-6" Residential Single-Family District to "C-3" General Commercial District on Parcel 6, NCB 34361. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

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

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

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

AN ORDINANCE 98828

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLOCK 1 NCB 134362A AND FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT ON PARCEL 6, NCB 34361. FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT

* * * *

3I.) CASE NUMBER Z2003227: The request of Brown & Associates P. C., Applicant, for Jeep Investments, LLC, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-4" Residential Single-Family District on 7.408 acres out of NCB 15999 Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

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

Councilman Perez made a motion to approve the proposed rezoning. Councilman Segovia 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. **NAYS:** None. **ABSENT:** Haass, Garza.

AN ORDINANCE 98829

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 7.408 ACRES OUT OF NCB 15999 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

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3J.) CASE NUMBER Z2004012: The request of Richard R. Whitcher, Jr., Applicant, for Richard R. Whitcher, Jr., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MH" Manufactured Housing District on Lots 1 thru 3 and the west 30 feet of Lot 4, Block 1, NCB 15629. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

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

The following citizen(s) appeared to speak:

Mr. Richard Whitcher, Jr., spoke to the property in question which had been approved for manufactured homes. He indicated he saw no permanent injury to the property rights of owners. He acknowledged he understood the Unified Development Code of the City that applied to manufactured homes, but encouraged Council to approve this rezoning.

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

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

Zoning Case #Z2004012 was denied.

* * * *

3K.) CASE NUMBER Z2003215: The request of Jack in the Box, Inc., Applicant, for Multiple, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "O-1" Office District on Lots 11 and 12, Block 1, NCB 2427, 2403 El Paso Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

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

Councilwoman Radle, spoke to the community meeting held regarding this issue, and indicated there were favorable responses.

Councilman Perez made a motion to approve the proposed rezoning. Councilman Williams 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. **NAYS:** None. **ABSENT** Garza.

AN ORDINANCE 98830

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 11 AND 12, BLOCK 1, NCB 2427 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT ON THE PROPERTY.

* * * *

3L.) CASE NUMBER Z2003124: The request of Oscar Garcia, Jr., Applicant, for Oscar Garcia, Jr., Trustee of The Oscar Garcia, Jr. revocable Living Trust Agreement, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-3R" Commercial Restrictive Alcoholic Sales on Lot P-2M, NCB 34393, 9865 Potranco Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 6)

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

The following citizen(s) appeared to speak:

Ms. Nancy Englebert stated they met with applicant, but could never quite come to an agreement. She spoke in opposition to the rezoning, and indicated they did not want a pawn shop or video shop there. She stated the neighborhood wanted to know the reasons they were requesting C-2. She then referenced a conversation she had with Paul Mazuca.

Mr. Roger Campos, representing the owner, requested for an amendment to the original request. He confirmed the owner had no intentions or plans to put a pawn shop, video shop, or anything of this nature. He acknowledged they were looking into a possible day care facility.

Councilman Perez urged the applicant to take the community's concerns into consideration.

Councilman Barrera made a motion to approve the proposed rezoning as C-2NA 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, Barrera, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Radle, Castro, Garza.

AN ORDINANCE 98831

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 P-2M, NCB 34393 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2NA" COMMERCIAL, NONALCOHOLIC SALES ON THE PROPERTY.

* * * *

3M.) CASE NUMBER Z2003190: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-20" Residential Single-Family District on all of NCB 34400A and all of NCB 34400C, west of Loop 1604 and Summer Breeze. 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, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Hall, Garza.

AN ORDINANCE 98832

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 ALL OF NCB 34400A AND ALL OF NCB 34400C FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

* * * *

3N.) CASE NUMBER Z2003192: The request of City of San Antonio, Applicant, for Thomas H. Yates, Jr. Owner, for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 2, Block 2, NCB 34400J, 1530 West Loop 1604 North. 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, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Hall, Garza.

AN ORDINANCE 98833

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 2, BLOCK 2, NCB 34400J FROM "R-6" RESIDENTIAL SINGLE - FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

* * * *

30.) CASE NUMBER Z2004015: The request of Rebecca Davila, Applicant, for Evangelina Viesca, Owner(s), for a change in zoning from "C-2" Commercial District to "R-6" Residential Single-Family District on Lots 28 thru 30, Block 11, NCB 16521, 6403 and 6411 Tahoka. 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 Williams seconded the motion.

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

AN ORDINANCE 98834

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 28, 29, & 30, BLOCK 11, NCB 16521 FROM "C-2" COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON THE PROPERTY.

* * * *

3P.) CASE NUMBER Z2004007C: The request of Brenda Vaughn, Applicant, for Chris Vaughn, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6 C" Residential Single-Family District with a conditional use for a florist on the northwest 90 feet of Lot 14, Block 3, NCB 8103. Staff's recommendation was for approval with conditions.

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:

Ms. Beck Whitehead spoke against this zoning case.

Councilman Castro spoke to the concerns he had regarding commercial encroachment. He acknowledged he asked his staff to look into the 100 – 600 blocks of Babcock for businesses who didn't have the appropriate zoning.

Councilman Castro made a motion to deny the proposed rezoning. Councilman Segovia seconded the motion.

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

Zoning Case #Z2004007C was denied.

* * * *

3Q.) CASE NUMBER Z2004021: The request of S. A. Alliance & Associates, Ltd., Applicant, for S.A. Alliance & Associates, Ltd., Owner(s), for a change in zoning from "MF-33" Multi Family District to "PUD MF-33" Planned Unit Development Multi-Family District on Lot 25, Block E, NCB 14657. 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.

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

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

AN ORDINANCE 98835

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 25, BLOCK E, NCB 14657 FROM "MF-33" MULTI-FAMILY DISTRICT TO "PUD MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT ON THE PROPERTY.

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3R.) CASE NUMBER Z2004089: The request of Earl & Brown, P C., Applicant, for Judith N. Morton; Contact: Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on a portion of the Oakland Estates Subdivision being Lot 15, Block 5, NCB 14705 and a portion of the Gustav Eckhart Estates Subdivision being part of P-37K and P-64 and all of P-65, Block 2, NCB 14864, approximately 5.4 acres, located northwest of Huebner Road near the intersection of Huebner Road and USAA Boulevard. 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 until February 26, 2004. Councilman Segovia seconded the motion

After consideration, the motion to continue to the Council meeting of February 26, 2004, prevailed by the following vote: **AYES:**, Williams, Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Perez, Garza.

Zoning Case #Z2003089 was continued to the Council meeting of February 26, 2004.

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3S.) CASE NUMBER Z2003090: The request of Earl & Brown, P.C., Applicant, for Judith N. Morton; Contact: Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District (22.44 acres) and "C-3R" General Commercial District, Restrictive Alcoholic Sales (3.47 acres) on 25.91 acres of land out of Block 2, NCB 14864, North of Huebner Road., south of Prue Road and west of the proposed New Prue 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 until February 26, 2004. Councilman Segovia seconded the motion.

After consideration, the motion to continue to the Council Meeting of February 26, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Perez, Garza.

Zoning Case #Z2003090 was continued to the Council meeting of February 26, 2004.

* * * *

3T.) CASE NUMBER Z2003101CS: The request of J. Allen Family Partner, Ltd., Applicant, for Rogers Shavano Ranch, Ltd., Owner(s), for a change in zoning from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 NA ERZD C S" Commercial Non-Alcoholic Sales Edwards Recharge Zone District with a conditional use for a mini-storage facility and a specific use authorization for a mini-storage facility exceeding 2.5 acres on a 5.6-acre tract of land out of NCB 17627, southwest of De Zevala and Old Lockhill-Selma Road (not open for public access). Staff's recommendation was for approval.

Zoning Commission has recommended approval with staff's conditions. (Council District 8)

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

Councilman Hall made a motion to continue to February 26, 2004. Councilman Williams seconded the motion.

After consideration, the motion to continue to the Council meeting of February 26, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Perez, Garza.

Zoning Case #Z2003101CS was continued to the Council meeting of February 26, 2004.

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3U.) CASE NUMBER Z2003019: The request of McCombs Enterprises, Applicant, for Great State Construction Management Co., Owner(s), for a change in zoning from "MF-33" Multi Family District to "C-3" General Commercial District on approximately 3 acres out of Lot 26, Block 9, NCB 15825, near the northeast corner of Frank Neely Drive and I.H. 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.

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

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

AN ORDINANCE 98836

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 3.0 ACRES OUT OF LOT 26, BLOCK 9, NCB 15825 FROM "MULTI FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

3V.) CASE NUMBER Z2004023: The request of City of San Antonio, Historic Preservation Office, Applicant, for Lim Family Trust, Attn: Kwok Min Lim, Owner(s), for a change in zoning to designate Historic Significance on 0.1014 acres out of NCB 14746, 14640 I.H. 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.

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

AN ORDINANCE 98837

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.1014 ACRES OUT OF NCB 14746 TO DESIGNATE HISTORIC SIGNIFICANT ON THE PROPERTY.

* * * *

3W.) CASE NUMBER Z2003232: The request of Harrison Worldwide Enterprises, Inc., Applicant, for Harrison Worldwide Enterprises, Inc., Owner(s), for a change in zoning from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "PUD MF-25 ERZD" Planned Unit Development Multi-Family Edwards Recharge Zone District on 33.49 acres out of NCB 19218, north side of Stone Oak Parkway between Evans Road and U.S. Highway 281. 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.

In response to Councilman Castro, Mr. Jacks indicated he was not aware whether there were plans for commercial use.

Councilman Schubert added that he didn't think there was a commercial plan for a specific business, but acknowledged there was a neighborhood plan

Councilman Castro noted the documents did not indicate there was a neighborhood plan.

Mr. Jacks amplified on the annexation, and the community plan that was adopted. He stated Stone Oak was laid out with a master plan with particular uses in mind for certain areas.

Councilman Schubert acknowledged there were changes in the plan. He urged caution in second guessing the neighbors out there who believe this is an appropriate use of the property.

Councilman Castro urged staff to assess the situation.

Councilman Schubert stated Stone Oak had been planned a long time, and development has been falling in through the plan.

Councilman Hall requested for more information in order to make a good decision. He commented that on a C-3, there are a variety of things that could be done.

Councilwoman Radle concurred with Councilman Castro with respect to the people of the Stone Oak area, but in the context of the recharge zone, she cited the pollution.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman Segovia 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, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** Radle, Castro. **ABSENT:** Flores.

AN ORDINANCE 98838

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 33.49 ACRES OUT OF NCB 19218 FROM "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RESEARCH ZONE DISTRICT TO "PUD MF-25 ERZD" PLANNED UNIT DEVELOPMENT MULTI FAMILY EDWARDS RECHARGE ZONE DISTRICT ON THE PROPERTY.

* * * *

3X.) CASE NUMBER Z2004013: The request of C W S Retail on Austin Highway, Ltd., c/o Gary Cunningham, Applicant, for C W S Retail on Austin Highway, Ltd., c/o Gary Cunningham, Owner(s), for a change in zoning from "C-3 NA" General Commercial District,

Nonalcoholic Sales to "C-2" Commercial District on approximately .454 acres out of Lot 17, Block B, NCB 8695, 258 Deerwood Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 10)

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

In response to Councilman Haass, Mr. Jacks described what was allowed now with the current zoning, and indicated the rezoning would allow more general retail uses. He confirmed that a bar wouldn't be permissible, but a restaurant or store that sells beer would.

Councilman Haass voiced his approval only if it was restaurant or retail oriented.

Councilman Haass made a motion to approve the proposed rezoning. Councilman Segovia 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 98839

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.4536 ACRES OUT OF LOT 17, BLOCK B, NCB 8695 FROM "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-2" COMMERCIAL DISTRICT ON THE PROPERTY.

* * * *

2004-04 PUBLIC HEARING AND ORDINANCES: CLOSING, VACATING AND ABANDONING AN IMPROVED 0.6274 OF AN ACRE PORTION OF CANTRELL STREET, AND THE CLOSING, VACATING AND ABANDONING OF AN IMPROVED PORTION OF SAN LUIS STREET PUBLIC RIGHT OF WAY.

Mayor Garza declared the Public Hearing to be open.

Ms. Rebecca Waldman, Director of Asset Management, narrated a slide presentation regarding the proposed closure of an improved portion of Cantrell Street, a copy of which was made part of the official papers of this meeting. She expounded on the purpose of the closure, noting the petitioner was requesting the closure of this Public Right of Way to incorporate it with its adjacent properties. She then expounded on the proposed closure of San Luis Street Public Right of Way and its purpose.

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

The Clerk read the following Ordinance:

AN ORDINANCE 98840

CLOSING, VACATING AND ABANDONING AN IMPROVED 0.6274 OF AN ACRE PORTION OF CANTRELL STREET LOCATED BETWEEN AVIATION BOULEVARD (DRAINAGE CHANNEL) AND I.H. 35 SOUTH ADJACENT TO NCBS 13981, 13982 AND 9503, IN COUNCIL DISTRICT 4, AS REQUESTED BY H.B. ZACHRY COMPANY FOR THE CONSIDERATION OF \$151,191.00 AND THE ADDITIONAL CONSIDERATION OF TITLE TO APPROXIMATELY 2.35 ACRES OF PROPERTY NEARBY WORTH \$100,000.00 FROM H.B. ZACHRY, AS ITS CONTRIBUTION TOWARD DRAINAGE IMPROVEMENTS TO SIX MILE CREEK.

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Councilman Perez made a motion to approve the proposed Ordinance. Councilman Williams 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, Haass, Garza. **NAYS:** None. **ABSENT:** Schubert.

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2004-06 The Clerk read the following ordinance:

AN ORDINANCE 98841

CLOSING, VACATING AND ABANDONING AN IMPROVED PORTION OF SAN LUIS STREET PUBLIC RIGHT OF WAY LOCATED BETWEEN SOUTH CALAVERAS AND

SOUTH CHUPADERAS STREETS ADJACENT TO NCB 2384 IN COUNCIL DISTRICT 5, FOR THE EXPANSION AND REDEVELOPMENT OF THE ADJACENT DE ZAVALA ELEMENTARY SCHOOL, AS REQUESTED BY THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, FOR THE TOTAL CONSIDERATION OF \$10,033.00.

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

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

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2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98842

APPROVING AND ENDORSING THE SAN ANTONIO REGIONAL REVISIONS OF THE TEXAS STATE IMPLEMENTATION PLAN FOR AIR QUALITY THAT INCLUDES LOWER REID VAPOR PRESSURE GASOLINE, CONTROLS ON DEGREASING OPERATIONS, AND STAGE I VAPOR RECOVERY AS LOCAL EMISSION CONTROLS, ANTICIPATED BY THE EARLY ACTION COMPACT, COMMONLY REFERRED TO AS THE AREA'S "CLEAN AIR PLAN," A REGIONAL AGREEMENT ENTERED INTO EARLIER BY THE CITY OF SAN ANTONIO.

* * * *

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

Mr. Dan Cardenas, Director of Environmental Services, narrated a slide presentation regarding approval of a proposed San Antonio Area State Implementation Plan, a copy of which was made part of the official papers of this meeting. He expounded on San Antonio's air quality, and described what the ozone was and its relation to a clean air plan.

Mr. David Newman, Environmental Services, continued the slide presentation, and discussed the state implementation plan. He outlined the signatories of the Clean Air Plan, and the importance of local controls. He then amplified on the three recommendations of the clean air strategies chosen.

Mr. Patrick M. Heath, Mayor of Boerne, spoke to the Air Improvement Resources Committee, and commented that this was a public health issue. He then expressed appreciation for the Council's actions today

The following citizens appeared to speak:

Mr. Jack M Finger questioned the impact this would have on motorists, and commented that there wasn't a cost benefit survey done. He spoke to the price of gasoline, and the affect this may have on consumers. He urged Council to look closely into this issue.

* * *

Mayor Garza stated they were voting on this in partnership with other communities around the region. He acknowledged it wasn't an easy issue, and all parties had been sensitive to adopting such policy, which included balancing all factors with mandates coming from the Environmental Protection Agency. He acknowledged that every major city had been struggling with this issue for a number of years, and from San Antonio's perspective, have tried to demonstrate a pro active policy. He stated this region has been taking this issue very seriously, and this was a step in the right direction.

Councilman Castro stated this implementation plan was important for San Antonio. He urged staff to state in simple terms what exactly people will have to do because of this plan.

Mr. Cardenas expounded on the strategies of each of the three stages, which he noted were ways of saving money in the long run.

Councilman Castro cited the importance of getting a cost benefit analysis. He indicated that in the next 50 years, the City would be growing tremendously.

Councilman Hall congratulated staff for the work they've done on the Clean Air Plan. He expressed concern on the federal government regulating them if they go below the standard. He cited the other opportunities to enhance clean air, and air and questioned why only three strategies were chosen. He stated that if they go below the standard, they might look back and see that they could've done one more thing. He acknowledged that air quality was very important, and urged his colleagues to be mindful of the fact that there were many different ways to control clean air, but of these many ways, they only chose three.

Mr. Cardenas responded they would continue to do the things they've been doing since 1994, and they would also continue the health alert days. He spoke to the importance of educating about clean air, and noted that other governmental entities would be continuing to monitor air quality throughout the course of the years.

Councilman Hall noted he did like the three strategies chosen, but at the same time, he indicated it could take time, but cautioned staff there was actually very little time

Councilman Perez commented that the committee had done a good job, and this was an issue affecting them in a variety of ways. He acknowledged he was a father of a child with asthma, and therefore very interested in doing whatever they could to clean the air. He stated that this was a first step, and they had to continue to look at ways citizens could implement strategies to help in the overall effect to try and make things better for all of them. He recommended pushing this forward to the community in a timely manner.

Mr. Cardenas stated these strategies were enforceable, and could be evaluated.

Councilman Schubert cited the various comments he heard from his colleagues, and stated that of the many strategies, many were costly for citizens. He stated some of the other strategies that he and the committee have looked at were questionable as to whether they would get a significant return. He indicated they also looked and evaluated many different places implementing other strategies. He stated this was something that made sense for the whole region, and it would have the least amount of burden on the taxpayers. He acknowledged that they've talked about the benefits, and it has taken a lot of time for staff to determine this was something the citizens could understand. He thanked staff for all of their work.

Mr. Cardenas acknowledged the staff of AACOG, City staff, and the staff of other counties who have worked together on this issue.

Councilman Flores thanked staff for the work they've done. He stated this was something that is going to be very important in the future in regards to how we change our mindset. He stated this was part of the process, and a lot of citizens were already changing their mindset. He stated it was important to point out that every once in a while, there will be things that affect citizens financially, but the long term benefits far outweigh what they will experience in the next few years. He cited companies such as Toyota, who already have concern for the environment. He spoke to the need to strengthen how environmental issues are approached.

Councilman Haass stated there was a perception in his district that a lot of the problems that are occurring from an ozone standpoint are based on problems that are out of their control.

Mr. Cardenas stated that in the existing clean air act, it doesn't allow them to go back and take care of events outside of the jurisdiction. In the past, when they did have unique situations, the various committees have worked together to ask for relief. He stated other areas would have to take necessary steps to ensure safety, and it would impact other areas as well.

Councilman Haass acknowledged the strategies made a lot of sense, and further indicated they were recommending things that would keep them in attainment. However, he expressed concern on the possibility of a certain portion of the equation being out of control

Mr. Cardenas encouraged them to continue to look at additional strategies, which would allow them more time to further evaluate how effective the strategies are.

In response to Councilman Haass, Mr. Cardenas indicated they did not have a timeframe yet as far as when they will come back to Council to let them know if the recommendations are working out, but indicated they would be working with other regions as well.

Mr. Cardenas acknowledged they've been doing an extensive amount of outreach, which has included meetings that explain the air quality issues. He indicated they have explained what the problem is, and have discussed the impact this could have on the livelihood of the City.

Councilman Haass stated San Antonio could be poised to draw people because of its quality of life. He urged his colleagues to come up with a back-up plan, noting they could not afford to have the government take over.

Councilman Barrera thanked staff for the presentation. He cited the cost of them not approving this plan, especially when San Antonio has been named 4th in the top metropolitan areas for doing business. He indicated the benefits of the plan were clear.

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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2004-06

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The Clerk read the following Ordinance:

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AN ORDINANCE 98843

AUTHORIZING ADJUSTMENTS TO THE RESIDENTIAL, GENERAL, WHOLESALE, AND IRRIGATION WATER RATES; AUTHORIZING ADJUSTMENTS TO THE RESIDENTIAL, GENERAL, AND WHOLESALE WASTEWATER SERVICE RATES; AMENDING CHAPTER 34 OF THE CITY CODE ACCORDINGLY; AND PROVIDING FOR AN EFFECTIVE DATE.

* * * *

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

General Eugene Habiger, CEO of the San Antonio Water System (SAWS) acknowledged that it wasn't easy to ask for a rate increase, but they've reached a point where they've had to make this decision.

Mr. Alex Hinojosa, representing SAWS, spoke to the rate development process, a copy of which was made part of the official papers of this meeting. He expounded on the committee

input, the policy discussion and the public education. He discussed the capital requirements, and the importance for a rate adjustment. He addressed declining revenues, and the 5-year average annual historical growth rate. He then spoke to the comparison of Texas' largest water utilities commercial monthly bill.

The following citizens appeared to speak:

Mr. Mike Novak, representing the Greater San Antonio Chamber of Commerce, spoke to the policy statement that was adopted. He read from a letter citing their viewpoints on the rate increase. He commended SAWS for their communication with the community.

Ms. Terrell McCombs, 2005 Chair-elect of the North San Antonio Chamber of Commerce, read a letter to the Mayor and Council that cited their viewpoints on the rate increase, a copy of which was made part of the official papers of this meeting. He stated it was in everybody's best interest to have this important decision made.

Mr. Nazarite Ruben Flores Perez spoke against the rate increase, and stated fluoride was a poison. He encouraged Council to remove the fluoride from the water system. He urged Council to find another solution.

Ms. Marianne Kestenbaum, Executive Director of SMART Growth San Antonio, spoke to the importance of promoting sustainable growth. She acknowledged they supported the rate increases, and commented they were pleased with SAWS efforts to ease the impact of the increase by helping those who find it difficult to manage the rate increase.

Mr. Andy Weaver, indicated he was a resident of Ohio, spoke against the rate increase proposed by SAWS.

Mr. Benjamin Youngblood stated he has addressed them before as vice-chair of the Ethics Review Board. He cited the various committees he was a part of, and noted he had been working on water issues for many years. He described SAWS as an excellent entity staffed by capable people. He addressed several issues and concerns raised by proponents of water rates. He spoke to the meetings that were held, and expounded on water consumption. He then spoke to commercial rates, some differences in their figures and cited the need for equity. He cited the "old" pipes mentioned by SAWS, and stated SAWS had a renewal and replacement fund.

Mr. Jack Finger spoke to the briefing SAWS gave, and asked if they answered their questions. He alleged SAWS' management was crippled, and cited an incident that occurred in their management. He asked Council to address these problems.

Mr. Larry Hoffman, representing the Regional Clean Air and Water Association, spoke to the work of their organization. He stated that although costs continue to rise, SAWS should make every effort to keep costs down, and cited various ways that this could be done. He alleged

that the structure proposed was unfair to customers. He stated SAWS promised their organization an opportunity to present forth their recommendations. He then spoke to the underground pipes.

Mr. Lloyd Brink, San Antonio Chamber of Commerce, stated he supported the increase proposed by SAWS. He then urged Council to support the increase as well.

Mayor Garza stated it would be important for SAWS to address concerns brought forward by some of the speakers.

Mr. Hinojosa spoke to the consumption of water by customer classes. He stated there was a difference, and the actual cost was served when you have to bill customers for the same consumption. He then cited the cost service analysis, and noted this method was used by most utilities across the country. He then spoke to the tasks of the Rates Advisory Committee, and the items brought up on the use of funds. He cited the issues related to infrastructure, and addressed the Edwards Aquifer Authority.

Mayor Garza spoke to the importance of accountability, and letting the public see first hand the value they are making in this investment. He spoke to the capital needs of the infrastructure, and cited the positive impact on the greater need for the community. He stated it went back to the issue of accountability, and he referenced the success of bond elections, noting that when projects are clearly identified, it's easier for the public to understand.

General Habiger spoke to the quarterly report they send to Council, and noted they would place their projects on the website by district to show how they are spending money on capital projects.

In response to Councilman Hall, Mr. Hinojosa stated they would update the five year plan, and the requirements would include all major water projects. He acknowledged there were other things included in the rate increase related to maintenance and operations. He then confirmed that the impact fees would be updated as well, and these would be brought forward before the Board and Council.

Mr. Ben Gorzell, Public Utilities Supervisor, indicated they would be coming back in the fall to update the water supply program, as well as various other components.

Councilman Hall cited the potential of three or four increases in the upcoming year, and stated the first theme he's been hearing related to the repairing of infrastructure, and questioned if this was something they did in the past. He stated they've had these fees, and therefore questioned why they were just now looking at this issue. He then spoke to the perception of mismanagement.

Mr. Hinojosa replied that it wasn't a matter of mismanagement, but noted they were starting to see a need in regards to the aging infrastructure, including water utilities. He spoke to the life

of the pipe being 50 years, and noted their approach the last three years was to focus on the water supply.

Councilman Hall spoke to the influx of people of the “baby boom era” who are now seniors, and now paying the burden for it. He questioned why they were placing more burden on them today rather than taking care of this over time. He acknowledged that most recognized the need to fix the problem, but noted this wasn’t necessarily fair in a time period that was tough. He then spoke to the issue of commercial and residential uses, the consumption of each and the different costs they have and the way the water is used. He then cited the presentation made by Mr. Youngblood, and questioned the differences between Mr. Youngblood’s figures and SAWS.

In response to Councilman Hall, Mr. Hinojosa acknowledged that the historical consumption does change, as well as weather patterns. He stated the presentation made by Mr. Youngblood was something he researched on his own, and noted it was not known where he received his information.

Councilman Hall informed Mr. Hinojosa that the presentation made by Mr. Youngblood was something he wanted to look into.

Mr. Hinojosa explained that the water supply fee was for the water itself, and the water delivery and waste water services

In response to Councilman Hall, Mr. Hinojosa addressed the infrastructure rate increase. He broke down what percentage would be for financing needs they have in the system. He acknowledged there were many pieces to the infrastructure fee, and the maintenance costs constituted a big portion of it.

In response to Councilwoman Radle, Mr. Hinojosa addressed the structure of rates having four blocks in regards to homeowner and commercial use of water. With each block, he explained that the price per unit went up, and this was structured in the manner to make sure that the more water people used, the more they would pay. He then explained that if a company is using a lot of water, it couldn’t be seen that they weren’t conserving just because their business was bigger. He noted that three years ago, they found a way to make it a bit more equitable, and this was an individualized type of structure.

Councilwoman Radle addressed the comments made by Councilman Hall, and noted that when looking at the whole picture and more money is being asked from the constituents, they had to look at operating costs to prove increasing rates is necessary. She expressed appreciation for bringing forward a comparison of other cities water rates.

Councilman Williams acknowledged the need for development in the City’s infrastructure. He then addressed slide 4, which discussed the capital requirements for water and wastewater.

In response to Councilman Williams, Mr. Hinojosa expounded on the capital requirements and capital needs. He then amplified on slide 7, which discussed the program growth in the last five years, and the annual cost estimate. He acknowledged that rates could be doubled in the future. He then described the function of the Rates Advisory Committee, and commented that there were differing opinions.

Mr. James Mayor, member of the San Antonio Water System Board of Trustees, expounded on the functions of the committee, and stated the Rates Advisory Committee was one of various groups to determine rates. He acknowledged there was not unanimity on the committee, but it was to afford the citizens their chance to be heard.

In response to Councilman Williams, Ms. Kelly Neumann, SAWS, expounded on the impact fees, and spoke to the growth in the City.

Councilman Segovia concurred with many of the comments made by his colleagues regarding the rate increase.

In response to Councilman Flores, Mr. Hinojosa indicated none of the funds of the rate increase would be used for the new building.

Mr. Young expounded on the new laboratory, and stated the present lab was built in the late 70's. He stated they purchased the Northwest Service Center last year, but have outgrown that facility. He then expounded on unspecified services.

Councilman Flores spoke to the importance of having the citizenry understand the reason for the increase, and of knowing where this money is going and what it is being used for.

Councilman Castro emphasized the need to invest in infrastructure. He spoke to the persistent perception that residential customers are paying more than their fair share, and the number presented earlier would confirm that. He then discussed irrigation rates, which he stated were over and above commercial rates. He spoke to the exemptions placed on nurseries, golf courses and other entities. He stated that although the rate structure may not reflect completely what Mr. Youngblood presented, it did in some cases.

In response to Councilman Castro, Ms. Neumann stated the last time they raised rates, it was significant and difficult for some people to accept. She stated the far west of San Antonio is a special effort because of the growth in that area.

Councilman Castro addressed the 221% increase, and commented that over the next ten years, the rates that citizens pay will double. He stated they needed to make clear why they were moving along this path.

Councilman Perez acknowledged that one of the most difficult things they have to do is approve rate increases, but when they look at what they are facing, something has to fall by the

wayside because costs go up every year. He noted there seemed to be a misunderstanding, so he requested for staff to give them their read on what they were proposing.

Mr. Gorzell expounded on the new revenue needed for 2004, and how it will be spent. He stated \$15.3 million dollars were going into three areas, and addressed the various components. He then addressed the aging infrastructure, and what would allow SAWS the ability to have replacements.

In response to Councilman Perez, Ms. Terry Brechtel, City Manager, amplified on Mr. Gorzell's role with the City. She noted he served as the Public Utilities Supervisor, and his role was to serve as the Council's independent reviewer of SAWS and CPS, and work critically in doing an independent analysis.

Councilman Perez acknowledged the need to move forward, although it was not easy, but necessary.

Councilman Schubert stated that in working with Mr. Hinojosa, SAWS has tried hard to explain the reasons for the need of additional money. He stated one of the problems they have had as a Council is that there wasn't enough attention paid in past decades to infrastructure needs. He acknowledged that it is difficult, but this was something they have to deal with as policy makers. He expressed concern on the radically different numbers that the Board has presented, and with what Mr. Youngblood presented. He confirmed he would support the increase, but encouraged staff to look at how they deal with the Rate Advisory Committee.

Councilman Barrera spoke to the concerns expressed by his constituents. He spoke to the issue of accountability, noting it was something the citizens wanted to see. He expressed concern that there weren't problems with the need for the increase, but rather, with accountability.

Councilman Haass concurred with the feelings expressed by his colleagues. He informed them that he would be watching this very closely. He cited the commonalities in each of the districts, noting one of those was the perception that as the City grew, everyone was paying for that to occur. He spoke to the importance of making sure they've had the opportunity to understand the process and give their input. He then spoke to the need to update infrastructure, and commented that if they allow the pipes to burst, it would cost a lot more. He then cited the importance of quality of life. He referenced the golf courses, and requested for a study on what other cities are doing in this regard, so that he can share with his constituents how other cities handle commercial aspects.

Mr. Hinojosa confirmed they do a 20-year review, and invited the Council to discuss some of the inputs before it was complete.

In response to Councilman Haass, Ms. Neumann went into detail about the CIP investment by district, noting that to the north of the loop, you get into rock, and inside the loop, there was expansive soil and old pipes.

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.

Mr. Mayor thanked the Council for the vote, and stated that they've spent a great deal of time on this issue, and hoped the constituents could see this was tough decision.

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2004-06 CITIZENS TO BE HEARD

MR. ANDY WEAVER

Mr. Andy Weaver spoke to the sign posted in the dais regarding no food or drinks in the area, but questioned why some seated at the dais did not follow this rule.

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MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez cited various biblical verses.

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MR. NICK PENA

Mr. Nick Pena discussed the history of El Mercado. He questioned the audit that took place, and felt an obligation to step forward and bring this into perspective. He then spoke to the development over the Aquifer, and urged Council to think about this issue. He spoke to the purchase of a building by SAWS. He spoke to the many changes in the Council because of term limits.

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MR. RAFAEL LOPEZ

Mr. Rafael Lopez congratulated the Council on landing the Toyota deal. He then cited the lay-offs by Boeing, and expressed concern on the three companies sub-contracting work. He questioned why they had people working who were not from out of the city, and in some cases, the state.

Mayor Garza informed Mr. Lopez that Mr. Ramiro Cavazos, Director of Economic Development, or Mr. Trey Jacobson, Assistant Director of Economic Development, could answer his questions.

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2004-06 PUBLIC HEARING ON PROPOSALS FOR AMENDMENTS TO THE CITY CHARTER FOR VOTER CONSIDERATION AT A MUNICIPAL ELECTION ON MAY 15, 2004.

Mayor Garza declared the Public Hearing to be open.

Mr. Andrew Martin, City Attorney, narrated a slide presentation regarding the changes to the City Charter, a copy of which was made part of the official papers of this meeting. He expounded on the committee's recommendations regarding term limits.

The following citizens appeared to speak:

Mr. Adam Alderete, student from Antonian High School, spoke in favor of a pay increase for Council. He stated the Council held a large responsibility, and expressed his belief that increasing term limits to three 3-year terms instead of two would allow the Council to accomplish more.

Mr. Mike Novak, Greater San Antonio Chamber of Commerce, thanked the Council for their public service. He spoke in favor of changing the term limits, and offered a formula for the ballot when it goes to the voters in May. He presented a letter for the record that outlined the support of the Chamber for longer terms, Council pay, and eliminating the lifetime ban. He urged the Council to make the ballot language simple for the voters.

Mr. T.J. Connolly, North San Antonio Chamber of Commerce, spoke to the unanimous endorsement of changes on the term limits and Council pay. He stated the chamber opposed retroactivity, noting it would overshadow other issues. He indicated the current term limits put the Council in an unfair position.

Mr. Nazarite Ruben Flores Perez spoke in favor of changing the term limits for the Councilmembers, and recommended a three 3-year term limit, but with a gap in between. He spoke against allowing the Mayor to have the power of veto.

Mr. Jack Finger urged them to gather signatures to see if there was really a desire to have the term limits changed. He cited various reasons as to why the term limits should not be changed, but rather, stay as is.

Mr. Art Downey stated he supported the extension of term limits, and cited his reasons. He stated many things on the Charter had to be brought up to date. He concurred with the Chamber's comments regarding the importance of making the language simple, noting that voters would be turned off if there was the perception that there was a self-serving component to this charter revision.

Mr. Rick Montelongo, Greater San Antonio Builders, stated they were in support of changes to the term limits, but opposed retroactivity. He spoke to the importance of addressing these issues.

Mr. Bob Martin, President of the Homeowner Taxpayer Association, stated they went out to put term limits on the ballot in 1991. He stated Mr. Jack Finger was trying to point out accountability. He then pointed out to the factor of the length of time in office, and being less responsive to citizens' concerns as the length of time increases. He cited the funds on the City Public Service (CPS) refund that was spent instead of it being given back to the taxpayers.

Mr. Dominick Dina, Chair of San Antonio Neighbors Together, spoke in favor of changes in the term limits, and asked that if they do away with lifetime ban, that those affected in the current Council sit out at least one term. He then spoke in favor of changes to the term limits.

Mr. Nathan G. Guzman stated he was a native San Antonian, and expressed support for two four-year terms. He noted the current Council pay was low, but suggested they meet the citizens halfway if there is an increase.

Mr. Chris Castro, 230 Sunnyland, stated changes were desperately needed. He described the 2003-2005 Council as the "reform" Council. He acknowledged there has been talk about self-serving items, and cited the rumors about current Council members affected by the current term limits running again in the upcoming election, and stated it should be made fair. He commented it was important to embrace fairness in the democratic process.

Mayor concluded the public hearing and thanked those who spoke today. He stated they would be holding another public hearing soon on this issue.

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2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98844

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE AN AGREEMENT IN THE AMOUNT OF \$125,000.00 WITH THE GREATER SAN ANTONIO CHAMBER OF COMMERCE, AS ADMINISTRATIVE AGENT FOR THE SAN ANTONIO MILITARY MISSIONS TASK FORCE, TO DEVELOP AND IMPLEMENT A

COMMUNITY-WIDE STRATEGY FOR THE NEXT ROUND OF MILITARY BASE REALIGNMENT AND CLOSURES IN 2005; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the City funding for Base Realignment and Closure (BRAC), a copy of which was made part of the official papers of this meeting. He presented a background and the purpose of the ordinance, and discussed the BRAC 2005 timelines. He amplified on the Military in San Antonio, and the San Antonio Military Missions Task Force.

(Mayor Garza was obliged to leave the meeting, and Mayor Pro Tem Radle presided.)

In response to Councilman Williams, Mr. Cavazos amplified on slide 4, which discussed BRAC 2005 timelines.

In response to Councilman Schubert, Mr. Cavazos explained how the medical commands would be looked at in this regard.

In response to Councilman Williams, Mr. Cavazos spoke to slide 15, which outlined the San Antonio Military Missions Task Force funding sources. He acknowledged the City was coming forward with their request.

Councilman Castro spoke to the fear in 1990's once Kelly AFB closed down.

Councilman Schubert stated they would be bringing periodic reports to the Council.

Mr. Cavazos informed the Council that the Greater Chamber of Commerce had stepped up their efforts. He confirmed they would continue to monitor the situation.

In response to Councilman Hall, Mr. Cavazos acknowledged that other community leaders had been involved in the process, and they also had representation from the private sector. He stated they also had several other representatives from the County, both elected officials and staff, who were involved in the process.

Councilman Haass expressed appreciation for the efforts of the community. He spoke to various situations similar to this around the country, and urged staff to keep up the good work.

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, Haass. **NAYS:** None. **ABSENT:** Flores, Garza.

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2004-06

The Clerk read the following Ordinance:

AN ORDINANCE 98845

ADOPTING THE OPERATING BUDGET FOR THE CITY OF SAN ANTONIO'S HOUSING ASSET RECOVERY PROGRAM (HARP) FOR FY 2003-2004; APPROVING THE HARP WORKPLAN; AND RATIFYING THE EXECUTION OF A CONTRACT RENEWAL BETWEEN THE CITY OF SAN ANTONIO AND THE FANNIE MAE CORPORATION FOR THE PROVISION OF PROPERTY DISPOSITION SERVICES AND RENOVATION SERVICES FOR SINGLE-FAMILY HOMES FOR THE PERIOD BEGINNING DECEMBER 11, 2003 TO DECEMBER 10, 2004 IN CONNECTION WITH THE HARP PROGRAM; AND PROVIDING FOR PAYMENT.

* * * *

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

Mr. David Garza, Director of Neighborhood Action, spoke to the Housing Asset Recovery Program, a copy of which was made part of the official papers of this meeting. He expounded on the background of the program, and discussed the City's role. He spoke to the agreement with Fannie Mae's American Communities Fund, and what it entailed.

(Mayor Garza returned to preside over the meeting.)

In response to Councilman Segovia, Mr. Garza expounded on slide 11, which discussed the fiscal impact and proposed operating budget.

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

Councilman Radle commented on the public hearing that was held regarding the Charter changes, noting there was a relative small turnout. She encouraged the citizenry to show up to the next public hearing so that they can receive input from the constituents.

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2004-06 **EXECUTIVE SESSION**

The City Council recessed its regular session at 8:24 p.m. in order to convene in Executive Session to discuss the following

- A. Discuss legal issues related to *Vernest Dotson, et al, v. City of San Antonio, et al*, Civil Action No. SA03CA0206FB, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discussion of legal issues related to the design of the City's pending Downtown Pedestrian Wayfinding System, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues related to *Paul Taormina v. Mario Blas Moreno and City of San Antonio, et al*, Cause No. 2003-CI-00900, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

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The City Council adjourned the Executive Session at 8:42 p.m. and reconvened in its regular session.

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2004-06 There being no further business to come before the City Council, the meeting was adjourned at 8:45 p.m.

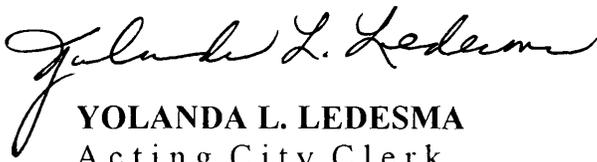
A P P R O V E D



EDWARD D. GARZA

M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk