

**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, OCTOBER 14, 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):

Staff presentation on Municipal Marketing Partnership Program Request for Proposal. [Rebecca Waldman, Director, Asset Management; Erik J. Walsh, Assistant to the City Manager]

Ms. Waldman made a brief presentation on the Request for Proposal for Municipal Marketing Partnership.

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

The "B" Session adjourned at 10:55 AM.

The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Williams, Segovia, Radle, Castro, Hall, Schubert, Haass. ABSENT: Flores, Perez, Barrera.

Invocation by Rev. Edward Hayes, District 2, St. Stephen Baptist Church.

Pledge of Allegiance to the flag of the United States.

CEREMONIAL ITEMS

Mayor Garza presented a proclamation in honor of Founder's Day.

Swearing-In Ceremony was held for newly appointed members to the various Boards and Commissions. The Oath of Office was administered by City Clerk Leticia Vacek.

On a point of personal privilege, Mayor Garza recognized members of the Hispanic Local Elected Officials who were in San Antonio attending the National League of Cities Summit. He presented gifts to the visiting dignitaries.

The minutes of the City Council Meeting of August 12 and 19, 2004 were approved as presented.

The City Clerk noted a correction to the minutes of August 19, 2004 where Mr. Jack M. Finger's name would be included under Item 23 as having addressed the City Council.

CONSENT AGENDA – CITIZENS' COMMENTS

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke to Item 10 regarding the license agreement with Houston Street Hotel Partners.

Mr. Jack Finger, P.O. Box 12048, addressed various items on the consent agenda, citing campaign contributions to Council members.

CONSENT AGENDA

Councilmember Hall made a motion to approve Agenda Items 6 through 17F, constituting the Consent Agenda. Councilmember Radle seconded the motion.

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

AN ORDINANCE 99855

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 FY2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$1,240,359.00 TO INCLUDE CONTRACTS FOR ASPHALTS, OIL AND EMULSIONS AND EMERGENCY VEHICLE TIRES.

AN ORDINANCE 99856

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$44,370.00 FROM 1999-2004 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS FOR ADDITIONAL ENGINEERING SERVICES TO TURNER, COLLIE & BRADEN, INC., IN CONNECTION WITH THE AVE MARIA DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99857

AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$65,370.00 FROM 2003 STORM WATER REVENUE BOND FUNDS FOR ADDITIONAL ENGINEERING SERVICES TO POST, BUCKLEY, SCHUH & JERNIGAN, INC., D/B/A PBS&J IN CONNECTION WITH THE LADDIE PLACE REGIONAL STORM WATER FACILITY, PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 1; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99858

AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF \$6,776.00 FROM 2002 CERTIFICATES OF OBLIGATION TO BRACEWELL & PATTERSON, L.L.P., FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: CHERRY STREET DRAINAGE #15B, PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 2; AND THE WESTERN AVENUE DRAINAGE #74, IIIA PROJECT, LOCATED IN COUNCIL DISTRICT 9; REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 99859

AN ORDINANCE RENEWING A LICENSE AGREEMENT WITH HOUSTON STREET HOTEL PARTNERS, L.P., A DELAWARE LIMITED PARTNERSHIP, FOR THE CONTINUED USE OF PUBLIC RIGHTS OF WAY ALONG EAST HOUSTON, NORTH ST. MARY'S AND EAST TRAVIS STREETS, AND A FOURTEEN FOOT (14') WIDE ALLEY (SURFACE, SUBSURFACE AND AIR RIGHTS) FOR AN EXISTING BASEMENT, BALCONY, OVERHEAD PARKING STRUCTURE, AND A

SMOKESTACK AT THE ABUTTING SHERATON GUNTER HOTEL, LOCATED AT 205 EAST HOUSTON STREET IN COUNCIL DISTRICT 1, FOR A TEN (10) YEAR TERM AND THE TOTAL CONSIDERATION OF \$402,520.00.

AN ORDINANCE 99860

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$43,501.00 FROM THE TEXAS DEPARTMENT OF HEALTH ("TDH") TO AUGMENT FUNDING FOR THE SEXUALLY TRANSMITTED DISEASE STAFF SUPPORT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDH; AND REVISING THE PROGRAM BUDGET.

AN ORDINANCE 99861

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$305,776.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES ("TDSHS") TO RENEW FUNDING FOR THE LOCAL PUBLIC HEALTH SUPPORT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDSHS; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 99862

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$500,000.00 FROM THE TEXAS DEPARTMENT OF HEALTH ("TDH") TO AUGMENT FUNDING FOR THE BIOTERRORISM PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2003 THROUGH AUGUST 31, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDH; REVISING THE PROGRAM BUDGET; APPROVING THE TRANSFER OF FUNDS; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 99863

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR SCOBEE

ELEMENTARY SCHOOL (11223 CEDAR PARK) IN CONNECTION WITH THE RED RIBBON PARADE TO BE HELD ON THURSDAY, OCTOBER 28, 2004 FROM 12:30 P.M. UNTIL 2:00 P.M. SPONSORED BY SCOBEE ELEMENTARY SCHOOL.

AN ORDINANCE 99864

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MARY HULL ELEMENTARY (7320 REMUDA) IN CONNECTION WITH THE SAY NO TO DRUGS WALK – RED RIBBON WEEK TO BE HELD ON FRIDAY, OCTOBER 29, 2004 FROM 12:30 P.M. UNTIL 2:30 P.M. SPONSORED BY MARY HULL ELEMENTARY SCHOOL.

AN ORDINANCE 99865

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR WOODLAWN LAKE AND OUR LADY OF THE LAKE UNIVERSITY IN CONNECTION WITH THE 1ST ANNUAL OUR LADY OF THE LAKE UNIVERSITY 5K RUN TO BE HELD ON SATURDAY, OCTOBER 30, 2004 FROM 6:00 A.M. UNTIL 9:30 A.M. SPONSORED BY PATRICIA S. CASTILLO.

AN ORDINANCE 99866

AN ORDINANCE REAPPOINTING ROY R. BOTELLO (DISTRICT 5) AND DORIS GRIFFIN (DISTRICT 7) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR TERMS OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2006.

AN ORDINANCE 99867

AN ORDINANCE REAPPOINTING JANE VELASQUEZ (DISTRICT 7) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 15, 2006.

AN ORDINANCE 99868

AN ORDINANCE APPOINTING JUAN VASQUEZ (DISTRICT 7) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2006.

AN ORDINANCE 99869

AN ORDINANCE REAPPOINTING BERNICE WILLIAMS (GEN./CITIZEN-AT-LARGE CATEGORY – DISTRICT 2) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 31, 2005.

AN ORDINANCE 99870

AN ORDINANCE APPOINTING KEVIN GLOVER (DISTRICT 2) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 18, 2006.

AN ORDINANCE 99871

AN ORDINANCE APPOINTING LLEWELLYN FAMBLES (DISTRICT 2) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2006.

ZONING CASES

4.1A) An 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 four (4) acres located at Fenwood Street and Wellwood Street, more specifically described as Lot P-139A, Lot P-156 and Lot P-156C, all out of NCB 15095, from Community Commercial Land Use to Medium Density Residential and Single Family Residential Land Uses. Staff's recommendation is for approval. The Planning Commission recommended denial. (Council District 6)

Mr. Emil R. Moncivais, Planning Director, narrated a slide presentation on the Northwest Community Plan, a copy of which is on file with the papers of this meeting. He presented background information of the area involved, demographics, land use intensity and compatibility issues, transportation network, and community facilities.

Councilmember Castro made a motion to approve the proposed Land Use Plan Councilmember Williams seconded the motion.

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

AN ORDINANCE 99872

AN 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 FOUR (4) ACRES LOCATED AT THE SOUTHWEST CORNER OF FENWOOD STREET AND WELLWOOD STREET FROM COMMUNITY COMMERCIAL LAND USE TO MEDIUM DENSITY RESIDENTIAL AND SINGLE FAMILY RESIDENTIAL LAND USES

4A) ZONING CASE NUMBER Z2004172: The request of Raul B. Fernandez, Applicant, for Raul B. Fernandez, Owner, for a change in zoning from PUD "RM-4" Planned Unit Development Residential Mixed District to "R-5" Residential Single Family District on Lot P-156C, NCB 15095, Timberwilde at Wellwood. 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 Castro 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:** Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Perez, Barrera.

AN ORDINANCE 99873

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-156C, NCB 15095 FROM PUD "RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

4.1B) An 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)

Councilmember Hall made a motion to continue the proposed rezoning case to the meeting of November 18, 2004. Councilmember Williams seconded the motion.

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

Zoning case 4.1B was continued to the meeting of November 18, 2004.

4B) ZONING CASE NUMBER Z2004112 S C: The request of Jerry Arredondo, Applicant, for William E. Hooks, Jr., Owner, for a change in zoning on 4.422 acres out of NCB 14702 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), 9000 Block of Huebner Road and Oakland Road. Staff's recommendation was for approval. 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 Hall made a motion to continue the proposed rezoning case until the meeting of November 18, 2004. Councilmember Williams seconded the motion.

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

Zoning case Z2004112 S C was continued to the meeting of November 18, 2004.

4C) ZONING CASE NUMBER Z2004203: The request of Salah E. Diab, P.E., Applicant, for Aziz Enterprises of America, Ltd., Owner, for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lots 69 and 70, Block 3, NCB 15730, Interstate Highway 35 North access road and Dinn

Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

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

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

AN ORDINANCE 99874

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 69 AND 70, BLOCK 3, NCB 15730 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

4D) ZONING CASE NUMBER Z2004205: The request of Debra Guerrero, Applicant, for Stanley Wayne Shipman, Owner, for a change in zoning from "R-5" Residential Single-Family District to "MF-33" Multi-Family District on Lot F, NCB 10779, 2819 South W. W. White Road. 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.

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

AN ORDINANCE 99875

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 F, NCB 10779 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

4E) ZONING CASE NUMBER Z2004089: The request of Domingo P. Maldonado, Jr., Applicant, for Domingo P. Maldonado, Jr., Owner, for a change in zoning from "R-6" Residential Single-Family District to "MF-25" Multi-Family District on Lot 300B, Block 30, NCB 11129, 200 Buchanan Boulevard. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 3)

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

Councilmember Segovia made a motion to continue the proposed rezoning case for 30 days. Councilmember Williams seconded the motion.

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

Zoning case Z2004089 was continued for 30 days.

4F) ZONING CASE NUMBER Z2004192 C: The request of Brooks Corner Phase Two, L. P., Applicant, for Brooks Corner Phase Two, L. P., Owner, for a change in zoning from "C-2" Commercial District to "C-2" C Commercial District with a conditional use for a home improvement center on 14.71 acres out of NCB 10979, 3143 S. E. Military Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval with the following conditions: 1) A Type C buffer as stated in Article V, Division 3, Section 35-510 shall be maintained; 2) Lights shall be directed downward and away from adjacent property; and 3) There shall be no storage of materials out-of-doors. (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 with condition as specified. 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, Radle, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Perez, Barrera, Haass.

AN ORDINANCE 99876

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 14.71 ACRES OUT OF NCB 10979 FROM "C-2" COMMERCIAL DISTRICT TO "C-2" C COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A HOME IMPROVEMENT CENTER.

4G) ZONING CASE NUMBER Z2004215 C: The request of Carmen M. Classy, Applicant, for Ronald L. Classy, II, Owner, for a change in zoning from "R-6" Residential Single-Family District to "R-6" C Residential Single-Family District with a conditional use for multi-family dwellings with a maximum density of 12 units per acre on Lot 22, Block 35, NCB 7821, 109 West Huff Avenue. 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:** Williams, Segovia, Radle, Castro, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Perez, Barrera, Haass.

AN ORDINANCE 99877

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 22, BLOCK 35, NCB 7821 ZONING FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS WITH A MAXIMUM DENSITY OF 12 UNITS PER ACRE.

4H) ZONING CASE NUMBER Z2004086: The request of Continental Homes, Applicant, for Continental Homes, Owner, 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 NCB 18044 on Lot P-1 and P-71, NCB 15248; Lot P-1 and P-1D, NCB 18044, properties are located at the southwest corner of the intersection of Loop 410 West and Ray Ellison Blvd. Staff's recommendation was for approval. Zoning Commission recommended approval. (Council District 4)

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

Councilmember Segovia made a motion to approve the proposed rezoning case with condition as specified. 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, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Perez, Barrera.

AN ORDINANCE 99878

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-1 AND P-71, NCB 15248; LOT P-1 AND P-1D, NCB 18044 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 NCB 18044.

4I) ZONING CASE NUMBER Z2004199 S: The request of Jerry Arredondo, Applicant, for 4D Holdings, Ltd., Henry Davila, President, Owner, for a change in zoning from "C-3NA" General Commercial District, Nonalcoholic Sales and "C-3R" General Commercial District, Restrictive Alcoholic Sales to "C-3NA" General Commercial District, Nonalcoholic Sales (4.047 acres) and "C-3" General Commercial District (0.81 acres) on a 4.857 acre tract of land out of NCB 7561 and NCB 14992, 1750 General McMullen, 3207 Weir Avenue and 3230-1 Darby. Staff's recommendation was for denial as requested and approval of "C-3NA" S General Commercial District, Nonalcoholic Sales with a specific use authorization for a mini-storage facility exceeding 2.5 acres. Zoning Commission has recommended approval. (Council District 5)

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

Councilmember Radle made a motion to approve certain portions of properties and the remainder to be continued. 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, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Perez, Barrera.

AN ORDINANCE 99879

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 4.047 ACRE TRACT OF LAND OUT OF NCB 7561 AND NCB 14992 FROM "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES AND "C-3R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "C-3NA" S GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A SPECIFIC USE AUTHORIZTION FOR A MINI-STORAGE FACILITY EXCEEDING 2.5 ACRES (4.047 ACRES).

4J) ZONING CASE NUMBER Z2004188: The request of Brown, P.C., Attorneys at Law, Applicant, for Bethel United Methodist Church, Owner, for a change in zoning from "C-3NA" General Commercial District, Nonalcoholic Sales and "I-1" General Industrial District to "MF-25" Multi-Family District on 15.777 acre tract of land out of Block 5, NCB 11379, 500 Block of South Acme Road. Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 6)

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

The following citizen appeared to speak:

Rev. Robert Douglas, Bethel United Methodist Church

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

AN ORDINANCE 99880

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 15.777 ACRE TRACT OF LAND OUT OF BLOCK 5, NCB 11379 FROM "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

4K) ZONING CASE NUMBER Z2004200: The request of Lancaster Development Company, Applicant, for Junco Joint Venture, Owner(s), for a change in zoning from "O-2" Office District to "R-5" Residential Single Family District on Lot P-155, NCB 15095, southwest corner of Timberpath and Timberwilde. 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 Castro made a motion to approve the proposed rezoning case. Councilmember Haass seconded the motion.

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

AN ORDINANCE 99881

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-155, NCB 15095 FROM "O-2" OFFICE DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

4L) ZONING CASE NUMBER Z2004173: The request of Godfrey Residential Group, Ltd., Applicant, for Green Land Properties, Ltd., Owner, for a change in zoning from "C-3" Commercial District to "MF-25" Multi-Family District on Lots 1 and 2, Block 3, NCB 17253, 5450 Babcock 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.

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

AN ORDINANCE 99882

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 AND 2, BLOCK 3, NCB 17253 FROM "C-3" COMMERCIAL DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

4M) ZONING CASE NUMBER Z2004191 S: The request of Rod Robertson, Applicant, for Rod Robertson, Owner, for a change in zoning from "C-3NA" ERZD General Commercial, Nonalcoholic Sales Edwards Recharge Zone District to "C-3NA" S ERZD General Commercial, Nonalcoholic Sales Edwards Recharge Zone District with specific use authorization for an office warehouse (Flex Space) on Lot 1, Block 102, NCB 18612, 16210 University Oak. 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.

The following citizen appeared to speak:

Mr. Andrew Guerrero spoke in response to Councilwoman Radle regarding impervious cover.

Councilmember Hall 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:** Williams, Segovia, Hall, Schubert, Haass, Garza. **NAYS:** Radle, Castro. **ABSENT:** Flores, Perez, Barrera.

AN ORDINANCE 99883

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 102, NCB 18612 FROM "C-3NA" ERZD GENERAL COMMERCIAL, NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT TO "C-3NA" S ERZD GENERAL COMMERCIAL, NONALCOHOLIC SALES EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR AN OFFICE WAREHOUSE (FLEX SPACE).

4N) ZONING CASE NUMBER Z2004194 S: The request of Brown, P. C., Applicant, for The Children's Shelter Foundation, Owner, for a change in zoning from "MF-33" Multi Family District to "RM-6" S Residential Mixed District with a specific use authorization for a child care institution on Block 25, NCB 11620, 4040 High Ridge Circle. 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.

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

AN ORDINANCE 99884

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 BLOCK 25, NCB 11620 FROM "MF-33" MULTI FAMILY DISTRICT TO "RM-6" S RESIDENTIAL MIXED DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CHILD CARE INSTITUTION.

4O) ZONING CASE NUMBER Z2004206: The request of Dennis Isbell, Applicant, for Grace Baptist Temple, Owner, for a change in zoning from "RM-4" PUD Residential Mixed Planned Unit Development District to "RM-4" Residential Mixed

District on 7.059 acres out of NCB 14794, north side of Wurzbach Road 70 feet west of Fern Glen. 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.

The following citizen(s) appeared to speak:

M Ben Posey, 4234 Laurel Trail

Councilmember Hall made a motion to continue the proposed rezoning case until the meeting of October 21, 2004. Councilmember Williams seconded the motion.

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

Zoning case Z2004206 was continued to the meeting of October 21, 2004.

4P) ZONING CASE NUMBER Z2004212 C S: The request of City of San Antonio, Applicant, for Multiple Property Owners, for a change in zoning from: PUD "R-6" and PUD "R-6" GC-1 to PUD "R-6" and PUD "R-6" GC-1 on 251.03 acres; from "R-6" and "R-6" GC-1 to PUD "C-2" G "C-1" on 30.62 acres; from "R-6" GC-1 to PUD "C-2" GC-1 on 3.257 acres; from "R-6" GC-1 to PUD "C-1" GC-1 on 5.513 acres; from PUD "R-6" GC-1 to PUD "C-1" GC-1 on 4.218 acres; from "R-6" GC-1, PUD "R-6" GC-1, PUD "R-6" PUD "RM-4" GC-1 and "R-20" to PUD "R-6" S GC-1; on 560.28 acres save and except Blocks 23, 24, 25, 26, and 27, NCB 16385, from PUD "R-6" to PUD "R-6" on Blocks 23 through 27, NCB 16385; from "R-6" GC-1 and "R-6" to PUD "MF-25" on 69.0390 acres; from "R-6" to PUD "O-1" on 4.379 acres; from "R-6" to PUD "C-2" C for a private club on Lot 1, Block 14, NCB 34753A; from "R-6" and "R-6" GC-1 to PUD "C-2" C and PUD "C-2" C GC-1 for a private club on 17.87 acres; from PUD "R-6" and "R-6" to PUD "R-6" C for a homeowners association office; and from PUD "R-6" GC-1, "C-2" GC-1, "C-2", PUD "R-6", and PUD "RM-4" GC-1 to PUD "R-6" and PUD "R-6" GC-1 on 1081.35 acres save and except 351.208 acres and save and except Lot 1, Block 14, NCB 34753A on area generally bounded by IH-10 west on the west, Camp Bullis Military Reservation on the east, and Mission Cemetery on the south, Dominion Drive and IH 10 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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

The following citizens appeared to speak:

Mr. Joel Pollack, 2550 Huebner

Mr. John Davidson, 101 Dominion

Councilmember Hall made a motion to approve the proposed rezoning case, save and except certain properties as noted on the ordinance which shall be continued to November 18, 2004. Councilmember Segovia seconded the motion.

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

AN ORDINANCE 99885

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 AREA GENERALLY BOUNDED BY IH-10 WEST ON THE WEST, CAMP BULLIS MILITARY RESERVATION ON THE EAST, AND MISSION CEMETERY ON THE SOUTH, DOMINION DRIVE AND IH 10 WEST PUD "R-6" AND PUD "R-6" GC-1 TO PUD "R-6" AND PUD "R-6" GC-1 ON 251.03 ACRES; FROM "R-6" AND "R-6" GC-1 TO PUD "C-2" G "C-1" ON 30.62 ACRES; FROM "R-6" GC-1 TO PUD "C-2" GC-1 ON 3.257 ACRES; FROM "R-6" GC-1 TO PUD "C-1" GC-1 ON 5.513 ACRES; FROM PUD "R-6" GC-1 TO PUD "C-1" GC-1 ON 4.218 ACRES; FROM "R-6" GC-1, PUD "R-6" GC-1, PUD "R-6" PUD "RM-4" GC-1 AND "R-20" TO PUD "R-6" S GC-1; ON 560.28 ACRES SAVE AND EXCEPT BLOCKS 23, 24, 25, 26, AND 27, NCB 16385, FROM PUD "R-6" TO PUD "R-6" ON BLOCKS 23 THROUGH 27, NCB 16385; FROM "R-6" GC-1 AND "R-6" TO PUD "MF-25" ON 69.0390 ACRES; FROM "R-6" TO PUD "O-1" ON 4.379 ACRES; FROM "R-6" TO PUD "C-2" C FOR A PRIVATE CLUB ON LOT 1, BLOCK 14, NCB 34753A; FROM "R-6" AND "R-6" GC-1 TO PUD "C-2" C AND PUD "C-2" C GC-1 FOR A PRIVATE CLUB ON 17.87 ACRES; FROM PUD "R-6" AND "R-6" TO PUD "R-6" C FOR A HOMEOWNERS ASSOCIATION OFFICE; AND FROM PUD "R-6" GC-1, "C-2" GC-1, "C-2", PUD "R-6", AND PUD "RM-4" GC-1 TO PUD "R-6" AND PUD "R-6" GC-1 ON 1081.35 ACRES SAVE AND EXCEPT 351.208 ACRES AND SAVE AND EXCEPT LOT 1, BLOCK 14, NCB 34753A.

4Q) ZONING CASE NUMBER Z2004201 S: The request of Dean Hollis & Curtis Thomas, Applicant, for Mortgage Loan & Agency Company, Owner, for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-3" S ERZD General Commercial Edwards Recharge Zone District with specific use authorization for a full service car wash on the approximate south 24 feet and the west

253.831 feet of Lot 1, Block 1, NCB 16329, 100 Block of North Loop 1604 West. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

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

The following citizens appeared to speak on the subject case:

Mr. Nazarite Ruben Flores Perez, 627 Hearne

Mr. Drew Traeger, #2 Mecca, 1

Mr. James Allen, 202 1604 East

Councilmember Schubert made a motion to approve the proposed rezoning case with conditions as noted on the documentation. Councilmember Hall seconded the motion.

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

AN ORDINANCE 99886

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 OF LOT 1, BLOCK 1, NCB 16329 SAVE AND EXCEPT 1.208 ACRES AS DESCRIBED BY THE FIELD NOTES FROM "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-3" S ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A FULL SERVICE CAR WASH.

4R) ZONING CASE NUMBER Z2004119: The request of Brown, P. C., Applicant, for Newton Bulverde Road, Ltd., Owner, for a change in zoning from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "MF-25" ERZD Multi-Family Edwards Recharge Zone District on 27.90 acres, "O-1" ERZD Office Edwards Recharge Zone District on 4.25 acres, "C-2" ERZD Commercial Edwards Recharge Zone District on 2.40 acres and PUD "R-5" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 18.15 acres, all out of NCB 34955, 18221 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 continue the proposed rezoning case to the meeting of November 4, 2004. Councilmember Segovia seconded the motion.

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

Zoning case Z2004119 was continued to the meeting of November 4, 2004.

4S) ZONING CASE NUMBER Z2004175 S C: The request of John L. Wilson & Association, Inc., Applicant, for MCM Properties, Owner, for a change in zoning from "R-6" Residential Single-Family District to "C-3" S C General Commercial District with a specific use authorization for a mini-warehouse exceeding 2.5 acres and a conditional use for long term auto and RV storage on the east 105 feet of Lot 4, Lot 5, Lot 6 and the East 105 feet of Lot 7, Block D, NCB 15707, on the west side of O'Connor Road between Santa Gertrudis and Durham Street (Not Open). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 10)

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

The following citizen(s) appeared to speak:

Mr. Roger Felan, owner, urged Council to support the ordinance.

Mr. Jack Finger, P.O. Box 12048, spoke in opposition to the proposed zoning case.

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

(Mayor Garza was obliged to leave the meeting at 3:05 P.M. Councilmember Hall presided.)

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

AN ORDINANCE 99887

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS THE EAST 105 FEET OF LOT 4, LOT 5, LOT 6 AND THE EAST 105 FEET OF LOT 7, BLOCK D, NCB 15707 FROM "R-6" RESIDENTIAL

SINGLE-FAMILY DISTRICT TO "C-3" S C GENERAL COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A MINI-WAREHOUSE EXCEEDING 2.5 ACRES AND A CONDITIONAL USE FOR LONG TERM AUTO AND RV STORAGE.

4T) ZONING CASE NUMBER Z2004208: The request of O'Connor I-35, Ltd., Applicant, for Mike J. Claypool, O'Connor I-35, Ltd., Owner, for a change in zoning from "I-1" IH-10 General Industrial District Northeast Gateway Corridor Overlay District 1 to "C-3" IH-1 General Commercial District Northeast Gateway Corridor Overlay District 1 on 3.531 acres out of NCB 14952, Southwest side O'Connor 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 Segovia seconded the motion.

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

AN ORDINANCE 99888

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 3.531 ACRES OUT OF NCB 14952 FROM "I-1" IH-10 GENERAL INDUSTRIAL DISTRICT NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT 1 TO "C-3" IH-1 GENERAL COMMERCIAL DISTRICT NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT 1.

(Mayor Garza returned at 3:15 P.M. and presided over the meeting.)

ITEMS FOR INDIVIDUAL CONSIDERATION – CITIZENS' COMMENTS

The following citizens appeared to speak:

Mr. Jack Finger, P.O. Box 12048, spoke to Item 20 regarding the purchase contract and lease agreement, and the travel authorizations on Items 24 and 25.

The following citizens appeared to speak:

Mr. Jack Finger, P.O. Box 12048, spoke to Item 20 regarding the purchase contract and lease agreement, and the travel authorizations on Items 24 and 25.

Mr. Faris Hodge, 140 Dora, spoke to various community issues.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 99889

AN ORDINANCE ACCEPTING THE RESIGNATION OF A PART-TIME MUNICIPAL COURT JUDGE, APPOINTING TWO PART-TIME JUDGES, AND PROVIDING FOR AN EFFECTIVE DATE. (CARMEN ROJO AND ABRAHAM RAMIREZ)

Councilmember Hall made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

Councilman Hall briefly outlined background information on the actions of the Municipal Court Subcommittee and presented the recommendations of the Committee for the municipal court judge appointments.

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

Item 19 is a proposed Ordinance ordering a Special Election to be held on the 7th day of May, 2005, in the City of San Antonio, Texas, in accordance with Chapter 334, Texas Local Government Code, as amended, and other applicable law, on the question of implementing and approving City Council Resolution No. 2004-29-25, which designates, and provides for the planning, acquisition, establishment, development, construction, or renovation of, and the method of financing for the Parks Development and Expansion Venue Project, making provision for the holding of said election; providing for an effective date; and amending Ordinance No. 99608 in accordance therewith.

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

Mr. Christopher Brady, Assistant City Manager, narrated a slide presentation on the parks development and expansion venue, a copy of which is on file with the papers of this

meeting. He outlined background information on the previously approved ordinance which called for a special election on May 7, 2005, open space and linear parks, targeted waterways and the sales tax revenues. He further outlined the proposed timeline for the election.

After discussion, Councilman Schubert made a substitute motion to postpone the ordinance for 60 days. Councilman Haass seconded the motion.

Councilmember Castro offered a friendly amendment to change the date of postponement of the proposed Ordinance to the meeting of December 9, 2004. Councilmember Schubert accepted the amendment.

After consideration, the substitute motion to postpone the proposed Ordinance to the meeting of December 9, 2004, prevailed by the following vote: **AYES:** Williams, Segovia, Radle, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Perez, Barrera.

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

Item 19 was postponed to the meeting of December 9, 2004.

The City Clerk read the following ordinance:

AN ORDINANCE 99890

AN ORDINANCE APPROVING (1) A PURCHASE CONTRACT AND (2) A LEASE AGREEMENT WITH OPTION TO PURCHASE WITH BUDCO, LTD., TO PURCHASE APPROXIMATELY 1.24 ACRES CONTAINING ONE BUILDING WITH APPROXIMATELY 29,725 RENTABLE SQUARE FEET, LOCATED AT 502 BURNET STREET IN COUNCIL DISTRICT 2, FOR THE PURCHASE PRICE NOT TO EXCEED \$891,150.00, FOR USE OF THE PROPERTY BY THE SAN ANTONIO FIRE DEPARTMENT; AUTHORIZING PAYMENT OF 1) \$25,000.00 TO ALAMO TITLE COMPANY AS A DEPOSIT TO BE APPLIED TOWARD THE PURCHASE PRICE UPON CLOSING OF THE TRANSACTION; 2) AN AMOUNT NOT TO EXCEED \$50,000.00 FOR COSTS ASSOCIATED WITH PROPERTY DUE DILIGENCE/INSPECTIONS AND FEES DUE FROM THE CITY PRIOR TO AND AT THE TIME OF SUCH CLOSING; AND 3) AN ESTIMATED TOTAL AMOUNT OF \$68,722.40 FOR THE PAYMENT OF RENT, TAXES AND INSURANCE, DUE ONLY IN THE EVENT THAT THE CLOSING OF THE SALE OF THE PROPERTY

DOES NOT OCCUR BY DECEMBER 31, 2004; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

Councilmember Haass made a motion to approve the proposed Ordinance. Councilmember Radle seconded the motion.

Mr. Mark Webb, Director of Contract Services, narrated a slide presentation on the purchase and lease of the BudCo property, a copy of which is on file with the papers of this meeting. He delineated the purpose of the proposed ordinance citing the immediate need for such a facility which is to accommodate logistics of equipment purchased through the Homeland Security Grant, presented views of the subject property, fiscal impact under the terms of the purchase contract and the lease agreement.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99891

AN ORDINANCE DESIGNATING THE FIRM OF THC, INC., TO PROVIDE ARCHITECTURAL, ENGINEERING AND CONSTRUCTION SERVICES UNDER A MODIFIED DESIGN/BUILD CONTRACT, ALL IN CONNECTION WITH THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT SAN ANTONIO INTERNATIONAL AIRPORT; AND AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT.

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

Mr. Kevin Dolliole, Director of Aviation, narrated a slide presentation on the professional services contract for acoustical treatment program at the International Airport, a copy of which is on file with the papers of this meeting. He outlined background information on the initial Noise Compatibility Plan noting the facilities completed through November 1997 and associated costs. He spoke to the effectiveness of sound insulation, compared sound levels to indoor/outdoor activities, the insulations performed thus far in certain neighborhoods and its effects and costs. He outlined the program structure for the proposed project, selection and criteria process followed for the acoustical treatment consultant and funding for the program.

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

(Mayor Garza was obliged to leave the meeting at 5:10 P.M. Councilmember Hall presided.)

CITIZENS TO BE HEARD

Mr. Faris Hodge, 140 Dora, spoke to various community issues.

Ms. Cavatina Pham, Vietnamese Student Association

Mr. Frank Bartlett, Council of Graduate Students

Mr. Joe Perez, 1502 Holbrook #6, expressed concern on the process of Council minutes' preparation.

City Attorney Andrew Martin clarified on the requirements of the minutes, noting that the most important items to be reflected were the motions, seconds, and votes.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 99892

AN ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE ALLOWING QUALIFIED DISABLED CUSTOMERS, WHO RECEIVE FEDERAL SUPPLEMENTAL SECURITY INCOME, AN ADDITIONAL TEN (10) DAYS TO MAKE PAYMENT PRIOR TO THE IMPOSITION OF A PENALTY FOR LATE PAYMENT FOR SERVICES PROVIDED BY THE SAN ANTONIO WATER SYSTEM.

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

Mr. Ben Gorzell, Director of Public Utilities introduced SAWS staff who would be making the presentation to the Council. Mr. Michael D. McGwin, Customer Service Director made a presentation on the disability billing program. He spoke to the late payment penalty, the payment extension programs, and the proposed payment extensions for disabled rate payers which mirror those currently offered by City Public Service. He further outlined the qualifications to be certified for the payment extensions and fiscal impact.

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

The City Clerk read the following resolution:

A RESOLUTION 2004-37-39

A RESOLUTION SETTING NOVEMBER 4, 2004 AS THE DATE FOR PUBLIC HEARINGS ON THE CITY COUNCIL'S PROPOSAL TO REMOVE FOR CAUSE HENRIETTA LA GRANGE AND DAVID SOTO AS MEMBERS OF THE MUNICIPAL CIVIL SERVICE COMMISSION.

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

Ms. Martha Sepeda, First Assistant City Attorney, made a presentation on the removal of the Municipal Civil Service Commissioners. She outlined the purpose of the Commission, requirements of the City Charter and process for removal.

The following citizens appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne

Mr. Faris Hodge, 140 Dora

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

TRAVEL AUTHORIZATION

Travel Authorization for Councilman Enrique M. Barrera, District 6, who will travel to Corpus Christi, Texas, to attend the 92nd Annual Texas Municipal League Conference and Exhibition at the American Bank Center from Wednesday, October 27, 2004 through Friday, October, 29, 2004.

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

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

Travel Authorization for Councilman Christopher "Chip" Haass, District 10, who will travel to Indianapolis, Indiana as a Committee Member to attend the National League of Cities' Fall Meeting on Youth, Education, and Families from Monday, October 18, 2004 to Tuesday, October 19, 2004.

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

EXECUTIVE SESSION

The City Council recessed its regular session at 5:45 P.M. in order to convene in Executive Session for the purpose of:

Discuss legal issues relating to the convention center catering contract with the RK Group Joint Venture Partnership, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Deliberate the duties, appointment, and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues relating to Reed S. Lehman Grain, Ltd., v. The City of San Antonio, Cause No. 2004-CI-05442, in the 407th Judicial District Court for Bexar County, Texas ("Southton Park Chapter 245 Case"); Reed S. Lehman Grain, Ltd., v. The City of San Antonio, Texas, Cause No. 2004-CI-00238, in the 37th Judicial District Court of Bexar County, Texas ("Southton Park Flooding Case"); and Reed S. Lehman Grain, Ltd., v. City of San Antonio, Texas, Cause No. 2004-CI-07714, in the 57th Judicial District Court of Bexar County ("Southton Park Easement Dedication Case"), pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 6:15 P.M. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

There being no further business to come before the City Council, the meeting was adjourned at 6:16 P.M.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk