

**STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO**

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, SEPTEMBER 9, 2004**

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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):

Budget Work Session – Public Safety.

Chief Albert Ortiz and Chief Robert Ojeda presented the Police Department Budget and the Fire Department Budget respectively.

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

The "B" Session recessed at 12:31 P.M. and reconvened later in the evening.

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. ABSENT: None.

Invocation by Father Tom Kavanaugh, District 8, St. Matthew's Catholic Church.

Pledge of Allegiance to the flag of the United States.

**CEREMONIAL ITEMS**

Mayor Garza presented the following proclamations: "Mission of Care Parents' Symposium", received by Dennis Campa, Department of Community Initiatives Director; "Teen Court Day", received by Judge Catherine Torres-Stahl; and "Together We Prepare Campaign" received by the San Antonio Area American Red Cross.

Minutes of the Regular City Council meeting of May 27, 2004 were approved as presented.

## **CONSENT AGENDA – CITIZENS COMMENTS**

Items 8, 9, 15, 16 and 18 were addressed individually from the consent agenda. The remaining items 8 through 23D were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Hall.

The following citizen appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048

## **CONSENT AGENDA**

### **AN ORDINANCE 99665**

AN ORDINANCE 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 FY 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$285,500.00 TO INCLUDE CONTRACTS FOR LIGHTS, SIRENS AND SPEAKER PARTS, ELECTRICAL PARTS AND FIXTURES, THERMO LAY POTHOLE PATCH EQUIPMENT PARTS & SERVICE, AND PRINTING OF LIBRARY BORROWER CARDS.

### **AN ORDINANCE 99666**

AN ORDINANCE ACCEPTING THE BID FROM EXPRESS VIDEO, INC. FOR THE PURCHASE OF 168 GAMBLING DEVICES (EIGHT LINERS), IN THE AMOUNT OF \$68,176.00, SEIZED AS A RESULT OF CRIMINAL INVESTIGATIONS BY THE SAN ANTONIO POLICE DEPARTMENT AND SUBSEQUENTLY FORFEITED BY ORDERS OF THE COURTS; AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$7,535.95 TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE.

### **AN ORDINANCE 99667**

AN ORDINANCE ACCEPTING THE LOW, RESPONSIVE BID IN THE AMOUNT OF \$712,779.00 FROM WESTFIELD CONSTRUCTION, L.P., TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE POOL FACILITY ADA MODIFICATIONS PROJECT, LOCATED IN COUNCIL DISTRICTS 5, 6 AND 7; AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT; AUTHORIZING \$106,900.00 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR PARK MATERIALS; AUTHORIZING \$1,500.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$822,179.00

FROM CERTIFICATES OF OBLIGATION AND PARK BOND FUNDS;  
APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99668

AN ORDINANCE REAFFIRMING AND DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S WESTERN WATERSHED SEWER RELIEF LINE W-04 PROJECT ("PROJECT") IS A NECESSARY PUBLIC PROJECT; FURTHER REAFFIRMING AND DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC USE AS A PART OF THE PROJECT; AUTHORIZING THE SAN ANTONIO WATER SYSTEM ("SAWS") TO ACQUIRE PERMANENT AND TEMPORARY EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC USE AS A PART OF THE PROJECT, TO WIT: A 5.7638 ACRE PERMANENT SANITARY SEWER EASEMENT, RECORDED IN VOLUME 9504, PAGES 63-69, OUT OF AN ABANDONED SECTION OF POTRANCO ROAD P100, QUIT CLAIMED TO ITHACA INVESTMENTS, AND A 2.6068 ACRE TEMPORARY CONSTRUCTION EASEMENT OUT OF LOT 1, BLOCK 3, NCB 17242, BOTH EASEMENTS, PERMANENT AND TEMPORARY, ARE OUT OF THE WESTPARK SUBDIVISION, UNIT 1, LOCATED IN SAN ANTONIO, BEXAR COUNTY, TEXAS, AND LOCATED ON PROPERTY OWNED BY ITHACA INVESTMENTS, LTD., BY ANALIT USA INCORPORATED, GENERAL PARTNER, PAUL S. COVEY, PRESIDENT, SUBJECT TO OBTAINING SUCH REAFFIRMATIONS AND AUTHORIZATIONS FROM THE CITY COUNCIL AS DESCRIBED ABOVE; AUTHORIZING SAWS' STAFF AND/OR ITS AUTHORIZED INDEPENDENT NEGOTIATOR TO NEGOTIATE AND EXECUTE ALL NECESSARY AGREEMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENT INTERESTS AS DESCRIBED ABOVE AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE PERMANENT AND TEMPORARY EASEMENTS AS DESCRIBED ABOVE; FURTHER AUTHORIZING SAWS' DESIGNATED GENERAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH FINAL JUDGMENT AND ALL NECESSARY APPEALS FOR THE CONDEMNATION OF PERMANENT EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; APPROVING, RATIFYING, AND DECLARING VALID ALL

PRIOR ACTS DONE OR INTERPRETED BY ATTORNEYS, AGENTS, AND EMPLOYEES OF AND/OR ACTING FOR SAWS TO ACQUIRE SUCH EASEMENTS, AND DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF SAWS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

AN ORDINANCE 99669

AN ORDINANCE AUTHORIZING ADDITIONAL FUNDS IN THE AMOUNT OF \$154,099.00 PAYABLE TO GERRY RICKHOFF, COUNTY CLERK, FOR ACQUISITION OF FEE SIMPLE TITLE TO ONE VARIABLE WIDTH CONSTRUCTION EASEMENT, ONE VARIABLE WIDTH SANITARY SEWER EASEMENT, AND ONE VARIABLE WIDTH DRAINAGE EASEMENT (\$152,494.00), AND COURT COSTS (\$1,605.00), IN CONNECTION WITH THE LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 10, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2004-ED-0004, CITY OF SAN ANTONIO VS. GUARANTY CENTER, LTD., A TEXAS LIMITED PARTNERSHIP; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99670

AN ORDINANCE AUTHORIZING PAYMENT OF \$100,000.00 AS FULL AND FINAL SETTLEMENT IN THE LAWSUIT STYLED *DYNAMIC CONVERSIONS, INC. AND DYNAMIC NATIONAL INDUSTRIES, L.L.C. V. CITY OF SAN ANTONIO*.

AN ORDINANCE 99671

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MILAM PARK IN CONNECTION WITH THE LIGHT THE NIGHT WALK TO BE HELD FROM 5:30 P.M. UNTIL 9:00 P.M. ON SATURDAY, SEPTEMBER 25, 2004, SPONSORED BY THE LEUKEMIA & LYMPHOMA SOCIETY.

AN ORDINANCE 99672

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MEMORIAL STADIUM IN CONNECTION WITH THE 29<sup>TH</sup> ANNUAL CULTURAL ARTS PARADE TO BE HELD FROM 7:30 A.M UNTIL 11:30 A.M. ON SATURDAY, SEPTEMBER 25, 2004, SPONSORED BY THE HARLANDALE INDEPENDENT SCHOOL DISTRICT.

AN ORDINANCE 99673

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF AUSTIN HIGHWAY IN CONNECTION WITH THE SIGHTS, TASTE AND SOUNDS OF THE AWESOME AUSTIN HIGHWAY TO BE HELD FROM 3:30 P.M. UNTIL 5:15 P.M. ON SATURDAY, SEPTEMBER 25, 2004, SPONSORED BY THE AUSTIN HIGHWAY REVITALIZATION PROJECT.

AN ORDINANCE 99674

AN ORDINANCE APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR SEA WORLD OF TEXAS IN CONNECTION WITH THE SPLASH TRIATHLON AT SEA WORLD TO BE HELD FROM 6 A.M. UNTIL 9:30 A.M. ON SUNDAY, SEPTEMBER 26, 2004, SPONSORED BY ROGER SOLER'S SPORTS.

AN ORDINANCE 99675

AN ORDINANCE REAPPOINTING LEWIS MARSHALL (DISTRICT 2) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2006.

AN ORDINANCE 99676

AN ORDINANCE APPOINTING MARGARITA M. RODRIGUEZ (DISTRICT 5) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2006.

AN ORDINANCE 99677

AN ORDINANCE APPOINTING KEITH TONEY (DISTRICT 2) TO KEEP SAN ANTONIO BEAUTIFUL, INC., FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2005.

AN ORDINANCE 99678

AN ORDINANCE APPOINTING EDWARD RIOJAS, JR., (DISTRICT 2) TO THE GREATER KELLY DEVELOPMENT CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 30, 2005.

**CONSENT AGENDA ITEMS CONSIDERED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 99679

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY HIGH SIERRA ELECTRONICS, INC. (WBE) TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT WITH RESTORATION AND MERGER OF THE HIGH WATER DETECTION AND EARLY FLOOD WARNING SYSTEM FOR A TOTAL AMOUNT OF \$224,700.00.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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.

The City Clerk read the following ordinance:

AN ORDINANCE 99680

DESIGNATING THE FIRM PC SPECIALISTS D/B/A TECHNOLOGY INTEGRATION GROUP (MBE) FOR THE DEVELOPMENT AND INSTALLATION OF A WIRELESS AND COMMUNICATION SYSTEM INFRASTRUCTURE AT THE SAN ANTONIO INTERNATIONAL AIRPORT AND STINSON MUNICIPAL AIRPORT; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A

CONTRACT FOR AN AMOUNT NOT TO EXCEED \$306,593.00; AUTHORIZING \$282,466 FOR CONSTRUCTION AND ADMINISTRATIVE EXPENSES, AND \$24,127.00 FOR CONTINGENCIES; APPROPRIATING FUNDS; ESTABLISHING THE BUDGET AND PROVIDING FOR PAYMENT.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 99681

AN ORDINANCE AUTHORIZING A TEN (10) YEAR LICENSE AGREEMENT WITH TIME WARNER CABLE, INC. TO USE CITY OWNED PROPERTY WITHIN NCB 913, FOR THE PURPOSE OF INSTALLING A FOUR (4) INCH CONDUIT FOR A COMMUNICATION CABLE TO SERVE THE COMFORT INN SUITES ALAMO/RIVERWALK, LOCATED AT 120 CAMARON STREET, AND THE SAN FERNANDO COMMUNITY CENTRE IN THE 200 BLOCK OF WEST COMMERCE STREET, FOR THE TOTAL CONSIDERATION OF \$5,000.00.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 99682

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH COX SMITH MATTHEWS INCORPORATED IN AN AMOUNT NOT TO EXCEED \$7,500.00, FOR LEGAL SERVICES IN CONNECTION WITH THE PREPARATION AND FILING OF THREE (3) TRADEMARK APPLICATIONS WITH THE UNITED STATES PATENT AND TRADEMARK OFFICE IN CONJUNCTION WITH THE SIGNAGE AND

WAYFINDING PLAN FOR HEMISFAIR PARK; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember 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.

The City Clerk read the following ordinance:

AN ORDINANCE 99683

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT (SAISD) IN THE AMOUNT OF \$13,780.00 TO IMPLEMENT THE URBAN SMARTS PROGRAM ADMINISTERED BY THE CITY OF SAN ANTONIO, DEPARTMENT OF COMMUNITY INITIATIVES, AT ONE SAISD SCHOOL DURING THE PERIOD SEPTEMBER 13, 2004 THROUGH JUNE 30, 2005; ESTABLISHING A FUND; ADOPTING A BUDGET AND APPROVING A PERSONNEL COMPLEMENT.

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

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

**ITEMS FOR INDIVIDUAL CONSIDERATION – CITIZEN COMMENTS**

The following citizen appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048

The City Clerk read the following ordinance:

AN ORDINANCE 99684

AN ORDINANCE APPROVING SIXTEEN (16) TWO-YEAR APPOINTMENTS FOR TERMS BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2006 TO THE EMPOWERMENT ZONE GOVERNANCE BOARD IN ELEVEN (11)

CATEGORIES: EMPOWERMENT ZONE RESIDENTS: NANCY S. BOHMAN, GLORIA RAMIREZ, AND WRAY C. HOOD; WORKFORCE DEVELOPMENT REPRESENTATIVE: HENRY J. ROSALES; OWNER/MANAGER OF A SMALL BUSINESS: JANIE MARTINEZ-GONZALEZ; FINANCIAL INSTITUTION REPRESENTATIVE: DANIEL A. LOPEZ; SMALL BUSINESS LENDER REPRESENTATIVE: JANIE BARRERA; EDUCATION REPRESENTATIVE: DR. FEDERICO ZARAGOZA; ZONE COMMUNITY-BASED ORGANIZATION REPRESENTATIVE: VICTOR G. AZIOS; BROOKS CITY-BASE DEVELOPABLE SITE REPRESENTATIVE: VIRGINIA G. COBARRUBIAS; FREDERICKSBURG ROAD CORRIDOR DEVELOPABLE SITE REPRESENTATIVE: FRED ANDREW SIMPSON; KELLYUSA/TOYOTA DEVELOPABLE SITE REPRESENTATIVE: BRUCE E. MILLER; STAKEHOLDER REPRESENTATIVES: ERNEST J. GERLACH, PRISCILLA J. INGLE, SHEILA D. MCNEIL, AND HUMBERTO RAMOS.

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

Mr. Ramiro A. Cavazos, Director of Economic Development, narrated a slide presentation regarding the Empowerment Zone Governance board appointments, a copy of which is on file with the Office of the City Clerk. He discussed the board composition and duties, and indicated the seventeen-member board would be eligible to serve three two-year terms. He then announced the board nominees for each of the categories.

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.

## **2:00 PUBLIC HEARING**

Mayor Garza declared the public hearing to be open.

Mr. Emil Monicivais, Director of Planning, discussed each of proposed amendments for agenda items 4.1A, 4.1B, 4.1C and 4.1D, which included the land use plan contained in the I.H. 10 East Corridor Perimeter Plan; the land use plan contained in the Arena District/Eastside Community Land Use Plan; the land use plan contained in the Northwest Community Plan; and the land use plan contained in the Oakland Estates Neighborhood Plan. He discussed the factors that staff considered which included land use intensity and compatibility, transportation network, and community facilities.

The following citizen(s) appeared to speak:

Mr. M. Marq Hughes III, 3003 NW Loop 410

Mr. Russell Freiling, 7215 Eckhert

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following ordinance:

AN ORDINANCE 99685

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE I.H. 10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 19.036 ACRES LOCATED AT THE SOUTHWEST AND NORTHWEST CORNERS OF FOSTER ROAD AND SUMMER FEST ROAD, FROM SINGLE-FAMILY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE.

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

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

ITEM 4.1B being a proposed ordinance amending the land use plan contained in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.2858 acres located at 102 Essex Street from Medium Density, Single-Family and Mixed Residential Land Use to Neighborhood Commercial Land Use. Staff's recommendation is for denial. The Planning Commission recommended denial. (Council District 2)

Mr. Emil R. Moncivais, Planning Director, explained the proposed land use plan amendment.

Councilmember Williams made a motion to send the proposed land use plan back to the Zoning Commission. Councilmember Segovia seconded the motion.

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

ITEM 4.1B was sent back to the Zoning Commission.

ITEM 4.1C being a proposed ordinance amending the land use plan contained in the Northwest Community Plan, a component of the Master Plan of the City, by changing the use of approximately 48.33 acres located at NCB 18560, P-66A, near the northwest quadrant of the intersection of Bandera Road and Eckhert Road, from Industrial Land Use to Community Commercial, High Density Residential, and Single-Family Residential Land Uses. Staff recommendation was for approval. The Planning Commission recommended denial. (Council District 7)

Mr. Emil R. Moncivais, Planning Director, explained the proposed land use plan amendment.

Councilmember Williams made a motion to approve the proposed land use plan. Councilmember Segovia seconded the motion.

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

Item 4.1C was reconsidered later in the meeting, see page 13.

ITEM 4.1D being a proposed ordinance amending the land use plan contained in the Oakland Estates Neighborhood Plan, a component of the Master Plan of the City, by changing the text that describes commercial nodes to add the "intersection of Oakland and Huebner" to Chapter III Zoning and Land Use, Section A, Zoning, in the Oakland Estates Neighborhood Plan. Staff's recommendation is for approval. The Planning Commission recommended approval. (Council District 8)

Mr. Emil R. Moncivais, Planning Director, explained the proposed land use plan amendment.

Councilmember Hall made a motion to continue the proposed land use plan for four weeks. Councilmember Schubert seconded the motion.

After consideration, the motion to continue the proposed land use plan for four weeks prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera. **ABSTAINED:** Radle.

ITEM 4.1D was continued for four weeks.

## ZONING CASES

4A) ZONING CASE NUMBER Z2003240: The request of Earl & Associates, P. C., Applicant, for Gilx Development Company (R. J. Gilbert, President), Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on Parcel 40, NCB 16611 and Parcel 36, NCB 16612, North Foster Road at Summer Fest Drive. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 2)

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

The following citizen appeared to speak:  
Buck Benson, 111 Soledad, Suite 1111

Councilmember Williams made a motion to approve the proposed rezoning case. Councilmember 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, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

### AN ORDINANCE 99686

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 40, NCB 16611 AND PARCEL 36, NCB 16612 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

4B) ZONING CASE NUMBER Z2004082: The request of Downery Partners, LTD, Applicant, for Downery Partners, LTD, Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "RM-4 C" Residential Mixed District with a conditional use for a noncommercial parking lot on Lots 14, 15, and 16, Block 61, NCB 1652, 102 Essex Street. Staff's recommendation was for denial. Zoning Commission has recommended approval with conditions: 1) The parking lot shall have no more than 15 parking spaces; 2) A six-foot solid fence shall be erected and maintained along the eastern property line of the subject property; and 3) All on-site lighting shall be directed downward onto the subject site using 90 degree or less cut-off fixtures. (Council District 2)

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

Councilmember Williams made a motion to send back the proposed rezoning case to the Zoning Commission. Councilmember Perez seconded the motion.

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

Zoning case Z2004082 was sent back to the Zoning Commission.

Councilmember Perez then made a motion to reconsider Item 4.1C. Councilmember Castro seconded the motion.

After consideration, the motion to reconsider Item 4.1C prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

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

The following citizens appeared to speak:

Mr. Larry Bradford, 555 Panther Ridge  
Mr. Ken Brown, 112 E. Pecan  
Mr. Jerry Arredondo, 9901 IH 10 W. #900  
Mr. Charles Blank, 9245 Marymont Park  
Mr. Mike McMahan, 239 Blue Bonnet  
Mr. Chris Smith, 6614 Spring Hurst  
Mr. M.C. Arias, 9013 Grimesland  
Mr. Wendell Tomlin, 6715 Bandera  
Mr. S. Carl Friesenhahn, 2500 Bank of America  
Mr. Dwaine Rivers, 754 Shavano Oak  
Mr. Abel Guzman, 11925 Starcrest  
Mr. Don Freiling, no address listed

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Radle, Castro, Haass, Garza. **NAYS:** Flores, Hall, Schubert. **ABSENT:** Barrera.

AN ORDINANCE 99687

AMENDING THE LAND USE PLAN CONTAINED IN THE NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 48.33 ACRES LOCATED AT NCB 18560, P-66A, NEAR THE NORTHWEST QUADRANT OF THE INTERSECTION OF BANDERA ROAD AND ECKHERT ROAD, FROM INDUSTRIAL LAND USE TO COMMUNITY COMMERCIAL, HIGH DENSITY RESIDENTIAL, AND SINGLE-FAMILY RESIDENTIAL LAND USES.

4C) ZONING CASE NUMBER Z2004020: The request of Bilmar Construction, LP, Applicant, for Rosin-Johnson, Inc., Owner(s), for a change in zoning on 44.6 acres out of NCB 18560 from "I-1" General Industrial District to "R-5" Residential Single-Family District on 32.7 acres, "C-2" Commercial District on 6.7 acres, and "MF-25" Multi-Family District on 5.2 acres, west of the intersection of Bandera and Eckhert Road. Staff's recommendation was for denial. Zoning Commission has recommended denial. (Council District 7)

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

The following citizens appeared to speak:

Mr. Ken Brown, 112 E. Pecan

Mr. Jerry Arredondo, 9901 IH 10 W. #900

Mr. Russell Freiling, 7215 Eckhert

Mr. William Patton, 333 Brant Oak Way

Councilmember Castro made a motion to continue the proposed rezoning case for two weeks. Councilmember Segovia seconded the motion.

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

Zoning case Z2004020 was continued for two weeks.

4D) ZONING CASE NUMBER Z2004112 S C: The request of Jerry Arredondo, Applicant, for William E. Hooks, Jr., Owner(s), for a change in zoning from "C-3" General Commercial District and "C-2" Commercial District to "C-3 S C" General Commercial District with a specific use authorization for a mini-storage facility exceeding 2.5 acres (0.619 acres), "C-2 C" Commercial District with a conditional use

for a mini-storage facility exceeding 2.5 acres (2.754 acres) and “C-2 C” Commercial District with a conditional use for a office warehouse (1.049 acres) on 4.422 acres out of NCB 14702, 9000 Block of Huebner Road and Oakland Road. Staff’s recommendation was for denial. Zoning Commission has recommended approval with the following conditions: 1) A Type F (40 foot) buffer adjacent to residential zoned parcels; 2) A Type B (15 foot) buffer and egress only along Oakland Road; 3) A Type C (15 foot) buffer along Huebner Road; and 4) All on-site lighting is directed onto the site using 90 degree or less cut-off fixtures. (Council District 8)

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

Councilmember Schubert made a motion to continue the proposed rezoning case for four weeks. Councilmember Segovia seconded the motion.

After consideration, the motion to continue the proposed rezoning case for four weeks prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Zoning case Z2004112 S C was continued for four weeks.

4E) ZONING CASE NUMBER Z2004178: The request of James A. Nelson, Applicant, for James A. Nelson, Owner(s), for a change in zoning from “MF-33” Multi-Family District to “O-1” Office District on Lot 10, Block 3, NCB 1726, 214 East Ashby Place. Staff’s recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

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

Councilmember Flores made a motion to approve the proposed rezoning case. Councilmember 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 99688

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 3, NCB 1726 FROM "MF-33" MULTI-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

4L) ZONING CASE NUMBER Z2004123 : The request of City of San Antonio, Applicant, for Multiple Property Owners, for a change in zoning to establish a Neighborhood Conservation District 3 "NCD-3" Overlay on an area bound by Callaghan Road and Bandera Road to the north, Benrus and Ridge Drive to the east, West Quill Drive and Ingram Road to the south, and Callaghan Road to the west. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

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

The following citizens appeared to speak:

Ms. Joan Price, 4015 Parkway Dr.

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

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

#### AN ORDINANCE 99689

AMENDING CHAPTER 35 OF THE CITY CODE BY AMENDING SECTION 35-304, OFFICIAL ZONING MAP, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO ESTABLISH NEIGHBORHOOD CONSERVATION DISTRICT 3 (NCD-3) OVERLAY DISTRICT GENERALLY BOUNDED BY CALLAGHAN ROAD AND BANDERA ROAD ON THE NORTH, THE REAR PORPERTY LINE OF PROPERTIES ON THE EAST SIDE OF BENRUS ROAD AND RIDGE DRIVE ON THE EAST, WEST QUILL DRIVE AND INGRAM ROAD ON THE SOUTH, AND CALLAGHAN ROAD ON THE WEST, AS DESCRIBED HEREIN AND TO BE APPROVED FOR A NEIGHBORHOOD CONSERVATION PLAN.

4F) ZONING CASE NUMBER Z2003173-27: The request of City of San Antonio, Applicant, for Multiple Property Owner(s), for a change in zoning from "DR" Development Reserve District to "C-2 H RIO-6" Commercial Historic River Improvement Overlay District and "R-6 H RIO-6" Residential Single-Family Historic River Overlay District on 26.1 acres out of NCB 11040, 11041, and CB 4283B, property

located southwest of the intersection of Chaveneaux and Espada 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.

Councilmember Segovia made a motion to approve the proposed rezoning case. Councilmember Schubert seconded the motion.

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

#### AN ORDINANCE 99690

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 26.1 ACRES OUT OF NCB 11040, 11041, AND CB 4283B FROM "DR" DEVELOPMENT RESERVE DISTRICT TO "C-2 H RIO-6" COMMERCIAL HISTORIC RIVER IMPROVEMENT OVERLAY DISTRICT AND "R-6 H RIO-6" RESIDENTIAL SINGLE-FAMILY HISTORIC RIVER OVERLAY DISTRICT.

4G) ZONING 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, 1700 Military Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

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

The following citizen appeared to speak:

Mr. Val Dunis, 23645 N Hyw. 281

Councilmember Segovia made a motion to approve the proposed rezoning case, along with the following amendments incorporated into his motion: 1. Frontage along Military Drive will not have a curb out. All traffic will use the present entry to the cemetery. 2. There will be a landscape buffer along Military Drive. The design will incorporate

landscape berms and landscape materials. 3. The wash component of the new building will be used by Mission Park to wash vehicles and vehicles of Mission Park Customers. The facility will not be advertised as a commercial car wash. Mission Park will not be discriminatory to any person who would want to use the facility. 4. Mission Park will start a program to clean and beautify the area. Councilmember Williams seconded the motion.

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

#### AN ORDINANCE 99691

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 1.154 ACRES OUT OF NCB 11175 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.

4H) ZONING CASE NUMBER Z2004182: The request of Brooks Development Authority c/o Kirk King, Applicant, for Brooks City Base, Owner(s), for a change in zoning from "MR" Military Reserve District to "C-3" General Commercial District and "MR-HS" Military Reserve District Historic Significant to "C-3 HS" General Commercial District Historic Significant on a 152.7 acre tract of land out of NCB 10921, Southeast Military Drive and Goliad 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.

Councilmember Segovia made a motion to approve the proposed rezoning case. Councilmember 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.

AN ORDINANCE 99692

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 152.7 ACRE TRACT OF LAND OUT OF NCB 10921 FROM "MR" MILITARY RESERVE DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT AND "MR-HS" MILITARY RESERVE DISTRICT HISTORIC SIGNIFICANT TO "C-3 HS" GENERAL COMMERCIAL DISTRICT HISTORIC SIGNIFICANT.

4I) ZONING CASE NUMBER Z2004086: The request of Continental Homes, Applicant, for Continental Homes, Owner(s), for a change in zoning from "NP-10" Neighborhood Preservation District and "C-3" General Commercial District to "R-5" Residential Single-Family District on 201.97 acres; "R-6" Residential Single-Family District on 66.39 acres; "PUD R-4" Planned Unit Development Residential Single-Family District on 48.40 acres, "MF-33" Multi-Family District on 22.06 acres, and "C-3" General Commercial District on 17.77 acres out of P-1 and P-71, NCB 15248; and P-1 and P-1D, NCB 18044, property located at the southwest corner of the intersection of Loop 410 West and Ray Ellison Blvd. 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.

Councilmember Williams made a motion to continue the proposed rezoning case for two weeks. Councilmember Radle seconded the motion.

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

Zoning case Z2004086 was continued for two weeks.

4J) ZONING CASE NUMBER Z2004177: The request of Silcox Family L. P. c/o The Place Commercial Real Estate, Applicant, for Robert and Dianne Braun, Owner(s), for a change in zoning from "I-2" Heavy Industrial District to "C-3" General Commercial District on Tract 5, NCB 9503, 7331 South Zarzamora Street. 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.

Councilmember Williams made a motion to approve the proposed rezoning case. Councilmember 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 99693

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 5, NCB 9503 FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

4K) ZONING CASE NUMBER Z2004183: The request of Brown, P. C., Applicant, for Intergrated Asset Management, Inc., 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 44.06 acres out of NCB 17642, West Military Drive at Hunt Lane. 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.

Councilmember Barrera made a motion to approve the proposed rezoning case. Councilmember 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.

#### AN ORDINANCE 99694

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 44.06 ACRES OUT OF NCB 17642 FROM "R-6"

RESIDENTIAL SINGLE FAMILY DISTRICT TO "PUD R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE FAMILY DISTRICT.

4M) ZONING CASE NUMBER Z2004144: The request of Andrew E. Crain, Applicant, for Andrew E. Crain, Owner(s), for a change in zoning from "C-2" Commercial District to "R-5" Residential Single-family District on Lot 3, Block 1, NCB 18312, southeast corner of Mainland Drive and Northfork Drive. 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.

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

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

AN ORDINANCE 99695

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 3, BLOCK 1, NCB 18312 FROM "C-2" COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

4N) ZONING CASE NUMBER Z2004161 C: The request of The Center for Health Care Service, Applicant, for The Center for Health Care Services, Bexar County Mental Health Mental Retardation (MHMR), Owner(s), for a change in zoning from "C-1" Light Commercial District to "C-2 NA C" Commercial Nonalcoholic Sales District with a conditional use for a homeless shelter on Lots 1 through 8, Block 1, NCB 9645, 3551 Culebra Road. Staff's recommendation was for denial. Zoning Commission has recommended approval of "C-2 NA C" Commercial Nonalcoholic Sales District with a conditional use for a residential treatment facility with the following conditions: 1) Curfew for residents shall be 9:30 pm Monday through Thursday and 10:30 pm Friday through Sunday 2) The natural buffer and a fence shall be maintained along the north property line, and 3) Outside lighting shall be directed downward onto the subject property and not emit any lighting on nearby residences. (Council District 7)

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

The following citizens appeared to speak:

Mr. Leon Evans, 3031 IH 10 W.  
Mr. Terri Kilmer, 655 Maria Elena  
Ms. Janice Flowers

Councilmember Castro made a motion to continue the proposed rezoning case for two weeks. Councilmember Segovia seconded the motion.

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

Zoning case Z2004161 C was continued for two weeks.

4O) ZONING CASE NUMBER Z20266: The request of Roy Horn, III, Applicant, for LB Horn Jr., Owner(s), for a change in zoning from "O-2" Office District to "C-2" Commercial District on Lots 3 and 4, Block S, NCB 14667, 6300 Block of Babcock Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

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

The following citizen(s) appeared to speak:

Mr. Robert McCabe, 4 Pembroke Ct.

Councilmember Castro made a motion to continue the proposed rezoning case for two weeks. Councilmember Hall seconded the motion.

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

Zoning case Z20266 was continued for two weeks.

4P) ZONING CASE NUMBER Z2004184: The request of City of San Antonio, Applicant, for Multiple Owners, for a change in zoning from "R-6 ERZD" Residential Single Family Edwards Recharge Zone District to "PUD R-6 ERZD" Planned

Unit Development Residential Single Family Edwards Recharge Zone District for Emerald Forest Subdivision located north of Loop 1604 between Redland Road and Bulverde Road. 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.

Councilmember Haass made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Williams, Segovia, Perez, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** Radle. **ABSENT:** Flores, Castro.

#### AN ORDINANCE 99696

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 EMERALD FOREST SUBDIVISION LOCATED NORTH OF LOOP 1604 BETWEEN REDLAND ROAD AND BULVERDE ROAD FROM "R-6 ERZD" RESIDENTIAL SINGLE FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "PUD R-6 ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE FAMILY EDWARDS RECHARGE ZONE DISTRICT.

#### **3:00 PUBLIC HEARING AND ORDINANCE CONSIDERATION TO REVISE THE FISCAL YEAR 2004-2005 EMERGENCY SHELTER GRANT (ESG) CONSOLIDATED PLAN ANNUAL BUDGET.**

Mayor Garza declared the public hearing to be open.

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation regarding the FY2005 Emergency Grant, a copy of which is on file with the Office of the City Clerk. He discussed the purpose of the ordinance, and presented background information regarding the Dwyer Center, indicating the Council had passed an ordinance that authorized a contract and funding to the Association for the Advancement of Mexican Americans, Inc. (AAMA) to operate the Dwyer Center. He then spoke to accountability.

The following citizen appeared to speak:

Mr. Faris Hodge Jr., 140 Dora

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following ordinance:

AN ORDINANCE 99697

AN ORDINANCE AUTHORIZING THE AMENDMENT OF ORDINANCE NO. 99372, PASSED AND APPROVED JUNE 24, 2004 TO REVISE THE FISCAL YEAR 2004-2005 EMERGENCY SHELTER GRANT (ESG) CONSOLIDATED PLAN ANNUAL BUDGET TO REFLECT THE CHANGE OF DELEGATE AGENCIES FROM THE DWYER OVERFLOW TO THE ASSOCIATION FOR THE ADVANCEMENT OF MEXICAN AMERICANS, INC. (AAMA); AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT WITH AAMA IN THE AMOUNT OF \$100,000.00 TO OPERATE THE DWYER AVENUE CENTER OVERFLOW SHELTER FOR FY 2004-2005; AUTHORIZING THE RE-APPROPRIATION AND RE-ALLOCATION OF SAID FUNDS TO SAID PROJECT; AND PROVIDING FOR PAYMENT.

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

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

**EXECUTIVE SESSION**

The City Council recessed the regular session at 4:51 pm in order to convene in Executive Session for the purpose of:

Discuss an Ordinance authorizing the City Manager to execute a 10-year, 100% Tax Phase-In Agreement with DPT Laboratories, LTD. (DPT) to exempt from ad valorem taxation approximately \$1.3 million in real property (leasehold interest) improvements, \$2.5 million in new personal property improvements and \$18.8 million in inventory and supplies for new facilities at Brooks City-Base; and approving an exception to the Joint City/County Tax Phase-In Guidelines.

The City Council adjourned the Executive Session at 5:36 pm, and reconvened the regular session, at which time Mayor Garza stated that the City Council had been briefed on the above-styled matter and had given staff direction, but had taken no official action.

**INDIVIDUAL ITEMS FOR CONSIDERATION**

The City Clerk read the following ordinance:

**AN ORDINANCE 99698**

AN ORDINANCE APPROVING THE ANNUAL OPERATING BUDGET IN THE AMOUNT OF \$4,010,516.00 FOR THE ALAMO WORKFORCE DEVELOPMENT BOARD FOR FISCAL YEAR 2004-2005 AND APPROVING ONE (1) YEAR CONTRACTS FOR THE PERIOD BEGINNING OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005 WITH THE FOLLOWING: SER JOBS FOR PROGRESS, INC. IN THE AMOUNT OF \$10,587,659.00; ALAMO AREA DEVELOPMENT CORPORATION FOR \$2,969,796.00; THE GOOD SAMARITAN CENTER FOR \$1,010,357.00; AND THE GEORGE GERVIN CENTER FOR \$433,010.00.

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the approval of contracts and budget for Alamo Workforce Development, Inc., a copy of which is on file with the Office of the City Clerk. He presented an overview of the Alamo Workforce Development, Inc., and expounded on the work they did. He then spoke to the services they provided to employers as well as to job seekers, and outlined their special initiatives. He concluded by discussing their FY2005 corporate budget.

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.

The City Clerk read the following ordinance:

**AN ORDINANCE 99699**

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A 10-YEAR, 100% TAX PHASE-IN AGREEMENT WITH DPT LABORATORIES, LTD. ("DPT") TO EXEMPT FROM AD VALOREM TAXATION APPROXIMATELY \$1.3 MILLION IN REAL PROPERTY (LEASEHOLD INTEREST) IMPROVEMENTS, \$2.5 MILLION IN NEW PERSONAL PROPERTY IMPROVEMENTS, AND \$18.8 MILLION IN INVENTORY AND SUPPLIES FOR NEW FACILITIES AT BROOKS CITY-BASE; AND APPROVING AN EXCEPTION TO THE JOINT CITY/COUNTY TAX PHASE-IN GUIDELINES.

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the tax phase-in agreement with DPT Laboratories, LTD, a copy of which is on file with the Office of the City Clerk. He discussed the purpose of this ordinance, and presented an overview of DPT Laboratories, including its San Antonio facilities. He expounded on DPT's economic impact, community involvement and benefits packet. He then spoke to the DPT project and the project terms, and expounded on the proposed DPT facilities.

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.

The City Clerk read the following resolution:

A RESOLUTION 2004-32-26

A RESOLUTION ESTABLISHING THE INITIAL BORROWING AUTHORITY OF THE BROOKS DEVELOPMENT AUTHORITY ("BDA") AT \$30 MILLION AND DEFINING DEBT INSTRUMENTS THAT BDA CAN UTILIZE IN BORROWING FUNDS TO PROMOTE ECONOMIC DEVELOPMENT AND THE CREATION OF NEW JOBS AT BROOKS CITY-BASE.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Hall seconded the motion.

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the Brooks Development Authority (BDA) borrowing authority, a copy of which is on file with the Office of the City Clerk. He discussed the purpose of the resolution, and presented an overview of Brooks City Base. He delineated the Brooks City Base projects, and spoke to the request made by the BDA for borrowing authority. He spoke to the BDA borrowing requirements, and discussed the policy analysis and fiscal impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99700

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH THE BROOKS DEVELOPMENT AUTHORITY (“BDA”) FOR A LOAN AND/OR GRANT IN AN AMOUNT NOT TO EXCEED \$1.5 MILLION FROM THE ECONOMIC DEVELOPMENT INCENTIVE FUND (“EDIF”) FOR ROAD AND RELATED INFRASTRUCTURE IMPROVEMENTS AT BROOKS CITY-BASE TO PROMOTE ECONOMIC DEVELOPMENT AT BROOKS CITY-BASE; AND APPROVING AN EXCEPTION TO THE ECONOMIC DEVELOPMENT INCENTIVE FUND GUIDELINES.

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the Economic Development Loan/Grant Agreement with the Brooks Development Authority, a copy of which is on file with the Office of the City Clerk. He discussed the purpose of the ordinance, and amplified on success stories at Brooks. He spoke to the Brooks Development Challenge, and outlined the City funding for Base redevelopment. He then spoke to new projects and request for funds.

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.

**CITIZENS TO BE HEARD**

The following citizens appeared to speak on various issues:

Mr. Frank Bartlett, Council Graduate Student  
Mr. Faris Hodge, Jr., 140 Dora  
Mr. Nazarite Ruben Flores Perez, 627 Hearne  
Mr. Jim Koch, 8214 Evert  
Ms. Connie Porras, NAPE

**5:30 PUBLIC HEARING**

Mayor Garza declared the Public Hearing to be open.

Mr. Andrew Cameron, Director of Housing and Community Development, narrated a slide presentation regarding the HUD 108 Loan Program, a copy of which is on file with the Office of the City Clerk. He presented an overview on the loan program, and spoke to the available funds for San Antonio. He discussed the CDBG funding history, as well as the loan program funding. He spoke to the project process and project selection, and amplified on the distribution and program summary. He then delineated the project costs for each Council district.

The following citizens appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave.

**EXECUTIVE SESSION**

The City Council recessed its regular session at 8:00 in order to convene in Executive Session for the purpose of:

Discuss the purchase, exchange, or value of the present headquarters of the San Antonio Water System, 1001 E. Market Street, the historic Yturri House at 1020 E. Commerce Street, and the 1.297-acre La Semana Property bounded by Market Street, Water Street/Bowie Street, and IH 37, pursuant to Texas Government Code Section 551.072 (deliberations regarding real property), and legal issues related to the proposed transactions, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to removal of a member of the Municipal Civil Service Commission pursuant to Section 70, Paragraph 1 of the City Charter, pursuant to Texas Government Code Section 551.071 (consultation with attorney); and deliberate the dismissal of the three members of the Municipal Civil Service Commission, pursuant to Texas Government Code Section 551.074 (personnel matters).

The City Council adjourned the Executive Session at 9:00 pm and reconvened in regular session, at which time Mayor Garza stated that the City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

**STAFF BRIEFING**

Staff briefing on HemisFair Park Area Master Plan update and historic homes requests for proposals.

Ms. Rebecca Waldmann, Director of Asset Management, narrated a slide presentation regarding an update on the HemisFair Park area master plan, a copy of which is on file with the Office of the City Clerk. She presented background information regarding the plan boundaries and land use areas, and gave an update on the implementation. She then discussed the historic homes RFP, including the evaluation criteria and proposed schedule.

### **INDIVIDUAL ITEMS CONTINUED**

The City Clerk read the following ordinance:

#### AN ORDINANCE 99701

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH PROVIDENCE COMMERCIAL REAL ESTATE SERVICES, INC., TO PROVIDE COMMERCIAL REAL ESTATE BROKERAGE SERVICES FOR AN INITIAL TERM OF THREE (3) YEARS BEGINNING OCTOBER 1, 2004, WITH TWO (2) ONE (1) YEAR RENEWAL OPTIONS SUBJECT TO FUTURE CITY COUNCIL APPROVAL; AND REALLOCATING AN AMOUNT NOT TO EXCEED \$25,000.00 FOR MISCELLANEOUS EXPENSES AS APPROVED UNDER ORDINANCE NO. 90552 DATED SEPTEMBER 23, 1999.

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

Ms. Rebecca Waldmann, Director of Asset Management, narrated a slide presentation regarding the contract with Commercial Real Estate Brokerage Services, a copy of which is on file with the Office of the City Clerk. She summarized the ordinance, and indicated the professional services agreement with Providence Commercial Real Estate Services, Inc. would provide for commercial real estate brokerage services for an initial term of three years, with two additional one year renewal option subject to City Council approval. She then discussed the RFP process and spoke to the fiscal impact.

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.

Item 31 being a proposed resolution requesting that each member of the Municipal Civil Service Commission submit a resignation, as requested by the Governance Committee.

Councilmember Perez made a motion to approve the proposed Resolution. Councilmember Segovia seconded the motion.

Ms. Sharon De La Garza, Director of Human Resources, narrated a slide presentation regarding the Municipal Civil Service Commission, a copy of which is on file with the Office of the City Clerk. She spoke to the function of the Commission, including its composition. She then discussed their meetings and staff support. She then indicated this resolution was calling for the resignation of the Commission members as requested by the Governance Committee.

The following citizens appeared to speak:

Mr. Toni Reyes, SEIU Local 1967  
Mr. Roman Nick Pena, Commissioner -MSSC  
Ms. Angie Garcia, LULAC  
Ms. Rose Rosales, NAPE  
Ms. Grace Hernandez  
Mr. Rodolfo Rosales

Councilmember Radle made a substitute motion to delay vote until Council members meet with the Commission members in Executive Session, and to suspend Commission meetings until such time.

After consideration, the substitute motion prevailed by the following vote: **AYES:** Flores, Williams, Radle, Barrera, Castro, Schubert, Garza. **NAYS:** Segovia, Perez, Hall. **ABSENT:** Haass.

After consideration, the main motion, as substituted, prevailed by the following vote: **AYES:** Flores, Williams, Radle, Barrera, Castro, Schubert, Garza. **NAYS:** Segovia, Perez, Hall. **ABSENT:** Haass.

The City Clerk read the following ordinance:

AN ORDINANCE 99702

AN ORDINANCE AUTHORIZING THE FOLLOWING ADJUSTMENTS TO DISTRICT 5'S ONE-TIME PROJECT BUDGETS: REDUCING FUNDS SET ASIDE IN THE FY 2000 DISTRICT 5 ONE-TIME PROJECTS BUDGET FOR THE INMAN CHRISTIAN CENTER CORRIDOR REVITALIZATION PROJECT FROM \$95,060.32 TO \$59,010.32; ALLOCATING \$1,550.00 TO VETERANS OF FOREIGN WARS – WESTSIDE POST 8936 TO HELP OFFSET COSTS ASSOCIATED WITH THE REPLACEMENT OF ONE OF THEIR AIR CONDITIONERS; ALLOCATING \$20,000.00 TO THE GUADALUPE COMMUNITY CENTER TO HELP OFFSET THE

COSTS ASSOCIATED WITH THEIR AFTER SCHOOL/SUMMER DANCE AND WELLNESS/NUTRITION PROGRAMS; ALLOCATING \$2,500.00 TO SOUTH TEXAS BUSINESS FUND TO HELP OFFSET THE COSTS ASSOCIATED WITH THE DISTRICT 5 IS OPEN FOR BUSINESS – “PROJECT FROM THE ONE STOP BUSINESS SUMMIT”; AND ALLOCATING \$12,000.00 TO THE CENTER FOR JUVENILE MANAGEMENT, INC., TO HELP OFFSET THE COSTS ASSOCIATED WITH RENOVATING AN EXISTING BUILDING TO BE UTILIZED AS A COMPUTER LABORATORY FOR TRAINING PEOPLE WHO SEEK TECHNICAL LEARNING IN PREPARATION FOR GREATER JOB PLACEMENT OPPORTUNITIES; AS REQUESTED BY COUNCILWOMAN PATTI RADLE, DISTRICT 5.

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

### **TRAVEL AUTHORIZATION – GRANTED**

Ratification of Travel Authorization for Councilman Art A. Hall, District 8, who traveled to Mexico City, Mexico from Sunday, August 29, 2004 through Tuesday, August 31, 2004 on a Trade Mission to Mexico City, Mexican Stock Market.

Councilmember Perez made a motion to approve the proposed Travel Authorization. Councilmember Radle seconded the motion.

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

### **BUDGET WORKSESSION**

Accountability and Customer Service  
Public Safety  
Development Services

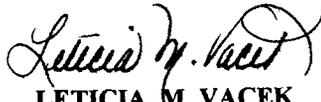
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 11:34 pm.

A P P R O V E D



EDWARD D. GARZA  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk