



Ms. Blanco cited local statistics of sexual assaults in San Antonio as well as the number of calls their Center received. She further spoke to the month-long quilt display at the San Antonio Library and to the following week being designated as Green Ribbon Week to commemorate the observance and to honor survivors of sexual assault.

Several Council members spoke to the efforts to reduce sexual violence in San Antonio and commended the work of the Rape Crisis Center.

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2004-14      **PRESENTATION: SAN ANTONIO FIESTA COMMISSION**

Mayor Garza spoke to Fiesta Week and all the events associated with it. He then invited the Fiesta San Antonio Commission to come forward to provide details on some of the upcoming Fiesta events.

Mr. Edward Steves, President, Fiesta Commission, introduced Miss Fiesta, Mr. Fernando Villarreal, Ms. Ann Cannon and Mr. Chuck Blische, Executive Director, Fiesta Commission, and then spoke to the economic impact of Fiesta events to the City and to monies generated by the non-profit organizations. He spoke of the ten days of Fiesta events and presented Fiesta mementos to the Council.

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2004-14      **PRESENTATION: NIGHT IN OLD SAN ANTONIO (NIOSA)**

Mayor Garza called forward members of the Conservation Society who each year celebrate Fiesta with their event, Night in Old San Antonio (NIOSA).

Ms. Loretta Huddleston, President, San Antonio Conservation Society, thanked the Council for recognizing NIOSA and noted that the Society this year was celebrating its 80<sup>th</sup> anniversary. She spoke to its many successes, in particular Night in Old San Antonio. She added that this year 100,000 guests were expected to visit this event. She then introduced this year's Fiesta Chairperson, Ms. Debbie Sibley.

Ms. Sibley spoke to the wide-spread community support that was required in order to make the event a success. She stated that this year a new heritage area had been added called Froggy Bottom, which would honor the contributions of African Americans. She then introduced her vice-chairmen and presented mementos of NIOSA to each Council member.

Several Council members thanked both organizations for their work for the community.

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2004-14      **POINT OF PERSONAL PRIVILEGE: RIVER CITY CHRISTIAN SCHOOL STUDENTS**

On a point of personal privilege, Councilman Roger Flores introduced junior and senior students from River City Christian School as well as their principal, Ms. Galindo, and their teacher, Mrs. Bryant. He stated that this year's senior class was the first to graduate from this school. He welcomed them all to the meeting.

2004-14      **POINT OF PERSONAL PRIVILEGE: CITY STAFF**

On a point of personal privilege, Councilman Richard Perez thanked staff for the great job they had done in support of the Final 4. He asked City Manager Terry Brechtel to recognize some of the individuals involved.

Ms. Brechtel spoke to the Alamo movie premier and the Final 4 and to the work involved in staging these two events within 10 days of each other. She asked Mr. Roland Lozano, Assistant to the City Manager, to introduce the individuals who were responsible for the success of both events.

Mr. Lozano briefly introduced the individuals and the roles they played during the two events and thanked them publicly for the work they did.

Mayor Garza and several Council members commended the City employees and volunteers who worked on these events.

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2004-14      **CONSENT AGENDA**

Councilman Perez made a motion to approve Agenda Items 5 through 19D, constituting the Consent Agenda, with Items 5, 6, 8, 9, 11, 12, 13, and 15, pulled for individual consideration. Councilman Flores seconded the motion.

Councilman Perez then made a motion to table Agenda Item 19D for two weeks. Councilman Hall seconded the motion.

Councilman Perez spoke to the Municipal Service Commission and noted that it had been reported that the group was not very cohesive and a lot of interpretation on the part of the staff was being required because all three members of the board had different opinions. He added that he felt it warranted further discussion before ratification of the chair was voted upon and asked his colleagues to support him on the motion to table the item for two weeks.

City Manager Terry Brechtel stated that the chair of the committee had wanted to be present when this issue was discussed but had been unable to attend today's meeting.

The motion to table Item 19D prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

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

#### AN ORDINANCE 99031

AMENDING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING \$28,508.00 FROM CERTIFICATES OF OBLIGATION TO PAPE-DAWSON ENGINEERS, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE CALLAGHAN ROAD – INGRAM ROAD TO BANDERA ROAD MPO PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING \$2,850.00 FOR ADDITIONAL DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$31,358.00; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

#### AN ORDINANCE 99032

AUTHORIZING 2003-2007 STORM WATER REVENUE BOND FUNDS IN THE AMOUNT OF \$1,019,300.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH TEN PARCELS OF REAL PROPERTY AND DECLARING THE ORR STREET BUYOUT PROJECT ("PROJECT"), LOCATED IN COUNCIL DISTRICT 6, TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS,

FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING NEGOTIATIONS AND ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:

LOT(S)	BLOCK	NCB
12	14	16524
15	14	16524
16	14	16524
17	14	16524
18 & 19	14	16524
20	14	16524
21	14	16524
22	14	16524
23	14	16524
24	14	16524

\* \* \* \*

AN ORDINANCE 99033

AUTHORIZING THE EXECUTION OF AN EQUIPMENT/LEASE PURCHASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BANC OF AMERICA LEASING & CAPITAL, L.L.C. AT AN INTEREST RATE OF 2.67% FOR A TERM OF 60 MONTHS FOR \$317,000.00 FOR THE PURCHASE OF EQUIPMENT ITEMS TO INCLUDE SPECIALIZED GARBAGE CONTAINERS, AND TO PAY THE COSTS OF FINANCING; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE

\* \* \* \*

AN ORDINANCE 99034

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$790,920.00 TO THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR THE 2004 SUMMER FOOD SERVICE PROGRAM OPERATED BY THE DEPARTMENT

OF PARKS AND RECREATION; AUTHORIZING THE ACCEPTANCE OF THE GRANT, IF AWARDED; APPROPRIATING FUNDS; APPROVING A BUDGET AND PERSONNEL COMPLEMENT; AUTHORIZING THE TRANSFER OF FUND BALANCES FROM THE 2003 SUMMER FOOD SERVICE PROGRAM BUDGET; AND AUTHORIZING THE ACCEPTANCE OF ADDITIONAL FOOD SUPPORT, IF AWARDED, DURING THE TERM OF THIS PROJECT.

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AN ORDINANCE 99035

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MARTIN LUTHER KING PARK IN CONNECTION WITH THE 60+ MARDI GRAS PARADE SPONSORED BY THE CITY OF SAN ANTONIO'S COMMUNITY INITIATIVES DEPARTMENT TO BE HELD FROM 9:45 A.M. TO 11:30 A.M. ON TUESDAY, MAY 4, 2004.

\* \* \* \*

AN ORDINANCE 99036

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MISSION SAN JOSE, THE QUARRY MARKET, DOWNTOWN AND TRAVIS PARK IN CONNECTION WITH BIKE FEST 2004 SPONSORED BY THE METROPOLITAN PLANNING ORGANIZATION TO BE HELD FROM 7:30 A.M. TO 12:00 P.M. ON SATURDAY, MAY 8, 2004.

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AN ORDINANCE 99037

APPOINTING GLORIA S. RODRIGUEZ (CONSUMER OF HANDICAPPED SERVICES CATEGORY - DISTRICT 6) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2006.

\* \* \* \*

AN ORDINANCE 99038

APPOINTING YEEMUI MAK (DISTRICT 8) AS DIRECTOR/TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY D/B/A SOUTH TEXAS BUSINESS FUND FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2006 AND MAY 9, 2007, RESPECTIVELY.

\* \* \* \*

FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO THE PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; ALL BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTIES; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING NEGOTIATIONS AND ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:

LOT(S)	BLOCK	NCB
Pt 3 & 32.5 ft. of 4	B	16388
2 & S 32.5 ft. of 3	C	16389
P24		34760
TR-D	D	34760A
N 20.3 ft. of 2 & S 4.6 ft. of N 25 ft. of 2	A	34760A
4	A	34760A
5 & 6	A	34760A
N 32.5 ft. of 4 & S 32.5 Ft. of 5	B	34760A
6	B	34760A
6	C	34760A
7	C	34760A
8	C	34760A
9	C	34760A
10 & 11	C	34760A
11	E	34760A
12	B & C	34760A
13 & 14	C	34760A
21	B	34760A
22	D	34760A
24	C	34760A
24	D	34760A
25	D	34760A
26	C	34760A
27	C	34760A
28	D	34760A
29	C	34760A
29	D	34760A
TR-E	D	34760A

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

In response to a question by Councilman Hall, Mr. Thomas Wendorf, Director, Public Works Department, explained the reason for these particular buyouts which were located in the area of Leon Creek where there was little potential of structural improvements. He spoke to a meeting held with the residents and owners to explain the reason for the buyouts. He reiterated that the determining factors to affect these buyouts were to improve community safety and the safety of the first responders who had to respond to these events.

Councilman Hall stated that buyouts were tough issues and that his main concern was to convey to the individuals whose properties were being purchased the public safety issue. He noted that various individuals and organizations were available at the meeting to offer assistance and alternatives.

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

— — —  
2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99043

AUTHORIZING 2003-2007 STORM WATER REVENUE BOND FUNDS IN THE AMOUNT OF \$2,173,500.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH FORTY-FOUR PARCELS OF REAL PROPERTY AND DECLARING THE VALLEY VIEW ACRES BUYOUTS (HUESTA CREEK) PROJECT ("PROJECT"), LOCATED IN COUNCIL DISTRICT 8, TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND

AUTHORIZING NEGOTIATIONS AND ACQUISITION OF THE FOLLOWING  
PROPERTIES ON THE APPROVED TERMS:

LOT(S)	BLOCK	NCB	SUBDIVISION
1 & 2	1	14887	Valley View Acres, Unit 2
S 81 ft. of 3	1	14887	Valley View Acres, Unit 2
NW 90 ft. of 4	1	14887	Valley View Acres, Unit 2
NW 50 ft. of 1	2	14888	Valley View Acres, Unit 2
W 50 ft. of 3	2	14888	Valley View Acres, Unit 2
E 50 ft. of 3	2	14888	Valley View Acres, Unit 2
E 50 ft. of 3	2	14888	Valley View Acres, Unit 2
W 50 ft. of 4	2	14888	Valley View Acres, Unit 2
W 50 ft. of 4	2	14888	Valley View Acres, Unit 2
E 50 ft. of 4	2	14888	Valley View Acres, Unit 2
W 50 ft. of 5	2	14888	Valley View Acres, Unit 2
N 90 ft. of 2	3	15657	Valley View Acres, Unit 2
S 160 ft. of 2	3	15657	Valley View Acres, Unit 2
E ½ of 3	3	15657	Valley View Acres, Unit 2
W ½ of 5	3	15657	Valley View Acres, Unit 2
E ½ of 5	3	15657	Valley View Acres, Unit 2
5	3	15657	Valley View Acres, Unit 2
W ½ of 6	3	15657	Valley View Acres, Unit 2
W ½ of 4	3	15657	Valley View Acres, Unit 2
E ½ of 4	3	15657	Valley View Acres, Unit 2
SE 12 ft. of 3	5	15659	Valley View Acres, Unit 2
SE 45 ft. of 4	5	15659	Valley View Acres, Unit 2
NW 40 ft. of 5	5	15659	Valley View Acres, Unit 2
NW ½ of 7, SE ½ of 7 and 8 & 9	6	15660	Valley View Acres, Unit 2
W 80 ft. of 2	7	15661	Valley View Acres, Unit 2
E 175 ft. of 3	7	15661	Valley View Acres, Unit 2
4	7	15661	Valley View Acres, Unit 2
4	7	15661	Valley View Acres, Unit 2
E ½ of 7	7	15661	Valley View Acres, Unit 2
W ½ of 8	7	15661	Valley View Acres, Unit 2
E ½ of 8 & 9	7	15661	Valley View Acres, Unit 2
E 23 ft. of 13 & 14	8	15661	Valley View Acres, Unit 2
1	8	15662	Valley View Acres, Unit 2
5	8	15662	Valley View Acres, Unit 2
5	8	15662	Valley View Acres, Unit 2
Pt. of 5	8	15662	Valley View Acres, Unit 2
N 45 ft. of 6	8	15662	Valley View Acres, Unit 2
N 45 ft. of 6	8	15662	Valley View Acres, Unit 2
S 47 ft. of 6	8	15662	Valley View Acres, Unit 2

N 47 ft. of 7	8	15662	Valley View Acres, Unit 2
S ½ of 7	8	15662	Valley View Acres, Unit 2
S ½ of 7	8	15662	Valley View Acres, Unit 2
15, 16 & 17	8	15662	Valley View Acres, Unit 2
Lot E Irr 91.20 ft. of 18, SE 9 ft. Tri of 17	8	15662	Valley View Acres, Unit 2

\* \* \* \*

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

— — —  
2004-14 The Clerk read the following ordinance:

AN ORDINANCE 99044

APPROVING THE PURCHASE OF FIVE (5) LOTS AND ASSOCIATED IMPROVEMENTS (RESIDENTIAL STRUCTURES) LOCATED AT 227, 223/225, 219/221, 215, AND 211/213 BEAL STREET, FOR THE SUM OF \$419,071.00, PLUS CLOSING COSTS AND RELATED EXPENSES NOT TO EXCEED \$6,158.00, IN CONNECTION WITH THE CITY'S TRAVIS BUILDING REDEVELOPMENT PROJECT; APPROPRIATING FUNDS; PROVIDING FOR PAYMENT; AND AUTHORIZING THE EXECUTION OF THE CLOSING DOCUMENTS.

\* \* \* \*

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

In response to questions by Councilman Schubert, Mr. David D. Garza, Director, Neighborhood Action Department, spoke to the amount of monies that had been expended from the 1999 bond issue for this project, to the lease agreement with Community Development Corporation (CDC) relative to the leasing of the building and work with tenants, the re-leasing activity, parking, the houses that would be relocated or demolished to accommodate the parking lot, the number of CDCs the City had and whether the building would be self-sustaining.

Mayor Garza spoke to the history of the building and the parking issues that would be involved. He added that the parking lot would provide free parking and that there was a lot of interest in this property.

Councilman Castro thanked the staff for their efforts and stated that he hoped that the rehabilitation of the Travis Building would add a catalytic element to continue the development of the whole deco district. He noted he was looking forward to the completion of this project.

Councilman Flores noted that it was important to point out that many individuals had been involved in this long-term effort to reinvigorate the entire deco area. He added that it was a good project and spoke to his support.

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

— — —  
2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99045

APPROVING: 1) A CONSENT (AND RELEASE) IN CONNECTION WITH AN ASSIGNMENT OF A GROUND LEASE AGREEMENT, AS AMENDED, GRANTING THE CITY'S CONSENT, AS LESSOR, TO ASSIGN THE LEASEHOLD INTEREST OF PATRIOT AMERICAN HOSPITALITY PARTNERSHIP, L.P., THE CURRENT LESSEE, TO FAIRMOUNT INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY, TO USE CITY-OWNED LAND UNDER THE FAIRMOUNT HOTEL LOCATED AT 401 S. ALAMO STREET IN CITY COUNCIL DISTRICT 1; 2) GROUND LEASE ESTOPPEL-LESSOR ESTOPPEL CERTIFICATE; 3) A CONSENT AND NON-DISTURBANCE OF LESSOR, REQUESTED BY NORTH AMERICA LIFE INSURANCE COMPANY OF TEXAS AS THE LENDER ("MORTGAGEE") FOR FAIRMOUNT INVESTMENTS, LLC; 4) A CONSENT FROM THE CITY FOR FAIRMOUNT INVESTMENTS, LLC, TO ENTER INTO A NEW SUBLEASE AGREEMENT WITH HHC TRS OP, L.L.C., AS SUBLESSOR, DERIVING IT RIGHTS BY AGREEMENT(S) WITH HIGHLAND HOSPITALITY, L.P., OWNER OF THE PLAZA SAN ANTONIO-MARRIOTT HOTEL TO USE A PORTION OF THE GERMAN-ENGLISH SCHOOL LEASED PREMISES FOR PARKING PURPOSES, INCLUDING A LICENSE FOR INGRESS AND EGRESS; 5) TERMINATION OF EXISTING LICENSE AGREEMENT WITH PATRIOT AMERICAN HOSPITALITY PARTNERSHIP, L.P., AND 6) A NEW TEN (10) YEAR LICENSE AGREEMENT

GRANTING A LICENSE TO FAIRMOUNT INVESTMENTS, LLC, TO USE PUBLIC RIGHT-OF- WAY TO REPAIR, MAINTAIN, AND REPLACE TWO PORCHES ON THE OLDER PORTION OF THE FAIRMOUNT HOTEL AND THE "PORTE COCHERE" ON THE HOTEL'S NEWER ADDITION, ON ALAMO STREET, AND FOUR "AREAWAYS" (EXTENSIONS) ON NUEVA STREET SIDE FOR THE CONSIDERATION OF \$5,000.00, PLUS 7) ANY OTHER NECESSARY DOCUMENTS, AS FIRST REVIEWED AND APPROVED BY THE CITY ATTORNEY, IN CONNECTION WITH THE CLOSING OF THE SALE OF THE FAIRMOUNT HOTEL FROM PATRIOT AMERICAN HOSPITALITY PARTNERSHIP, L.P., TO FAIRMOUNT INVESTMENTS LLC; ALL CITY APPROVALS BEING SUBJECT TO WRITTEN CONFIRMATION OF THE CLOSING OF SUCH SALE.

\* \* \* \*

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

In response to a question by Councilman Perez, Ms. Rebecca Waldman, Director, Asset Management, addressed each one of the items being considered in this proposed Ordinance. She explained the terms of the ground lease agreement on the 1/3 acre site and the City's right to release the previous owner and consent to the assignment of a new owner; the estoppels, the \$66,000 a year the City received for use of the German/English school as well as the adjacent parking lot, and the \$5,000 for encroachment onto City property.

Councilman Perez expressed concern with the length of the lease to the year 2017 and the automatic 25-year renewal. He stated that this arrangement seemed very limiting as it was binding the City for many years.

Ms. Waldman stated that the lease had originally been structured in such a way that would not allow the City to renegotiate the lease. She stated that she could not speculate on the reason for it being structured in that way.

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.

— — —  
2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99046

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2004-14  
April 8, 2004  
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CONSENTING TO THE ASSIGNMENT OF THE LEASE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND SUNSET STATION GROUP, L.L.C., FOR FIVE BUILDINGS ON COMMERCE AND HEIMAN STREETS WITHIN COUNCIL DISTRICT 2 TO EAST COMMERCE REALTY, L.L.C., AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS RELATED TO SUCH ASSIGNMENT.

\* \* \* \*

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

In response to a question by Councilman Perez, Ms. Rebecca Waldman, Director, Asset Management Department, spoke to the buildings the city owned in the Sunset Station area. She also spoke to historic tax credits which required a lease term of a minimum of 39-years after the improvements had been completed.

Ms. Waldman, responding to a question by Councilman Hall, stated that in 1996 the City entered into a lease agreement with the Sunset Station Group and this was the restructuring of the agreement. She added that the term of this lease was 45 years beginning in 1996.

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.

— — —  
2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99047

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT A MATCHING GRANT IN THE AMOUNT OF \$35,000.00 FROM THE NATIONAL ENDOWMENT FOR THE ARTS FOR THE PRODUCTION OF THE FOURTH ANNUAL INTERNATIONAL ACCORDION FESTIVAL ON OCTOBER 16-17, 2004; AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE THE FIRST AMENDED AND RESTATED DELEGATE AGENCY AGREEMENT WITH THE INTERNATIONAL ACCORDION FESTIVAL, A TEXAS NON-PROFIT ORGANIZATION, TO REFLECT THESE MATCHING FUNDS; AND PROVIDING FOR PAYMENT.

\* \* \* \*

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

In response to a question by Councilman Perez, Mr. Felix Padron, Director, Cultural Affairs Department, spoke to the flow of the monies through this group. He added that this year would be the last year that the City would serve as a fiscal agent for the International Accordion Festival as they had secured non-profit status.

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

— — —  
2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99048

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY BY CHANGING THE USE OF APPROXIMATELY 40 ACRES OF LAND MORE SPECIFICALLY DESCRIBED AS CB 4007 P-143B, LOCATED APPROXIMATELY 2,000 FEET SOUTHEAST OF THE INTERSECTION OF SOUTH BLUE WING ROAD AND INTERSTATE HIGHWAY 37, FROM AGRICULTURE LAND USE TO RURAL LIVING LAND USE.

\* \* \* \*

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

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation, a copy of which was filed with the papers of this meeting, in which he spoke to Master Plan Amendment 03013 (C) of the Southside Initiative Community Plan, its land use, the analysis criteria, transportation in the area, and community facilities.

In response to a question by Councilman Hall, Mr. Moncivais explained the proposed use of this acreage by the owner.

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

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2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99049

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY FIFTEEN (15) ACRES LOCATED NEAR THE INTERSECTION OF SOUTH BLUE WING ROAD AND SOUTHTON ROAD MORE SPECIFICALLY DESCRIBED AS NCB 4069B BLOCK 13 LOT 2 AND LOT 3, AND CB 4069B BLK 13 THE WESTERN PORTION OF LOT 7 AND ALL OF LOT 8 FROM AGRICULTURE LAND USE TO RURAL LIVING LAND USE.

\* \* \* \*

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

Mr. Emil Moncivais, Director, Planning Department, gave a slide presentation, a copy of which was filed with the papers of this meeting, in which he spoke to Master Plan Amendment 03013 (B) of the Southside Initiative Community Plan, its land use, the transportation in the area, and community facilities.

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

— — —  
2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99050

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY BY CHANGING THE USE OF APPROXIMATELY 142 ACRES LOCATED AT 11603 PLEASANTON ROAD MORE SPECIFICALLY DESCRIBED AS CB 4005 P-25 AND P-26 ABS 15 AND CB 4283 P-20 ABS 769 FROM AGRICULTURE AND LIGHT INDUSTRY LAND USE TO AGRICULTURE LAND USE.

\* \* \* \*

Councilman Segovia made a motion to approve the proposed Ordinance. Councilman Hall seconded the motion. Mr. Emil Moncivais, Director, Planning Department, gave a slide

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presentation, a copy of which was filed with the papers of this meeting, in which he spoke to Master Plan Amendment 04003 on the Southside Initiative Community Plan, its land use, analysis criteria, transportation in the area, and community facilities.

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

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2004-14      **ZONING CASES**

3A.)      CASE NUMBER Z2004041 C:      The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "R-4 RIO-1" Residential Single-Family, River Improvement Overlay District to "R-4C RIO-1" Residential Single-Family, River Improvement Overlay District with a conditional use for a duplex on Lots 1, 2, 8, 9, 10, 12, 13, 14, 15 and 16, Block 2, NCB 6530 Lots 1, 2, 11 and 12, Block 3, NCB 6531, 100, 101, 106, 107, 129, 135, 143, 146, 147, and 157 Magnolia Drive. 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. Larry De Martino, 115 Armour, spoke in support of the efforts of the neighbors and staff and stated he supported the requested rezoning.

Ms. Barbara Witte-Howe, Chairman of the River Road Neighborhood Association, thanked the Council, Zoning Commission and the staff for their efforts to realign the zoning. She spoke to the history of this process.

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

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

**AN ORDINANCE 99051**

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING \*CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1, 2, 8, 9, 10, 12, 13, 14, 15 AND 16 BLOCK 2, NCB 6530 LOTS 1, 2, 11, AND 12, BLOCK 3, NCB 6531 FROM "R-4 RIO-1" RESIDENTIAL SINGLE-FAMILY, RIVER IMPROVEMENT OVERLAY DISTRICT TO "R-4C RIO-1" RESIDENTIAL SINGLE-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX ON THE PROPERTY.

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3B.) CASE NUMBER Z2004045: The request of San Antonio Public Library Foundation, Applicant, for The Estate of Joyce L. Bishop, Owner(s), for a change in zoning from: "R-5 H" Residential Single-Family District to "R-5 HC" Residential Single-Family Historic District with conditional use for the Library Foundation Office on Lot 6 and the south 15 feet of the north 105 feet of the east 147 feet of Lot 2, NCB 6120, 625 Shook Avenue. Staff's recommendation was for approval.

Mr. John Jacks stated that this case was heard by the Zoning Commission two days prior to the meeting and had been continued. He added that there would be no action required by the City Council and this was being pulled.

Councilman Flores made a motion to pull this zoning case. Councilman Williams seconded the motion.

The motion to pull this case until the Zoning Commission had an opportunity to hear it prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Perez.

In response to a question by Councilman Hall on why this case was scheduled to be heard on Tuesday by the Zoning Commission and on Thursday by the Council, Mr. Jacks reported that this case was initiated by a Council consideration request but stated that this did not happen often.

Zoning Case #Z2004045 was pulled from consideration.

3C.) CASE NUMBER Z2004048: The request of Harry B. Jewett, Applicant, for En Seguido, LTD., Owner(s), for a change in zoning from "R-6" Residential Single-Family

District to "PUD R-6" Planned Unit Development Residential Single-Family District on 44.596 acres out of NCB 35132. Staff's recommendation was for approval.

Zoning Commission has recommended (Pending April 6, 2004 hearing) (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 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, Garza. **NAYS:** None. **ABSENT:** Perez.

AN ORDINANCE 99052

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 44.596 ACRES OUT OF NCB 35132 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO PUD R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.

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3D.) CASE NUMBER Z2004051C: The request of Salah E. Diab, Ph.D, P. E., Applicant, for Antioch Missionary Baptist Church, Owner(s), for a change in zoning from "R-4 EP-1" Residential Single-Family Facility Parking/Traffic Control District to "R-4 EP-1 C" Residential Single-Family Facility Parking/Traffic Control District with conditional use for a noncommercial parking lot on Lots 13A, 13B and 14A, Block 19, NCB 6377, 653 Gulf Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

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

Hall seconded the motion.

The following citizen(s) appeared to speak:

Mr. Oscar Williams, 3435 Belgium Lane, spoke in favor of the requested zoning. He noted the efforts to develop, beautify and enhance the area.

Mr. Cleveland Wilson, 12827 Provision, also asked for favorable consideration on this zoning request.

Ms. Carolyn Heath, Executive Director, Antioch Community Transformation Network, thanked the Council and staff for their support and requested favorable consideration for this zoning request. She asked other members of the community who were in favor of the zoning to stand to be recognized.

Mr. Charles English, President & Founder of the Jefferson Heights Neighborhood Association, spoke to his opposition of the requested rezoning. He gave a slide presentation providing photographs of the area.

\* \* \* \*

Councilman Williams stated that he had spent some time with the stakeholders of this case and to several issues he had asked the staff to research.

In response to questions by Councilman Williams, Mr. Elvin Gant and Mr. John Jacks, Development Services, spoke to the traffic impact analysis, the emergency route issue which was found would not be adversely affected, the proposed landscaping and buffering and the neighborhood plan.

Councilman Williams asked that the conditional uses be reiterated.

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

#### AN ORDINANCE 99053

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 13A, 13B & 14A, BLOCK 19, NCB 6377 FROM "R-4 EP-1" RESIDENTIAL SINGLE-FAMILY FACILITY PARKING/TRAFFIC CONTROL DISTRICT TO "R-4 EP-1 C" RESIDENTIAL SINGLE-FAMILY FACILITY

PARKING/TRAFFIC CONTROL DISTRICT WITH CONDITIONAL USE FOR A  
NONCOMMERCIAL PARKING LOT ON THE PROPERTY.

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3E.) CASE NUMBER Z2004052C: The request of Salah E. Diab, Ph.D, P. E., Applicant, for Antioch Missionary Baptist Church, Owner(s), for a change in zoning from "R-4 EP-1" Residential Single-Family Facility Parking/Traffic Control District to "R-4 EP-1 C" Residential Single-Family Facility Parking/Traffic Control District with conditional use for a noncommercial parking lot on Lots 15, 16 and 17, Block 4, NCB 6624, 703, 707, and 711 Poinsettia. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

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

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

The following citizen(s) appeared to speak:

Reverend Richards Dukes, 714 Poinsettia, stated that he lived within the 200' radius of the subject property and that he had circulated a petition in which citizens had opposed the requested zoning. He stated that the community had not been polled for their opinion on the requested zoning. He asked that his property be purchased if this zoning was approved as he did not want to live facing a parking lot.

Councilman Williams made a motion to reconsider this zoning case. Councilman Schubert seconded the motion.

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

Councilman Williams thanked Reverend Dukes and asked him to turn in the petitions with signatures.

Councilman Williams then made a motion to approve the zoning with conditions. Councilman Hall seconded the motion.

In response to a question by Councilman Radle, Mr. Jacks restated the conditions that had been placed on this zoning request and to the position on the issues of the emergency routes and drainage.

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

AN ORDINANCE 99054

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 15, 16 & 17, BLOCK 4, NCB 6624 FROM "R-4 EP-1" RESIDENTIAL SINGLE-FAMILY FACILITY PARKING/TRAFFIC CONTROL DISTRICT TO "R-4 EP-1 C" RESIDENTIAL SINGLE-FAMILY FACILITY PARKING/TRAFFIC CONTROL DISTRICT WITH CONDITIONAL USE FOR A NONCOMMERCIAL PARKING LOT ON THE PROPERTY.

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3F.) CASE NUMBER Z2004058: The request of Oscar Centeno/Reynalda Rodriguez, Applicant, for Oscar Centeno/Reynalda Rodriguez, Owner(s), for a change in zoning from "PUD C-1" Planned Unit Development Commercial District and "C-3 NA" General Commercial Nonalcoholic Sales District to "R-5" Residential Single-Family District on 1.153 acres out of NCB 10615, northwest corner of the intersection of Eastover and Waycross Lane. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

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

Councilman Williams made a motion to approve the proposed rezoning. Councilman Hall seconded the motion. after consideration, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: **Ayes:** Flores, WILLIAMS, SEGOVIA, RADLE, CASTRO, HALL, SCHUBERT, HAASS, GARZA. **NAYS:** NONE. **ABSENT:** PEREZ, BARRERA.

AN ORDINANCE 99055

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 OF CERTAIN PROPERTY DESCRIBED HEREIN AS 1.153 ACRES OUT OF NCB 10615 FROM "PUD C-1" PLANNED UNIT DEVELOPMENT COMMERCIAL DISTRICT AND "C-3 NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

\* \* \* \*

3G.) CASE NUMBER Z2003173-13A-1: The request of City of San Antonio, Applicant, for Bexar Metro Water District, Owner(s), for a change in zoning from "DR" Development Reserve District to "FR" Farm and Ranch District on CB 4005 P-25 and P-26; and CB 4283 P-20, 11603 Pleasanton Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilman Segovia made a motion to approve the proposed rezoning. Councilman Perez seconded the motion. After consideration, the motion, carrying with it the passage of the following ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** none. **ABSENT:** Williams, Barrera.

AN ORDINANCE 99056

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 CB 4005 P-25 AND P-26 ABS 15 AND CB 4283 P-20 ABS 769 FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "FR" FARM AND RANCH DISTRICT.

\* \* \* \*

3H.) CASE NUMBER Z2003173-22: The request of City of San Antonio, Applicant, for Multiple Owners, Owner(s), for a change in zoning from "DR"

Development Reserve District to "FR" Farm & Ranch on all of CB 5162 save and except P-2, property generally located south of Southton Road and northwest of Blue Wing Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

Councilman Segovia made a motion to approve staff recommendation of all lots and property except those owned by Reed Lehman Grain Ltd. Consideration of zoning for the lots owned by Reed Lehman Grain Ltd. would be postponed from consideration for no more than 60 days. 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, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Barrera.

#### AN ORDINANCE 99057

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 DESCRIBE HEREIN AS CB 5162 SAVE AND EXCEPT P-2 FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "FR" FARM & RANCH DISTRICT.

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3I.) CASE NUMBER Z2003173-23: The request of City of San Antonio, Applicant, for Richard Tate, Owner(s), for a change in zoning from "DR" Development Reserve District to "FR" Farm and Ranch District or "RD" Rural Development District on CB 4007 P-143B, 11462 Blue Wing Road. Staff's recommendation was for approval.

Zoning Commission has recommended denial of "FR" and approval of "RD". (Council District 3)

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

Councilman Segovia made a motion to deny Farm and Ranch District and approve the Rural Development District as the proposed concept plan under Rural Development is

consistent with the goals of the Southside Initiative. Councilman Perez seconded the motion.

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

AN ORDINANCE 99058

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 CB 4007-143B ABS 11 FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "FR" FARM AND RANCH DISTRICT OR "RD" RURAL DEVELOPMENT DISTRICT.

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3J.) CASE NUMBER Z2003173-2B: The request of City of San Antonio, Applicant, for Ila Faye Miller (Tract III), Owner(s), for a change in zoning from "DR" Development Reserve District to "RP" Resource Protection District on that portion of CB 4180 P-2B and P-12, located within the City Limits of San Antonio. 7983 Neal Road, 261 Neal Road. Staff's recommendation was for approval.

Zoning Commission has recommended forwarding to City Council without recommendation. (Council District 3)

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

Councilman Segovia made a motion to continue consideration of this zoning case to April 15, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue consideration of this zoning case to the Council meeting of April 15, 2004, prevailed by the following vote: **AYES:** Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Barrera.

Zoning Case Number Z2003173-2B was continued to the City Council meeting of April 15, 2004.

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3K.) CASE NUMBER Z2003173-3B: The request of City of San Antonio, Applicant, for S. Flores-Rabel RD JNT Venture, Owner(s), for a change in zoning from "DR" Development Reserve District to "RD" Rural Development District on CB 4006 P-80C, P-81, and P-81A, 16260 FM 1937. Staff's recommendation was for approval.

Zoning Commission has recommended denial. (Council District 3)

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

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

The following citizen(s) appeared to speak:

Mr. Richard Haynes, one of the developers, stated that he had been working with Mr. Emil Moncivais, Director of the Planning Department, to arrive at today's request for zoning.

Mr. Moncivais briefly explained the agreement that had been reached between the developers and staff and noted the number of units that could be developed on the property with this zoning.

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

AN ORDINANCE 99059

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 CB 4006 P-80C, P-81, AND P-81A FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "RD" RURAL DEVELOPMENT DISTRICT.

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3L.) CASE NUMBER Z2003173-5C: The request of City of San Antonio, Applicant, for Hausman Holdings LTD, Owner(s), for a change in zoning from "DR" Development Reserve District to "FR" Farm and Ranch District (Tract 2) and "R-20" Residential

Single-Family (Tract 1) on (TRACT 1) CB 4069B Block 13, west part of Lot 7 and all of Lot 8; and NCB 4069B Block 13, Lots 2 and 3 (7.2 acres); (Tract 2) NCB 4069B Block 13, Lots 4; 5, 6, and east part of Lot 7; and CB 4069 Block 1, Lots 1 through 6; Block 2 Lots 1 through 6; Block 4 Lots 1 through 6; Block 5 Lots 1 through 6; Block 19 Lots 1 through 7; Block 20 Lots 1 through 8 and Lots 14 through 16; Block 21 Lots 7 through 9, and Lots 16 through 18; Block 22 Lots 1 through 7; Block 23 Lots 1 through 14; Block 24 Lots 1 through 14; property generally located on the southeast side of Blue Wing Road between Mickey and Southton Roads. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 3)

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

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

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

#### AN ORDINANCE 99060

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS (TRACT 1) CB 4069B BLOCK 13, WEST PART OF LOT 7 AND ALL OF LOT 8; AND NCB 4069B BLOCK 13, LOTS 2 AND 3; (TRACT 2) NCB 4069B BLOCK 13, LOT 4; AND CB 4069B BLOCK 13, LOTS 5, 6, AND EAST PART OF LOT 7; AND CB 4069 BLOCK 1, LOTS 1 THROUGH 6; BLOCK 2 LOTS 1 THROUGH 6; BLOCK 4 LOTS 1 THROUGH 6; BLOCK 5 LOTS 1 THROUGH 6; BLOCK 19 LOTS 1 THROUGH 7; BLOCK 20 LOTS 1 THROUGH 8 AND 14 THROUGH 16; BLOCK 21 LOTS 7 THROUGH 9, AND 16 THROUGH 18; BLOCK 22 LOTS 1 THROUGH 7; BLOCK 23 LOTS 1 THROUGH 14; AND BLOCK 24 LOTS 1 THROUGH 14 FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "FR" FARM AND RANCH DISTRICT (TRACT 2) AND "R-20" RESIDENTIAL SINGLE-FAMILY (TRACT 1).

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3M.) CASE NUMBER Z2004034: The request of Jerardo Cavazos, Applicant, for Jerardo Cavazos, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MF-25" Multi-Family District on Lot 21, Block 2, NCB 6776, 1027 Kirk Place. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 5)

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

Councilwoman Radle made a motion to continue consideration of this zoning request until April 22, 2004. Councilman Perez seconded the motion.

The following citizen(s) appeared to speak:

Ms. Josie Cavazos, one of the owners of the property, stated that she had been raised in the area and spoke to the proposed development for senior citizens as being 50 cottages with separate parking areas. She further spoke to the services and activities that were planned for the residents.

Ms. Graciela Soto, 8351 Thornecliff, spoke in favor of the proposed development. She noted that she had done research on what was needed in the area and had determined that a need for this type of housing existed.

Mr. Charles Edens, 8801 Lockway, also spoke in favor of the housing for the elderly in the community.

Mr. Carlos Sanchez, 619 Darby, spoke to the makeup of the community and spoke against the requested zoning because of the increased traffic and noise that would be generated by the railroad tracks abutting the development.

In response to a question by Councilman Schubert, Mr. Cavazos, owner/developer of the property, gave a brief overview of how the proposed property would be configured and the price range for each unit.

Councilwoman Radle thanked Mr. Cavazos for going into the community to determine whether they approved of this request.

In response to questions by Councilwoman Radle, Mr. Jacks stated that if the MF 25 zoning were approved (which allowed 25 units per acre) they could build 67 units in the area. He added that the only way to limit the number of units was to grant conditional zoning and have a cap as a condition of the zoning. He also stated that R-6C with a conditional use for multi-family development stipulated the maximum number of units for

the property. Mr. Jacks further stated that if the City Council wanted to change the zoning, it would call for an automatic two-week continuance so that the residents could be notified of the change in zoning.

Councilwoman Radle offered an amendment to the main motion to continue this zoning case until April 22, 2004 for consideration of R-6C zoning with the condition that the development be limited to 51 units. Councilman Perez seconded the motion.

The amendment for consideration of R-6C zoning prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera.

After consideration, the main motion, as amended, to continue to the Council meeting of April 22, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Barrera.

Zoning Case Number Z2004034 was continued to the City Council meeting of April 22, 2004.

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3N.) CASE NUMBER Z2003101C S: 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 with conditions.

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 consideration of this zoning request until May 13, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue this zoning case until the Council meeting of May 13, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores.

Zoning Case Number Z2003101C S was continued to the City Council meeting of May 13, 2004.

30.) CASE NUMBER Z2004054: The request of Pasteur Oaks Property, L. P., Jeffery Perritano, Applicant, for Pasteur Oaks Property, L. P., Jeffery Perritano, Owner(s), for a change in zoning from "PUD C-1" Light Commercial Planned Unit Development District and "PUD C-2" Commercial Planned Unit Development District to "C-2" Commercial District on Lot 40 and the northeast 216.49 feet of Lot 38, Block 2, NCB 12812, 7756 Louis Pasteur. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

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

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

In response to a question by Councilman Hall, Mr. Jacks stated that with this zoning request they would not have to submit a PUD plan.

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

AN ORDINANCE 99061

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 40 AND THE NORTHEAST 216.49 FEET OF LOT 38, BLOCK 2, NCB 12812 FROM "PUD C-1" LIGHT COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT AND "PUD C-2" COMMERCIAL PLANNED UNIT DEVELOPMENT DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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3P.) CASE NUMBER Z2004055: The request of Top Flight Development and Investment, LLP, Applicant, for Cha Choe, Owner(s), for a change in zoning from "R-6 GC-1" Residential Single Family Gateway Corridor-1 District to "O-1 GC-1" Office Gateway Corridor-1 District on P-4A, NCB 18338, 23293 I-H 10 West. Staff's recommendation was for denial.

Zoning Commission has recommended approval. (Council District 8)

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

Mr. Andrew Guerrero, representing the owner, spoke to the proposed development for the property. He stated that it would be a garden office complex for a small corporate facility.

In response to a question by Councilman Hall, Mr. Jacks stated that the reason staff recommended denial was that this was just one piece of a large undeveloped area and, if the lots were developed individually instead of as one large development, traffic could be impacted.

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

#### AN ORDINANCE 99062

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 P-4A, NCB 18338 FROM "R-6 GC-1" RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR-1 DISTRICT TO "O-1 GC-1" OFFICE GATEWAY CORRIDOR-1 DISTRICT.

\* \* \* \*

3Q.) CASE NUMBER Z2004057 S: The request of Robert Wurzbach/David Kinder, Applicant, for Kinder & Wurzbach Family, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2 S" Commercial District with specific use

for a banquet hall on 2.39 Acres out of NCB 13662, 8542 Wurzbach 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 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, Garza. **NAYS:** None. **ABSENT:** Haass.

#### AN ORDINANCE 99063

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 2.39 ACRES OUT OF NCB 13662 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH SPECIFIC USE FOR A BANQUET HALL ON THE PROPERTY.

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3R.) CASE NUMBER Z2004042: The request of Kaufman & Associates, Inc., Applicant, for Koontz/McCombs 1, Ltd., Owner(s), for a change in zoning from "C-3R ERZD" General Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District, and "C-3 ERZD" General Commercial Edwards Recharge Zone District to "MF-25 ERZD" Multi-Family Edwards Recharge Zone District on Lots 6 and 9, Block 1, NCB 17428, 219 North Loop 1604 East. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

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

The following citizen(s) appeared to speak:

Mr. Rob Killen, 100 W. Houston, stated that this area was being down zoned to MF-25 Multi-Family zoning district and that Developmental Services staff, SAWS, and the Zoning Commission had recommended approval. He added that the down zoning would result in less impervious cover and greater tree preservation.

Mr. Brice Moczygema, Koontz/McCombs, spoke to the zoning which would allow multi-family development. He noted that due to changes in the economy, original plans for the area had not materialized and multi-family units were now planned. He requested favorable consideration of this zoning request.

Councilman Schubert spoke to the ingress and egress in the area and to the concerns that had been resolved. He added that there were no neighborhoods close to this proposed development as it was a mixed use office complex. He further added that it was a very well-planned, thought out development and spoke to detention ponds in the area.

Councilwoman Radle stated that while she appreciated the down zoning she would still vote against it, upholding the voices of those that would like to put an end to building over the recharge zone.

In response to a question by Councilman Castro, Mr. Jacks stated that it had been reported that there had been no response by the Stone Oaks Association but that they had, in fact, sent a card stating that the area was not located in the geographical boundaries of their association.

In response to further questions by Councilman Castro, Mr. Jacks explained multi-family zoning and stated that C-3 zoning would be the most intense commercial district.

Councilman Castro spoke to the need for the City to bring some sort of coherence over the weekly zoning changes that were allowed throughout San Antonio but over the recharge zone in particular.

A brief discussion between Councilman Castro, Mr. Moczgema and Ms. Cynthia Stevens ensued on the property's development history and the owner's current plans.

In response to questions by Councilman Castro on the impact that each development was having, City Manager Terry Brechtel noted that staff would prepare the comprehensive analysis and models to better understand the impact of each individual project. She then asked Mr. Florencio Pena, Director, Development Services Department, to elaborate on what was being done.

Mr. Pena stated that there were three items that were being undertaken that would address the issue. First, the Water Quality Committee would look at the recharge zone. Second, the task force of the City Manager and the Real Estate Council would look at the issue. He

added that vested rights over the recharge zone had been identified and there was a need to make certain that the City had a firm handle on which properties had vested rights, how they were going to keep them and how they were going to lose them. Also, he spoke to the kinds of actions from a public policy standpoint that were needed so that the Council could give clear direction as to what would happen under the conditions. Third, would be developing a land use plan. Mr. Pena added that SAWS would have to play a large role in regards to land use planning over the recharge zone. He further added that, from a policy standpoint, a comprehensive view of the recharge zone and what actions were made on this date were going to impact water quality.

Councilman Castro stated that he looked forward to some model or way of charting all of these changes and what they would mean for the City's development.

Ms. Melissa Vossmer, Assistant City Manager, advised the Council that the following week an agenda item would be brought to the City Council to request consideration to hire a consultant to help with the remainder of the Mayor's Task Force on Water Quality's projects. She added that the consultant would review documents, facilitate all discussions, bring stakeholders together, and prepare a final report. She further added that it was expected that the project would be completed by August. She then spoke briefly to the work of the Task Force.

Mr. Scott Halty, Director, Resource Protection & Compliance Department, San Antonio Water System, spoke to the maximum allowable impervious cover for the two options: the Category 2 property would be 50% and the C-3 Commercial property would be 65%.

In response to questions by Councilman Perez, Ms. Vossmer and Councilman Hall spoke to the history of the committee and to its current composition.

Councilman Hall stated that the charge of the committee was to view all of the associated issues, all of the entities that had authority in the water quality area, study the City's Water Quality Ordinance, determine if and where there were weaknesses and how to bolster the water quality ordinance in the future. He added that the Committee was projecting a report by May or June.

Councilman Schubert reiterated that it was a quality project in an area where a need for multi-family housing existed. He voiced his support for the proposed development.

Councilman Castro reiterated his belief that there needed to be a coherent way to manage the protection of the recharge zone. He added that current policy was not doing that adequately and required a lot of scrutiny. He spoke to the need for a traffic impact analysis and for a hard look at the City's overall policy. He added that he believed this would be a superior project and he would support it but he implored the committee, staff and his

colleagues to dedicate the energy, attention and resources needed to change the current policy.

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

AN ORDINANCE 99064

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 AND 9, BLOCK 1, NCB 17428 FROM "C-3R ERZD" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT, AND "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-25 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

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2004-14    CITIZENS TO BE HEARD

**GUILLERMO VASQUEZ**

Mr. Guillermo Vasquez, co-director of SEIU, Local 1967, presented a quick update on meet and confer in the State of Texas. He spoke to 750 workers in Hidalgo that were given the right to meet and confer with their respective employer. He further spoke of a recent meeting with management and stated that City employees wanted an ordinance but that management did not. He noted that City employees want to choose their own representatives but that management did not want to give them that right. He spoke to a previous City Council that had passed a resolution supporting the employees' right to choose and requested that the Council look at the resolution as a guide for moving forward. He then pointed out some of the rights that the employees had requested.

In response to a question by Councilman Flores, Mr. Vasquez stated that while there was nothing in the proposal regarding employees that did not choose to join the union, it was the obligation of those organizations that do get to the table to represent the interests of all City employees.

Responding to a question by Councilman Castro, City Manager Terry Brechtel gave an update with respect to this issue. She spoke to a meeting she had with SEIU the previous day and to the opportunity to go over the proposal's expressed areas of agreement and areas of concern. She added that they had spoken to some of the items in the meet and confer process that SEIU was proposing.

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### **PAT RODRIGUEZ**

Ms. Pat Rodriguez, Vice President, ARA Executive Board, thanked Councilwoman Radle and her staff for sending her information on the Mayor's Task Force on Hunger and Homeless. She thanked the Council for their work. She also thanked Councilman Castro for sending her information on the homeless.

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

### **BILL PETERS**

Mr. Bill Peters, North Side Independent School District employee, spoke to Agenda Item 24. He expressed his opinion that it was time to move forward with the development and pledged the assistance of the North Side Independent School District to gather the support of the other school districts to get the interlocal agreement signed. He stated that he would make himself available in the event that the Council had questions when they considered Item 24 later during the meeting.

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### **NAZARITE RUBEN FLORES PEREZ**

Mr. Nazarite Ruben Flores Perez, 627 Hearne, stated that the language of the future would only use consonants and not vowels and that there would only be one worldwide language. He further spoke to biblical times and characters.

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### **MEL FELDMAN**

Mr. Mel Feldman, no address listed, spoke to some issues that he had since relocating to San Antonio from New York City. He spoke to the money-bearing account on his deposit for his electric bill, cleaning up the City, better bus service, poorly constructed apartments, dogs that defecate on public property, and the tremendous amount of littering. He stated that people need to be educated on how to live in an urban environment

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### **JULIE OLDHAM**

Ms. Julie Oldham, no address listed, voiced her concern with several issues, including the minimum wage, Sunken Garden, Code Compliance, and the County who she reported had not paid Code Compliance for tearing down buildings in the County. She also spoke to SBC benefits, her inability to pay her utility bill, and the need to have the corner of Wurzbach and Fredericksburg Roads cleaned up. She further spoke to the UT Health Science Center and the Dental School.

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**2004-14      INDIVIDUAL CONSIDERATION (CONTINUED)**

The Clerk read the following Ordinance:

#### **AN ORDINANCE 99065**

**SELECTING DON DURDEN, INC. D/B/A CIVIL ENGINEERING CONSULTANTS (SBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE MARNEY PLAZA OUTFALL PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$443,196.53; AUTHORIZING \$44,319.65 FOR DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$487,516.18 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.**

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

Mr. Thomas Wendorf, Director, Public Works Department, gave a slide presentation on Agenda Items 23 A-F, a copy of which was filed with the papers of this meeting, in which he spoke to the 2003-2007 Bond Program, Proposition 2 Consultant Selections, the program summary, the program overview, key dates, Proposition 2, Consultants Selections for Marney Plaza Outfall, Olympia Drainage Area- Phase I, Alamo Farmsteads Drainage – Phase I, San Pedro-Huisache Area Drainage – Phase I, General McMullen Area Drainage, and Sinclair Road at Rosillo Creek, SBEDA participation, and policy analysis.

In response to questions by Councilman Haass, Mr. Wendorf stated that of the six firms listed in the ordinances, three firms listed San Antonio as their official headquarters while two of the others stated they had satellite offices located here.

Councilman Haass stated that he would like for the evaluation process on prospective contractors to include language that would identify whether a firm had localization efforts in our City.

Responding to questions posed by Councilman Haass, Mr. Manuel Longoria, Assistant Director of the Economic Development Department, explained the SBEDA scoring system used for evaluating contractors. He added that prime contractors also subcontracted with local companies.

In response to further questions by Councilman Haass, Mr. Wendorf spoke to professional services and contractor construction services. He noted that in the professional services area there had only been two or three firms actually go out of business with projects in progress. He spoke to design efforts taking less than a year and that all firms selected on this day had the capacity to move forward if a team member was no longer able to be part of the team. In the construction area, there had been some small construction companies that had bankrupted, typically because the companies had been undercapitalized.

Mr. Longoria, replying to questions by Councilman Haass, stated that the SBEDA numbers were adjusted every two years and were scheduled to be reviewed again in September.

In response to questions by Councilman Perez, Mr. Wendorf offered a more specific definition of what constituted a local office and how the six groups scored in the local office category.

Mr. Longoria further explained the scoring process and the process for identifying a company as having local offices.

Mr. Wendorf, further responding to questions by Councilman Perez, noted that all six firms in question on this date met all the criteria. He spoke to the scores of some of the businesses and to the amount of workload also being a determining factor on whether a business was awarded additional contracts.

In response to questions by Councilman Hall, Mr. Wendorf stated that he, as the Director of Public Works, chaired the architectural/engineering selection committee. He further spoke to the make-up of the committee and explained the process used to evaluate the Requests for Proposals.

A brief discussion ensued between Councilman Hall and two of the contractors present in the audience in which the process contractors used to decide which RFPs would be bid was explained.

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. **NAYS:** None. **ABSENT:** Garza.

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2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99066

SELECTING VICKREY & ASSOCIATES, INC. (WBE) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE OLYMPIA DRAINAGE AREA, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$201,840.00; AUTHORIZING \$20,184.00 FOR DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$222,024.00 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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. **NAYS:** None. **ABSENT:** Garza.

2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99067

SELECTING FREESE & NICHOLS, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE ALAMO FARMSTEADS DRAINAGE PHASE I ON WHITBY FROM ABE LINCOLN TO LEON CREEK PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$282,510.00; AUTHORIZING \$28,251.00 FOR DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$310,761.00 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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. **NAYS:** None. **ABSENT:** Garza.

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2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99068

SELECTING CIVIL DESIGN SERVICES, INC. D/B/A MUERY SERVICES (CDS/MUERY SERVICES) TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SAN PEDRO/HUISACHE AREA DRAINAGE, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$137,864.00; AUTHORIZING \$13,786.40 FOR DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$151,650.40 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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. **NAYS:** None. **ABSENT:** Garza.

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2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99069

SELECTING CLAUNCH & MILLER, INC., TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE GENERAL MCMULLEN AREA DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 5; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$99,895.39; AUTHORIZING \$9,989.54 FOR DESIGN CONTINGENCY EXPENSES, FOR A TOTAL AMOUNT OF \$109,884.93 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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. **NAYS:** None. **ABSENT:** Garza.

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2004-14 The Clerk read the following Ordinance:

AN ORDINANCE 99070

SELECTING CARTER & BURGESS, INC., TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SINCLAIR ROAD AT ROSILLO CREEK PROJECT, LOCATED IN COUNCIL DISTRICT 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$233,670.00; AUTHORIZING \$23,367.00 FOR DESIGN CONTINGENCY

EXPENSES, FOR A TOTAL AMOUNT OF \$257,037.00 FROM 2003-2007 STORM WATER REVENUE BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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.

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**2004-14 POINT OF PERSONAL PRIVILEGE: DAVID AREVALO**

On a point of personal privilege, Councilman Williams recognized Mr. David Arevalo who he stated had come to Council to speak on an important issue.

Mr. Arevalo spoke to the Incentive Scorecard that had been implemented in May, 2003. He spoke to a current project in the 1200 block of Broadway where the owner was getting fees waived in excess of what the Incentive Scorecard allowed. He stated that Mr. George Geis, the owner of the property, applied for the incentives but the construction company from Dallas, Texas was benefiting from the incentive package. He expressed his concern that the City was being shortchanged.

In response to a question by Councilman Williams, Mr. Ramiro Cavazos, Director, Economic Development Department, explained the Incentives Scorecard which allowed for application for fee waivers. He also spoke to this particular project as being the first Incentives Scorecard applicant and stated that all fees that should be paid to the City had been paid.

Mr. Arevalo reiterated his concern with this project and presented receipts substantiating his allegations.

Responding to a question by Councilman Williams, Mr. Cavazos spoke further to the right of way wavier of fees permitted as part of the Incentives Scorecard.

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2004-14 There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 7:43 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