

**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, NOVEMBER 18, 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):

At-Large Boards and Commissions Work Session. [Presented by Leticia M. Vacek, City Clerk]

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

The "B" Session adjourned at 12:25 P.M.

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

Invocation by Sister Jule Adele Aspey, District 5, Our Lady of the Lake University.

Pledge of Allegiance to the flag of the United States.

The minutes of the City Council meetings of September 30, 2004 and October 7, 2004 were approved as presented.

**CEREMONIAL ITEMS**

Mayor Garza presented the following honorariums: a citation to Ms. Rani Duprey, in recognition of winning the 2004 "Texas Junior Chef of the Year" award; a certificate of commendation to City Public Service (CPS) in recognition of their efforts in assisting those affected by the storms that hit Florida and Alabama; and citations to Ms. Liza Hunter Galvan, Mr. Casey Tibbs and Mr. Larry Quintero in recognition of their participation in the 2004 Olympics and Paralympics.

## **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following ordinance:

### **AN ORDINANCE 99974**

**SELECTING A FIRM TO OPERATE THE SAN ANTONIO RIVER BARGE CONCESSION AND AUTHORIZING THE INTERIM CITY MANAGER TO NEGOTIATE A TEN (10) YEAR LICENSE AGREEMENT WITH THIS FIRM. (RIO SAN ANTONIO CRUISES)**

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation regarding the responses received from the request for proposal (RFP) for the exclusive development and operation of the City's San Antonio River barge concession, a copy of which is on file with the Office of the City Clerk. He amplified on specific key clauses of the RFP regarding the operational and financial aspects of the contract, and noted the term was 10 years with no options to extend. He spoke to the RFP evaluation criteria, and indicated five responses were received from Fiesta Del Rio, Rio San Antonio Cruises, Ripley Entertainment, River Walk Cruises and Selrico Services, Inc. He then stated that each of the proposers would present a 12-minute presentation. Following the presentations, he delineated the proposal elements; barge size, capacity and propulsion; fleet size; service categories and percent to the City; minimum annual guarantee to the City; barge tour ticket prices; prices for river taxi; prices for barge charters; employee benefits; and the minimum annual marketing expenditures each of the proposers was offering. He then discussed the evaluation criteria, the ratings of each group, and staff's recommendations.

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.

## **ZONING CASES**

4.1A) An Ordinance amending the land use plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of approximately 1.74 acres located at 1331 and 1339 South Flores Street in Council District 1 from Light Industrial Land Use to Neighborhood

Commercial/Medium-High Density Residential Land Use. Staff's recommendation is for approval. The Planning Commission recommended approval.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding Master Plan amendment 04021, a copy of which is on file with the Office of the City Clerk. He discussed the plan as adopted and amended, and spoke to land use, transportation issues and community facilities.

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

#### AN ORDINANCE 99975

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM LIGHT INDUSTRIAL LAND USE TO NEIGHBORHOOD COMMERCIAL/MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE FOR AN AREA OF APPROXIMATELY 1.74 ACRES AT 1331 AND 1339 SOUTH FLORES STREET.

4A) ZONING CASE NUMBER Z2004214: The request of Soflo Plaza, Ltd., Applicant, for Soflo Plaza, Ltd., Owner(s), for a change in zoning from "I-1" General Industrial District, "I-1" HS General Industrial District with Historic Significance and "I-2" Heavy Industrial District to "IDZ" Infill Development Zone District with uses permitted in "C-2" Commercial District and "MF-40" Multi-Family District and "IDZ" HS Infill Development Zone District with uses permitted in "C-2" Commercial District and "MF-40" Multi-Family District with Historic Significance on 1.74 acres out of NCB 63 and NCB A-63, 1331 and 1339 South Flores Street. Staff's recommendation was for denial. The Zoning Commission has recommended approval contingent on the Plan Amendment. (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 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, Radle, Barrera, Castro, Haass, Garza. **NAYS:** None. **ABSENT:** Perez Hall, Schubert.

AN ORDINANCE 99976

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 1.74 ACRES OUT OF NCB 63 AND NCB A-63 FROM "I-1" GENERAL INDUSTRIAL DISTRICT, "I-1" HS GENERAL INDUSTRIAL DISTRICT WITH HISTORIC SIGNIFICANCE AND "I-2" HEAVY INDUSTRIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-40" MULTI-FAMILY DISTRICT AND "IDZ" HS INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-40" MULTI-FAMILY DISTRICT WITH HISTORIC SIGNIFICANCE.

4.1B) An ordinance amending the land use plan contained in the Southside Initiative Community Plan, a component of the Master Plan of the City, by changing the land use from Agriculture to Agriculture and Light Industry for approximately 2.5 acres of land at 17730 State Hwy. 16 S., legal description CB 4201 P-14l & P-42b, located near the intersection of Noyes Rd. and State Hwy. 16 S.; approximately 32 acres of land located at 18840 State Hwy. 16 S., legal description CB 4201 P-18c, near the intersection of land bound by State Hwy. 16 South and the tributary of Elm Creek; approximately 53 acres of land near the northeast intersection of State Hwy. 16 S. and Loop 1604 S., legal description CB 4201 PT of P-18 ABS 418; approximately 73 acres of land immediately west of the intersection of Applewhite Rd. and Neal Rd. from, legal descriptions CB 4187 P-3A & P-3B ABS 169, and CB 4187 P-15 ABS 169 12.401; approximately 3.5 acres of land at 19145 Applewhite Rd., legal descriptions CB 4187 P-15A ABS 169, CB 4187 P-3H ABS 169, and CB 4187 P-15b ABS 169; approximately 10 acres of land, comprising the furthest west 1/3 portion of 19633 Applewhite Rd., legal description CB 4187 P-25 ABS 169 11.47; approximately 80 acres of land, legal descriptions CB-4013 P-125 ABS 577, and CB 4013 P-1A ARB TR-B1, bound by the limited purpose annexation lines to the south and north; approximately 53 acres of land at 310 Neal Rd., legal description CB 4180 P-8 ABS 611; and approximately 56.3 acres of land at 17911 Pleasanton Rd., located at the southwest corner of the intersection of Pleasanton Rd. and Neal Rd., legal descriptions CB 4012 P-4 ABS 9, CB 4012 P-4B ABS 9, and CB 4012 P-228 ABS 9. (Council Districts 3 and 4)

Councilmember Segovia made a motion to approve the proposed Land Use Amendment. Councilmember Williams seconded the motion.

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the Southside Initiative Community Plan limited purpose annexation extension Master Plan amendment 04027, copy of which is on file with the Office of the City Clerk. He provided background information about the amendment, and spoke to the excluded properties. He then presented the Council with an update with regards to the amendment.

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

#### AN ORDINANCE 99977

AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTHSIDE INITIATIVE COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE LAND USE FROM AGRICULTURE TO AGRICULTURE AND LIGHT INDUSTRY FOR APPROXIMATELY 2.5 ACRES OF LAND AT 17730 STATE HWY. 16 S., LEGAL DESCRIPTION CB 4201 P-14L & P-42B, LOCATED NEAR THE INTERSECTION OF NOYES RD. AND STATE HWY. 16 S.; APPROXIMATELY 32 ACRES OF LAND LOCATED AT 18840 STATE HWY. 16 S., LEGAL DESCRIPTION CB 4201 P-18C, NEAR THE INTERSECTION OF LAND BOUND BY STATE HWY. 16 SOUTH AND THE TRIBUTARY OF ELM CREEK; APPROXIMATELY 53 ACRES OF LAND NEAR THE NORTHEAST INTERSECTION OF STATE HWY. 16 S. AND LOOP 1604 S., LEGAL DESCRIPTION CB 4201 PT OF P-18 ABS 418; APPROXIMATELY 73 ACRES OF LAND IMMEDIATELY WEST OF THE INTERSECTION OF APPLEWHITE RD. AND NEAL RD. FROM, LEGAL DESCRIPTIONS CB 4187 P-3A & P-3B ABS 169, AND CB 4187 P-15 ABS 169 12.401; APPROXIMATELY 3.5 ACRES OF LAND AT 19145 APPLEWHITE RD., LEGAL DESCRIPTIONS CB 4187 P-15A ABS 169, CB 4187 P-3H ABS 169, AND CB 4187 P-15B ABS 169; APPROXIMATELY 10 ACRES OF LAND, COMPRISING THE FURTHEST WEST 1/3 PORTION OF 19633 APPLEWHITE RD., LEGAL DESCRIPTION CB 4187 P-25 ABS 169 11.47; APPROXIMATELY 80 ACRES OF LAND, LEGAL DESCRIPTIONS CB-4013 P-125 ABS 577, AND CB 4013 P-1A ARB TR-B1, BOUND BY THE LIMITED PURPOSE ANNEXATION LINES TO THE SOUTH AND NORTH; APPROXIMATELY 53 ACRES OF LAND AT 310 NEAL RD., LEGAL DESCRIPTION CB 4180 P-8 ABS 611; AND APPROXIMATELY 56.3 ACRES OF LAND AT 17911 PLEASANTON RD., LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF PLEASANTON RD. AND NEAL RD.

4B) ZONING CASE NUMBER Z2004148-1: The request of City of San Antonio, Applicant, for Multiple Property Owners, Owner(s), for a change in zoning from "DR" Development Reserve District and "FR" Farm and Ranch District to "MI-1"

Mixed Light Industrial District on P-4, P-4B, and P-228, CB 4012; P-1A, and P-125, CB 4013; P-8 CB 4180; P-2B, P-3A, P-3B, P-3H, P-15, P-15A, and P-15B, CB 4187; P-2B, P-2C, P-2D, P-2E, and P2J, CB 4188; and P-14B, P-14C, P-14E, P-14L, P14M, P-18, P-18C, P42A, and P42B, CB 4201. The property is generally located south of the Medina River at the intersections of State Hwy 16 and Loop 1604 South, Applewhite Road and Neal Road and Pleasanton Road and Neal Road. Staff's recommendation was for denial. The Zoning Commission 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 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 99978

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 ON P-4, P-4B, AND P-228, CB 4012; P-1A, AND P-125, CB 4013; P-8 CB 4180; P-2B, P-3A, P-3B, P-3H, P-15, P-15A, AND P-15B, CB 4187; P-2B, P-2C, P-2D, P-2E, AND P2J, CB 4188; AND P-14B, P-14C, P-14E, P-14L, P14M, P-18, P-18C, P42A, AND P42B, CB 4201 FROM "DR" DEVELOPMENT RESERVE DISTRICT AND "FR" FARM AND RANCH DISTRICT TO "MI-1" MIXED LIGHT INDUSTRIAL DISTRICT.

4.1C) 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 Castro made a motion to approve the proposed Land Use Amendment. 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, Radle, Barrera, Castro, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Hall.

AN ORDINANCE 99979

AMENDING THE TEXT 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.

4C) 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 an 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 approval. The Zoning Commission 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 Castro 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, Radle, Barrera, Castro, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Hall.

AN ORDINANCE 99980

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 4.422 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.

4E) ZONING CASE NUMBER Z2004089: The request of Domingo P. Maldonado, Jr., Applicant, for Domingo P. Maldonado, Jr., Owner(s), 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. The 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 for approval on the proposed rezoning case, which made it an automatic continuance. Councilmember Perez seconded the motion.

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

Zoning case Z2004089 was an automatic continuance.

4D) ZONING CASE NUMBER Z2004219: The request of Ken Halliday, Rio Perla Properties, L. P., Applicant, for Rio Perla Properties, L. P., Owner(s), for a change in zoning from "I-2" RIO-2 Heavy Industrial District River Improvement Overlay 2 and "C-3" RIO-2 Commercial District River Improvement Overlay 2 to "IDZ" RIO-2 Infill Development Zone River Improvement Overlay 2 with uses permitted in "C-3" General Commercial District, "MF-50" Multi-Family District, "D" Downtown District and the following additional uses: 1) Beverage manufacture or microbrewery (alcohol or non-alcohol) and water distillation, purification and bottling; 2) Fabrication and manufacturing of artisan goods and products including furniture, cabinetry, wood products, metalwork and metal products, bread, candy and other food products, leather products, clothing, glass and tile; 3) The fabrication and manufacturing of prototypes developed or conceived by any college, university, trade school, institute or other educational facility, located on the property on 21.448 acres out of NCB 962, 968, 970,

973, 975, 14164, 312 Pearl Parkway. Staff's recommendation was for approval. The Zoning Commission recommended approval. (Council District 1)

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

The following citizens appeared to speak:

Mr. Frank Burney, 300 Convent

Mr. Mark Kellman, 376 Mustang Circle

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

AN ORDINANCE 99981

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 21.448 ACRES OUT OF NCB 962, 968, 970, 973, 975, 14164 FROM "I-2" RIO-2 HEAVY INDUSTRIAL DISTRICT RIVER IMPROVEMENT OVERLAY 2 AND "C-3" RIO-2 COMMERCIAL DISTRICT RIVER IMPROVEMENT OVERLAY 2 TO "IDZ" RIO-2 INFILL DEVELOPMENT ZONE RIVER IMPROVEMENT OVERLAY 2 WITH USES PERMITTED IN "C-3" GENERAL COMMERCIAL DISTRICT, "MF-50" MULTI-FAMILY DISTRICT, "D" DOWNTOWN DISTRICT AND THE FOLLOWING ADDITIONAL USES: 1) BEVERAGE MANUFACTURE OR MICROBREWERY (ALCOHOL OR NON-ALCOHOL) AND WATER DISTILLATION, PURIFICATION AND BOTTLING; 2) FABRICATION AND MANUFACTURING OF ARTISAN GOODS AND PRODUCTS INCLUDING FURNITURE, CABINETRY, WOOD PRODUCTS, METALWORK AND METAL PRODUCTS, BREAD, CANDY AND OTHER FOOD PRODUCTS, LEATHER PRODUCTS, CLOTHING, GLASS AND TILE; 3) THE FABRICATION AND MANUFACTURING OF PROTOTYPES DEVELOPED OR CONCEIVED BY ANY COLLEGE, UNIVERSITY, TRADE SCHOOL, INSTITUTE OR OTHER EDUCATIONAL FACILITY.

4F) ZONING CASE NUMBER Z2004195: The request of City of San Antonio, Applicant, for Multiple Property Owners, for a change in zoning from "FR" Farm and Ranch District to H "FR" RIO-6 Historic Farm and Ranch River Improvement

Overlay District 6 on the southeast 19.95 feet of Lot 16B, NCB 11041, south 179.56 feet of Lot 16B, NCB 11041, south 164.23 feet of north 194.73 feet of Lot 16B, NCB 11041 and Lot 15B save and except northwest 27.84 feet, NCB 11041, 9827 and 9835 Espada Road. Staff's recommendation was for approval. The Zoning Commission 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 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, Schubert, Haass. **NAYS:** None. **ABSENT:** Hall, Garza.

#### AN ORDINANCE 99982

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 SOUTHEAST 19.95 FEET OF LOT 16B, NCB 11041, SOUTH 179.56 FEET OF LOT 16B, NCB 11041, SOUTH 164.23 FEET OF NORTH 194.73 FEET OF LOT 16B, NCB 11041 AND LOT 15B SAVE AND EXCEPT NORTHWEST 27.84 FEET, NCB 11041 FROM "FR" FARM AND RANCH DISTRICT TO H "FR" RIO-6 HISTORIC FARM AND RANCH RIVER IMPROVEMENT OVERLAY DISTRICT 6.

4G) ZONING CASE NUMBER Z2004223 S: The request of Brooks Development Authority, Applicant, for Brooks Development Authority, Owner(s), for a change in zoning from "MR" Military Reserve District to "I-2" S Heavy Industrial District with specific use authorization for the manufacturing of pharmaceutical products on 42.65 acre tract out of NCB 10921, southwest corner of Southeast Military Drive and Goliad Road. Staff's recommendation was for approval. The Zoning Commission 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, Schubert, Haass. **NAYS:** None. **ABSENT:** Hall, Garza.

AN ORDINANCE 99983

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 42.65 ACRE TRACT OUT OF NCB 10921 FROM "MR" MILITARY RESERVE DISTRICT TO "I-2" S HEAVY INDUSTRIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR THE MANUFACTURING OF PHARMACEUTICAL PRODUCTS.

4H) ZONING CASE NUMBER Z2004196: The request of American GI Forum - National Veterans Outreach Program, Inc., Applicant, for Julio Gonzalez, Owner(s), for a change in zoning from "C-3" General Commercial District and "MR" Military Reservation District to "MF-25" Multi-Family District on 18.221 acres out of NCB 15655 and "MR" Military Reservation District to "C-3" Commercial District on 0.804 acres out of NCB 15655, 4770 Military Drive West. Staff's recommendation was for denial. The Zoning Commission recommended approval. (Council District 4)

Zoning case Z2004196 was withdrawn by the applicant.

4I) ZONING CASE NUMBER Z2004232: The request of Kaufman & Associates, Inc., Applicant, for McCombs Family Partners, Ltd., Owner(s), for a change in zoning from "R-6" Residential Single-Family District and "I-1" General Industrial District to "C-3" General Commercial District on 43.62 acres out of NCB 15248, southwest corner of Old Pearsall Road and Southwest Loop 410. Staff's recommendation was for approval. The Zoning Commission recommended approval. (Council District 4)

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

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

AN ORDINANCE 99984

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 43.62 ACRES OUT OF NCB 15248 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

4J) ZONING CASE NUMBER Z2004199 A: The request of Jerry Arredondo, Applicant, for 4D Holdings, Ltd., Henry Davila, President, Owner(s), for a change in zoning from "C-3NA" General Commercial District, Nonalcoholic Sales to "C-3" General Commercial District on 0.81 acre tract of land out of NCB 14992, 3207 Weir Avenue. Staff's recommendation was for denial. The Zoning Commission 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 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, Schubert. NAYS: None. ABSENT: Hall, Haass, Garza.

AN ORDINANCE 99985

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.81 ACRE TRACT OF LAND OUT OF NCB 14992 FROM "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-3" GENERAL COMMERCIAL DISTRICT.

4K) ZONING CASE NUMBER Z2004224: The request of KB Home, Applicant, for KB Home, Owner(s), for a change in zoning from "C-2" C Commercial District with conditional use for a mini-warehouse to "R-6" Residential Single-Family District on 0.424 acres out of NCB 17635, 180 feet southwest of Weathering Run along the San Antonio city limits line. Staff's recommendation was for approval. The 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 Barrera 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, Schubert. **NAYS:** None. **ABSENT:** Hall, Haass, Garza.

#### AN ORDINANCE 99986

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.424 ACRES OUT OF NCB 17635 FROM "C-2" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A MINI-WAREHOUSE TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

4L) 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 out of NCB 18560, west of the intersection of Bandera & Eckhert Road. Staff's recommendation was for approval. The Zoning Commission recommended denial. (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 Williams seconded the motion.

The following citizens appeared to speak:

Mr. Emmett Mikolajczyk, 214 Nueva

Mr. Larry Bradford, 214 Nueva

Mr. Ken Brown

Mr. Jerry Arredondo, 9901 IH 10 W.

Mr. Carl Friedsan, 2500 Bank of America Place

Mr. Don Freiling, 7227 Eckhert

Mr. Frank Burney, 300 Convent

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

Zoning case Z2004020 failed.

4M) ZONING CASE NUMBER Z2004239 C: The request of Brown, P. C., Attorneys at Law, Applicant, for Ruby N. Rousseau, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" C Commercial District with conditional use for warehousing on 22.363 acres out of NCB 15663, 10475 West Loop 1604 North. Staff's recommendation was for approval. The Zoning Commission 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, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Hall.

#### AN ORDINANCE 99987

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 22.363 ACRES OUT OF NCB 15663 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR WAREHOUSING.

4N) ZONING CASE NUMBER Z2004212A C S: The request of City of San Antonio, Applicant, for Multiple Property Owners, for a change in zoning from "R-6" and "R-6" GC-1 to PUD C-2 GC-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" 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 for a Private Club and PUD "C-2" C GC-1 for a Private Club on 17.87 acres on area generally bounded by IH-10 West on the west, Camp Bullis Military Reservation on the east, Mission Cemetery on the south and the lots on

the north side of the northern section of Dominion Drive. Staff's recommendation was for approval. The Zoning Commission 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 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, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Hall.

#### AN ORDINANCE 99988

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, MISSION CEMETERY ON THE SOUTH AND THE LOTS ON THE NORTH SIDE OF THE NORTHERN SECTION OF DOMINION DRIVE FROM "R-6" AND "R-6" GC-1 TO PUD C-2 GC-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" 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 FOR A PRIVATE CLUB AND PUD "C-2" C GC-1 FOR A PRIVATE CLUB ON 17.87 ACRES.

40) ZONING CASE NUMBER Z2004216: The request of Camp Bullis, Ltd., Applicant, for Camp Bullis, Ltd., Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "O-1" ERZD Office Edwards Recharge Zone District and "O-2" ERZD Office Edwards Recharge Zone District on 44.98 acre tract of land out of NCB 34725, La Cantera Parkway. Staff's recommendation was for approval. The Zoning Commission 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 Segovia seconded the motion.

The following citizens appeared to speak:

Mr. Rudy Herrera

Mr. Frank Burney, 300 Convent

Ms. Mary Wigodsky, 700 N. St. Mary's

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

AN ORDINANCE 99989

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 44.98 ACRE TRACT OF LAND OUT OF NCB 34725 FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "O-1" ERZD OFFICE EDWARDS RECHARGE ZONE DISTRICT AND "O-2" ERZD OFFICE EDWARDS RECHARGE ZONE DISTRICT.

4P) ZONING CASE NUMBER Z2004230 S: The request of The Wurzbach Estate at Burmeade Oaks, Ltd., Applicant, for EM Heritage Holdings, Ltd., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2" S Commercial District with specific use authorization for a banquet hall on 0.323 acres and 0.914 acres out of NCB 13662, 8542 Wurzbach Road. Staff's recommendation was for approval. The Zoning Commission 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 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, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Hall.

AN ORDINANCE 99990

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.323 ACRES AND 0.914 ACRES OUT OF NCB 13662

FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" S COMMERCIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A BANQUET HALL.

4Q) ZONING CASE NUMBER Z2004231 C: The request of Kaufman & Associates, Inc., Applicant, for Casey Ventures, Inc., Owner(s), for a change in zoning from "R-5" Residential Single-Family District and "C-2" Commercial District to "C-2" C Commercial District with a conditional use for automobile sales on 16.29 acres out of NCB 12057, northwest corner of Arion Parkway and West Coker Loop. Staff's recommendation was for approval. The Zoning Commission recommended approval. (Council District 9)

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

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

#### AN ORDINANCE 99991

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 16.29 ACRES OUT OF NCB 12057 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "C-2" C COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTOMOBILE SALES.

4R) ZONING CASE NUMBER Z2004213: The request of Cripple Creek, LLP, Applicant, for Cripple Creek, LLP, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MF-33" Multi-Family District on Lot 27, Block C, NCB 8711, 3170 Eisenhower Road. Staff's recommendation was for approval. The Zoning Commission 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:** Flores, Williams, Segovia, Perez, Radle, Barrera, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Castro, Hall.

#### AN ORDINANCE 99992

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 27, BLOCK C, NCB 8711 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

4S) ZONING CASE NUMBER Z2004228 C: The request of Nader Shahsavary (Happyland Daycare), Applicant, for Nader Shahsavary, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6" C Residential Single-Family District with conditional use for a daycare center on 2.596 acre tract of land out of NCB 15837, 4168 Stahl Road. Staff's recommendation was for approval. The Zoning Commission recommended approval with the following conditions: 1) In addition to a nameplate, not exceeding three (3) square feet in area, attached to the front of the main structure, there shall be allowed a monument sign to be constructed within the front yard not exceeding forty (40) square feet in area; 2) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; and 3) Business or office hours of operations shall not be permitted before 7:00 a.m. or after 7:00 p.m.

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

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

AN ORDINANCE 99993

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 2.596 ACRE TRACT OF LAND OUT OF NCB 15837 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A DAYCARE CENTER.

**3:00 PUBLIC HEARING ON THE PROPOSED INCREASE BY THE SAN ANTONIO WATER SYSTEM IN THE WATER SUPPLY FEE FOR 2005 UNDER THE MULTI-YEAR FINANCING PLAN.**

Mayor Garza declared the public hearing to be open.

Mr. Alex Briseno, CEO of the San Antonio Water System (SAWS), narrated a slide presentation regarding the water resources development plan, infrastructure improvement plan, daily water and sewer operations, and the funding of all programs and operations, a copy of which is on file with the Office of the City Clerk. He discussed the water supply progress, as well as the infrastructure progress and the needs of the infrastructure. He then discussed the increased business costs for 2005, and spoke to revenues in relation to the five (5) year average annual historical growth rate. He spoke to the budget process, and noted the comprehensive rate request consisted of infrastructure improvements as well as the needs of daily operations. He spoke to rate increases and the residential and commercial bill impact, and offered a bill comparison of the top ten Texas utilities. He then spoke to affordability issues, noting rates would remain competitive.

Following Mr. Briseno's presentation, Mr. Ben Gorzell, Public Utilities Supervisor, narrated a slide presentation regarding the proposed SAWS rate adjustments to water delivery and wastewater rates, a copy of which is on file with the Office of the City Clerk. He acknowledged this was a briefing and recommendation on a proposed increase in the water supply fee for 2005, and no action was necessary from City Council. He discussed the rates and cost of service, which he noted was based on service requirements. He indicated the proposed rate increase for water delivery was 8.8%, which would generate approximately \$7.3 million in additional revenues in 2005. He cited the growth of SAWS customers, and specific details of the rate increase.

**The following citizen(s) appeared to speak:**

Mr. Carlos J. Contreras III, SA Hispanic Chamber of Commerce

Mr. Faris Hodge, 140 Dora

Ms. Maria de Jesus Martinez, 7127 Mountain Grove  
Greater SA Chamber of Commerce representative  
Mr. Jim Koch, 8214 Evert  
Ms. Marianne Kestenbaum, Smart Growth San Antonio  
Ms. Julie Iris Oldham, 4523 Allegheny

Mayor Garza declared the public hearing to be closed.

Councilmember Segovia made a motion to approve the proposed Ordinance.  
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, Schubert, Haass, Garza. **NAYS:** Flores. **ABSENT:** Hall.

The City Clerk read the following ordinance:

AN ORDINANCE 99994

APPROVING ADJUSTMENTS TO THE RESIDENTIAL, GENERAL, WHOLESALE, AND IRRIGATION WATER RATES CHARGED BY THE SAN ANTONIO WATER SYSTEM; MODIFYING THE RATE SCHEDULES ACCORDINGLY; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE TO REFLECT SAID ADJUSTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADJUSTED RATES ON OR ABOUT JANUARY 1, 2005.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99995

APPROVING ADJUSTMENTS TO THE RESIDENTIAL, GENERAL AND WHOLESALE WASTEWATER RATES CHARGED BY THE SAN ANTONIO WATER SYSTEM; MODIFYING THE RATE SCHEDULES ACCORDINGLY; AMENDING CHAPTER 34, ARTICLE III OF THE CITY CODE TO REFLECT SAID ADJUSTMENTS; AND PROVIDING FOR AN EFFECTIVE DATE FOR THE ADJUSTED RATES ON OR ABOUT JANUARY 1, 2005.

Item 5C, being an ordinance amending Chapter 34, Article IX of the City Code to assess a Water Supply Fee to all San Antonio Water System customers and set the annual, maximum amounts which may be charged for the years 2006-2008, and accepting the second multi-year financial plan for water supply development, reaffirming the applicability of the accountability procedures and providing for an effective date was pulled from consideration.

### **INDIVIDUAL ITEMS CONTINUED**

The City Clerk read the following ordinance:

#### AN ORDINANCE 99996

AUTHORIZING THE EXECUTION OF A FIFTEEN (15) YEAR LEASE AGREEMENT WITH WILLIE G'S POST OAK, INC., A WHOLLY OWNED SUBSIDIARY OF LANDRY'S RESTAURANTS, INC., FOR OPERATION OF THE TOWER OF THE AMERICAS; APPROVING ASSIGNMENT OF A LICENSE AGREEMENT WITH THE LIONS CLUB OF SAN ANTONIO FOR OPERATION OF TELESCOPES; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$2,154,700.00 FOR CAPITAL IMPROVEMENTS TO THE TOWER.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, narrated a slide presentation regarding the lease and development agreement for the Tower of the Americas, a copy of which is on file with the Office of the City Clerk. He presented an overview and background information regarding the contract, noting the City sought to enhance the visitor experience at the Tower for future operation. He acknowledged the City then prepared a request for proposal (RFP) to expand the operator's responsibilities in addition to restaurant and parking garage operations. He delineated the timeline in regards to the contract, and amplified on Landry's operations. He spoke to the term of the contract, and discussed the capital investment. He then discussed the price strategy, financial consideration, books and records, Landry's commitment to local outreach for small/minority firms and the marketing plan.

#### The following citizens appeared to speak:

Mr. Faris Hodge, 140 Dora

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

## **CITIZENS TO BE HEARD**

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

Ms. Laura Thompson, expressed concern regarding the MLK Commission.

Ms. Kathy Little expressed concern regarding the MLK Commission.

Mr. Jaime Flores spoke to issues affecting employees at the San Antonio International Airport.

Ms. D'Ann Trethan spoke to animal issues and urged Council to stop killing animals at the dog pound.

Ms. Theresa Berlanga, P.O. Box 12816, spoke to issues regarding the dog pound.

Ms. Gloria Ramirez spoke to various City issues.

## **EXECUTIVE SESSION**

The City Council recessed its regular session at 9:08 P.M. in order to convene in Executive Session for the purpose of:

Discuss legal issues relating to *Allstars, PT's, Sugar's, XTC, Jane Roe I and Jane Roe II v. City of San Antonio, et al*, Cause No. SA-03-CA-356 FB, U.S. Dist. Court for the Western District of Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues relating to *AVM-HOU, Ltd., et al v. City of San Antonio, et al*, Cause No. SA-03-CA-1288 OG, U.S. Dist. Court for the Western District of Texas, 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).

Deliberate the offer of financial or other incentives related to economic development negotiations with a business prospect the City Council seeks to have locate in or near San Antonio, including the possible acquisition and disposition of an interest in real property, pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues regarding franchise renewal negotiations with Time Warner Cable, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and Section 551.072 (deliberation regarding real property).

Discuss legal issues regarding the City Public Service Board's approved transmission line route for the Cagnon to Kendall Project, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss acquisition and disposition of an interest in real property for a senior citizen's center and related uses, pursuant to Texas Government Code Section 551.072 (deliberation regarding real property).

The City Council adjourned the Executive Session at 11:45 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.

### **CONSENT AGENDA - CITIZENS' COMMENTS**

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to item 35 (Ordinance 10019).

Items 10, 12, 16, 18, 27, and 32 were addressed individually from the consent agenda. The remaining items 7 through 39C were unanimously approved under the consent agenda upon motion by Councilmember Perez and seconded by Councilmember Haass.

#### AN ORDINANCE 99997

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY ALAMO IRON WORKS, INC. TO PROVIDE THE CITY OF SAN ANTONIO FIRE, PUBLIC WORKS AND ENVIRONMENTAL SERVICES DEPARTMENTS WITH PERSONAL PROTECTION COVERALLS FOR A TOTAL OF \$50,200.35 FROM STATE HOMELAND SECURITY GRANT FUNDS.

#### AN ORDINANCE 99998

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY SAFETY TECH INTERNATIONAL, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH GAS MASKS AND ACCESSORIES FOR A TOTAL AMOUNT OF \$304,000.00 FROM STATE HOMELAND SECURITY GRANT FUNDS.

#### AN ORDINANCE 99999

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY TEXAS BUS SALES, INC. TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH PASSENGER SHUTTLE BUSES FOR A TOTAL AMOUNT OF \$368,350.00.

AN ORDINANCE 100000

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY MANSFIELD OIL COMPANY, INC. TO PROVIDE THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR GASOLINE TRANSPORT LOADS FOR AN ESTIMATED ANNUAL COST OF \$4,055,650.00.

AN ORDINANCE 100001

APPROVING FIELD ALTERATION NUMBER 1 IN THE AMOUNT OF \$188,394.65 TO THE CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. IN CONNECTION WITH THE CLAREMONT, ELEANOR, NATALEN, PHASE III PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 9; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100002

APPROVING FIELD ALTERATION NUMBER 3-FINAL IN THE AMOUNT OF \$62,423.69 TO THE CONTRACT WITH R.L. JONES, L.P., IN CONNECTION WITH THE CULEBRA AREA STREETS PHASE III PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100003

AMENDING THE PROFESSIONAL SERVICES CONTRACT WITH FORD ENGINEERING, INC., FOR ADDITIONAL DESIGN SERVICES IN CONNECTION WITH THE WEST CRAIG - ELMENDORF TO JOSEPHINE TOBIN PROJECT, LOCATED IN COUNCIL DISTRICT 7; AUTHORIZING PAYMENT OF \$9,745.00 FROM DISTRICT 7 FY 2000 ONE-TIME PROJECT BUDGET FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100004

AUTHORIZING THE EXECUTION OF AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") FOR ACQUISITION, INSTALLATION AND REIMBURSEMENT FOR TRAFFIC SIGNAL EQUIPMENT

IN CONNECTION WITH THE SOUTHCROSS BLVD. – NEW BRAUNFELS TO PRESA, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND AND METROPOLITAN PLANNING ORGANIZATION (MPO) PROJECT, LOCATED IN COUNCIL DISTRICT 3; AND AUTHORIZING THE ACCEPTANCE OF \$23,297.00 FROM TXDOT FOR THE INSTALLATION OF VIDEO IMAGING VEHICLE DETECTION SYSTEMS BY CITY FORCES.

AN ORDINANCE 100005

AUTHORIZING PAYMENT IN THE AMOUNT OF \$15,360.00 TO GERRY RICKHOFF, COUNTY CLERK, FOR THE DEFENDANTS IN CONDEMNATION CAUSE NO. 2004-ED-0009, CITY OF SAN ANTONIO V. CARMEN MOLINA FOR THE ACQUISITION OF ONE PARCEL (\$9,050.00) AND ONE TEMPORARY EASEMENT (\$5,040.00), AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$1,270.00 FOR COURT COSTS, IN CONNECTION WITH THE WESTERN AVENUE DRAINAGE PROJECT #74, PHASE III B & C, LOCATED IN COUNCIL DISTRICT 9; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT

AN ORDINANCE 100006

AUTHORIZING FUNDS IN THE AMOUNT OF \$33,946.10 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BITTERS ROAD – WEST AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; THE CULEBRA/LOOP 410 DETENTION POND PROJECT, LOCATED IN COUNCIL DISTRICT 6; LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; SOUTHCROSS BOULEVARD – NEW BRAUNFELS TO PRESA MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; AND THE THOUSAND OAKS INTERSECTIONS MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 9 AND 10; REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100007

AUTHORIZING FUNDS IN THE AMOUNT OF \$29,723.50 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BITTERS ROAD – WEST

AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; CHERRY STREET DRAINAGE #15B, PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 2; CULEBRA DRAINAGE #58, PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 7; ESCALON STREET #1008 DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 3; HI-LIONS DRAINAGE #80, PHASES III & V PROJECT, LOCATED IN COUNCIL DISTRICT 3; HUNT LANE – MARBACH TO U.S. 90 MPO PROJECT, LOCATED IN COUNCIL DISTRICT 4; HOUSTON STREET – WALTERS TO ONSLOW MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; LADDIE PLACE DETENTION POND PROJECT, LOCATED IN COUNCIL DISTRICT 1; LEONHARDT AT LOW WATER CROSSING PROJECT, LOCATED IN COUNCIL DISTRICT 10; OCTAVIA DRAINAGE #63, PHASE II, PART 1 PROJECT, LOCATED IN COUNCIL DISTRICT 5; PECAN VALLEY – I.H. 10 TO J STREET MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD MPO PROJECT, LOCATED IN COUNCIL DISTRICT 3; SOUTH FLORES DRAINAGE #70-70A PHASE II – PART 3 PROJECT, LOCATED IN COUNCIL DISTRICT 4; WESTERN AVENUE DRAINAGE #74 III-A PROJECT, LOCATED IN COUNCIL DISTRICT 9; AND THE W.W. WHITE PHASE I – RIGSBY TO LORD ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 2; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

#### AN ORDINANCE 100008

AN ORDINANCE REAFFIRMING AND DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S AQUIFER STORAGE AND RECOVERY INTEGRATION SEGMENT VI PIPELINE 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 ("THE 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 1.895-ACRE (82,556 SQUARE FEET) PERMANENT EASEMENT AND A 1.925-ACRE (83,834 SQUARE FEET) TEMPORARY EASEMENT OUT OF CONVEYANCE TO ZACHRY REALTY, INC. AND RECORDED IN VOLUME 5279, PAGE 1472, NEW CITY BLOCK 15894; A 0.930-ACRE (40,499 SQUARE FEET) PERMANENT EASEMENT AND A 0.861-ACRE (37,522 SQUARE FEET) TEMPORARY EASEMENT OUT OF CONVEYANCE TO

ZACHRY REALTY, INC. AND RECORDED IN VOLUME 5279, PAGE 1472, NEW CITY BLOCK 15894; A 3.077-ACRE (130,996 SQUARE FEET) PERMANENT EASEMENT AND A 2.952-ACRE (128,590 SQUARE FEET) TEMPORARY EASEMENT OUT OF CONVEYANCE TO SUN NLF, LTD. PARTNERSHIP AND RECORDED IN VOLUME 3377, PAGE 198, NEW CITY BLOCK 16918; A 0.473-ACRE (20,582 SQUARE FEET) PERMANENT EASEMENT OUT OF CONVEYANCE TO WILD HORSE CANYON DEVELOPMENT, L.L.C. AND RECORDED IN VOLUME 3990, PAGE 1537, NEW CITY BLOCK 16918; A 0.776-ACRE (33,815 SQUARE FEET) PERMANENT EASEMENT AND A 1.689-ACRE (73,593 SQUARE FEET) TEMPORARY EASEMENT OUT OF CONVEYANCE TO ABG DEVELOPMENT, LTD. AND RECORDED IN VOLUME 8323, PAGE 346, NEW CITY BLOCK 13808; A 0.371-ACRE (16,164 SQUARE FEET) PERMANENT EASEMENT, A 0.138-ACRE (6,000 SQUARE FEET) TEMPORARY EASEMENT AND A 0.206-ACRE (8,990 SQUARE FEET) TEMPORARY EASEMENT OUT OF CONVEYANCE TO ABG DEVELOPMENT, LTD. AND RECORDED IN VOLUME 8323, PAGE 346, NEW CITY BLOCK 13808, SUBJECT TO OBTAINING SUCH REAFFIRMATIONS AND AUTHORIZATIONS FROM THE CITY COUNCIL AS DESCRIBED ABOVE; AUTHORIZING SAWS' STAFF AND/OR THEIR AUTHORIZED INDEPENDENT NEGOTIATOR TO NEGOTIATE AND EXECUTE ALL NECESSARY AGREEMENTS WITH THE OWNERS OF THE PROPERTIES FOR THE ACQUISITION OF PERMANENT AND TEMPORARY EASEMENT INTERESTS IN THE PROPERTIES DESCRIBED ABOVE AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE EASEMENTS 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 EASEMENT INTERESTS IN THE PROPERTIES 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 100009

APPROVING A THIRD AMENDMENT TO A LEASE AGREEMENT AUTHORIZED BY ORDINANCE NO. 93827 PASSED AND APPROVED ON APRIL 26, 2001, WITH

WKB VALUE PARTNERS, L.P., TO RELEASE OFFICE SPACE, EFFECTIVE NOVEMBER 30, 2004, IN SUITES 250 AND 260 WITHIN THE CYPRESS TOWER BUILDING OCCUPIED BY THE DEPARTMENT OF COMMUNITY INITIATIVES, CHILD CARE DELIVERY SYSTEM DIVISION; AUTHORIZING THE EXECUTION OF SAID AMENDMENT AND ANY OTHER NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING PAYMENT OF THE TERMINATION FEE IN THE AMOUNT OF \$7,925.32.

AN ORDINANCE 100010

AN ORDINANCE AUTHORIZING PAYMENT OF A HOSTING OBLIGATION FOR THE OPENING RECEPTION OF THE INTERNATIONAL ASSOCIATION FOR EXHIBITION MANAGEMENT (IAEM) 2004 ANNUAL CONFERENCE, SCHEDULED FOR DECEMBER 1-3, 2004, IN SAN ANTONIO, IN AN AMOUNT NOT TO EXCEED \$130,000.00, WHICH WAS APPROVED IN THE COMMUNITY & VISITOR FACILITIES FUND ADOPTED FISCAL YEAR 2004-2005 BUDGET; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100011

AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE SAN ANTONIO HOUSING AUTHORITY IN AN AMOUNT NOT TO EXCEED \$308,352.00 FOR THE CONTINUATION OF THE DWYER AVENUE CENTER RENTAL SUBSIDY PROGRAM FOR THE PERIOD OF SEPTEMBER 17, 2004 TO SEPTEMBER 16, 2005.

AN ORDINANCE 100012

AUTHORIZING THE EXECUTION OF A CONTRACT MODIFICATION WITH THE ALAMO WORKFORCE DEVELOPMENT, INC., A/K/A ALAMO WORKSOURCE, WHICH AWARDS FUNDS OF \$59,176.00 AND AMENDS THE STATEMENT OF WORK FOR THE PERIOD OF NOVEMBER 18, 2004 THROUGH DECEMBER 15, 2004, FOR THE PROVISION OF QUALITY IMPROVEMENT ACTIVITIES WITHIN THE ALAMO AREA CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM; AUTHORIZING THE ACCEPTANCE OF SAID ADDITIONAL FUNDS IN CONNECTION THEREWITH; APPROVING A REVISED CCDS PROGRAM BUDGET FOR FISCAL YEAR 2005; AUTHORIZING EXECUTION OF AN AMENDMENT OF THE DELEGATE AGENCY CONTRACT WITH FAMILY SERVICES ASSOCIATION OF SAN ANTONIO, INC. PROVIDING ADDITIONAL FUNDS IN THE AMOUNT OF \$59,176.00 FOR THE PROVISION OF QUALITY IMPROVEMENT ACTIVITIES DURING THE PERIOD NOVEMBER 18, 2004

THROUGH DECEMBER 15, 2004; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT (8) AFFIRMATIVE VOTES.

AN ORDINANCE 100013

AUTHORIZING THE ACCEPTANCE OF AN AMOUNT NOT TO EXCEED \$5,535,600.00 FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES ("TDSHS") FOR THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS & CHILDREN ("WIC PROGRAM") OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; APPROVING THE EXECUTION OF A CHANGE TO THE CONTRACT WITH TDSHS; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AUTHORIZING THE EXECUTION OF A SUBCONTRACT WITH THE LACTATION CONNECTION, INC.; AND APPROVING PAYMENTS FOR CONTRACTUAL SERVICES AND EXISTING WIC CLINIC LEASES.

AN ORDINANCE 100014

AUTHORIZING THE PURCHASE OF MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH UNDERWRITERS @ LLOYDS, CATLIN SYNDICATE, THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE (1) YEAR PERIOD BEGINNING NOVEMBER 22, 2004 AND ENDING NOVEMBER 22, 2005, AT A COST OF \$168,538.00; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

AN ORDINANCE 100015

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A CONTRACT WITH CONCENTRA HEALTH SERVICES, INC. AT AN ESTIMATED ANNUAL AMOUNT OF \$104,786.00 TO PROVIDE DRUG AND ALCOHOL TESTING FOR PROSPECTIVE NON-UNIFORMED CITY EMPLOYEES AND CITY EMPLOYEES OPERATING COMMERCIAL VEHICLES, FOR A THREE (3) YEAR TERM, BEGINNING JANUARY 1, 2005 AND ENDING DECEMBER 31, 2007, WITH AN OPTION TO EXTEND THE CONTRACT FOR UP TO TWO (2) ONE (1) YEAR EXTENSIONS, SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

AN ORDINANCE 100016

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE FINAL ONE (1) YEAR RENEWAL AND EXTENSION OF THE CONTRACT WITH MORRIS & MCDANIEL, INC., FOR THE DEVELOPMENT OF VALIDATED WRITTEN PROMOTIONAL EXAMINATIONS FOR THE POSITIONS OF POLICE DETECTIVE INVESTIGATOR, POLICE SERGEANT, POLICE LIEUTENANT, AND POLICE CAPTAIN, AND THE PREPARATION OF SCENARIO-BASED PROMOTIONAL EXAMINATIONS FOR THE POSITIONS OF POLICE LIEUTENANT AND POLICE CAPTAIN, FOR THE SAN ANTONIO POLICE DEPARTMENT, FOR THE AMOUNT OF \$186,840.00, FOR THE DEVELOPMENT OF THE EXAMINATIONS, AND AN AMOUNT NOT TO EXCEED \$15,000.00 FOR THE APPEAL PROCESS, IF NECESSARY, FOR A TOTAL CONTRACT AMOUNT OF \$201,840.00.

AN ORDINANCE 100017

AUTHORIZING THE TEMPORARY CLOSURE OF ALAMO STREET BETWEEN HOUSTON AND COMMERCE FROM 5:00 P.M. TO 7:00 P.M. ON FRIDAY, NOVEMBER 26, 2004 IN CONNECTION WITH THE ANNUAL CHRISTMAS TREE LIGHTING CEREMONY IN ALAMO PLAZA SPONSORED BY THE CITY OF SAN ANTONIO AND H.E.B.

AN ORDINANCE 100018

APPROVING THE TEMPORARY CLOSURE OF CERTAIN DOWNTOWN STREETS IN CONNECTION WITH THE CITY'S NEW YEAR'S EVE CELEBRATION TO BE HELD IN HEMISFAIR PARK ON FRIDAY, DECEMBER 31, 2004 PROHIBITING "LIQUID STRING", SILLY STRING, SUPER STRING, SNAPPERS, THROWDOWNS, POPPING MATCH STICKS, POP POPS, AND GLASS BEVERAGE CONTAINERS AND REQUIRING ALL PETS TO BE ON A LEASH IN LA VILLITA, HEMISFAIR PARK AND ON THE DOWNTOWN STREETS NEAR THE HEMISFAIR PARK AREA IN CONNECTION WITH SAID EVENT TO BE CONDUCTED BY THE CITY OF SAN ANTONIO AND THE SAN ANTONIO PARKS FOUNDATION; AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS PROVISION.

AN ORDINANCE 100019

AN ORDINANCE AUTHORIZING THE TEMPORARY STREET CLOSURES OF WEST EVERGREEN BETWEEN SAN PEDRO AVENUE AND MAVERICK STREET IN CONNECTION WITH THE 15<sup>TH</sup> ANNUAL PEACE MARKET SPONSORED BY THE ESPERANZA PEACE AND JUSTICE CENTER TO BE HELD ON FRIDAY, NOVEMBER 26 AND SATURDAY, NOVEMBER 27, 2004 FROM 8:00 A.M. UNTIL 7:00 P.M.

AN ORDINANCE 100020

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS IN THE DOWNTOWN AREA IN CONNECTION WITH THE TOYS FOR TOTS 5K TO BE HELD ON SATURDAY, DECEMBER 4, 2004 FROM 6:30 A.M. UNTIL 10:00 A.M.

AN ORDINANCE 100021

AN ORDINANCE APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR O.P. SCHNABEL PARK IN CONNECTION WITH THE 2<sup>ND</sup> ANNUAL HOLIDAY HUSTLE SPONSORED BY THE NORTHWEST YMCA TO BE HELD ON SATURDAY, DECEMBER 4, 2004 FROM 8:00 A.M. UNTIL 10:30 A.M.

AN ORDINANCE 100022

AN ORDINANCE APPROVING THE TEMPORARY STREET CLOSURES OF NORTH MAIN BETWEEN COMMERCE AND DOLOROSA IN CONNECTION WITH THE ANNUAL CELEBRACION A LA VIRGEN DE GUADALUPE SPONSORED BY SAN FERNANDO TO BE HELD ON SATURDAY, DECEMBER 11, 2004 FROM 12:00 P.M. UNTIL 4:00 A.M.

AN ORDINANCE 100023

AN ORDINANCE APPOINTING ROOSEVELT TENNESSEE (DISTRICT 2) AS TRUSTEE TO THE SAN ANTONIO DEVELOPMENT COMPANY D/B/A SOUTH TEXAS BUSINESS FUND FOR A TERM OF OFFICE TO EXPIRE ON MAY 9, 2005.

AN ORDINANCE 100024

AN ORDINANCE APPOINTING DAVID MICHAEL VILLYARD (MAYOR) TO THE CITIZENS' BOND OVERSIGHT COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 30, 2005.

AN ORDINANCE 100025

AN ORDINANCE APPOINTING GENE CAMARGO (REGULAR MEMBER – MAYOR) TO THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON FEBRUARY 22, 2006.

**CONSENT AGENDA – ITEMS DISCUSSED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 100026

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY MANSFIELD OIL COMPANY, INC. TO PROVIDE THE CITY OF SAN ANTONIO WITH AN ANNUAL CONTRACT FOR GASOLINE TRANSPORT LOADS FOR AN ESTIMATED ANNUAL COST OF \$4,055,650.00.

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

Item 12 is a proposed ordinance authorizing \$64,273.00 from 1994-1999 Park Bond funds for asbestos abatement, floor renovations and bleacher replacement at the Westside YMCA in connection with the Rosedale Park Improvements Project, located in City Council District 5; appropriating funds; and providing for payment.

Councilmember Perez made a motion to table the proposed Ordinance. Councilmember Haass seconded the motion.

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

Item 12 was tabled.

The City Clerk read the following ordinance:

AN ORDINANCE 100027

APPROVING FIELD ALTERATION NUMBER 1 AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$53,649.28 PAYABLE TO R.L. JONES, L.P. FOR CONSTRUCTION EXPENSES IN CONNECTION WITH THE 2004 SPEED HUMP PROJECT LOCATED IN VARIOUS COUNCIL DISTRICTS; AUTHORIZING \$5,364.92 FOR CONTINGENCY EXPENSES; AUTHORIZING \$3,755.45 FOR EXPENSE RECOVERY, FOR A TOTAL AMOUNT OF \$62,769.65 FROM NEIGHBORHOOD ACCESS MOBILITY PROGRAM FUNDS; REVISING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

Councilmember Perez made a motion to amend the ordinance by adding nine (9) more speed humps. Councilmember Radle seconded the motion. (Amendment #1)

After consideration, amendment #1 prevailed by the following vote: **AYES:** Williams, Perez, Radle, Castro, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Segovia, Barrera, Hall.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100028

AUTHORIZING THE DIRECTOR OF PUBLIC WORKS DEPARTMENT OR HIS DESIGNEE, IN CONJUNCTION WITH THE CITY ATTORNEY'S OFFICE, TO DEVELOP AND NEGOTIATE AN AGREEMENT WITH THE UNION PACIFIC

RAILROAD (UPRR) FOR THE RELOCATION OF THE RAILROAD TRACKS ON COMAL STREET; AND AUTHORIZES THE EXECUTION OF THE AGREEMENT IN CONNECTION WITH THE COMAL STREET RAILROAD RELOCATION PROJECT, LOCATED IN COUNCIL DISTRICT 1.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100029

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO ACCEPT A DONATION IN THE AMOUNT OF \$2,250.00 FROM SAM'S CLUB #8164 TO SUPPORT THE ALAMO CITY HEAT BAND OF THE SAN ANTONIO POLICE DEPARTMENT; AMENDING THE BUDGET; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$2,250.00.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100030

AMENDING CHAPTER 34 OF THE CITY CODE BY MODIFYING LOCAL REGULATIONS TO IMPLEMENT THE SAN ANTONIO WATER SYSTEM'S PRETREATMENT PROGRAM; AND DIRECTING PUBLICATION.

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

**INDIVIDUAL ITEMS CONTINUED**

The City Clerk read the following ordinance:

AN ORDINANCE 100031

APPROVING THE APPOINTMENTS TO THE ALAMO WORKFORCE DEVELOPMENT BOARD A/K/A ALAMO WORKSOURCE, OF DR. FEDERICO ZARAGOZA (PLACE 18 – SECONDARY EDUCATION CATEGORY), REBECCA CERVANTEZ (PLACE 15 – COMMUNITY-BASED ORGANIZATION CATEGORY), GRACE MOSER (PLACE 23 – PUBLIC ASSISTANCE CATEGORY), TO FILL UNEXPIRED TERMS TO EXPIRE DECEMBER 31, 2007, DECEMBER 31, 2007 AND DECEMBER 31, 2005, RESPECTIVELY; AND APPROVING THE REAPPOINTMENTS OF THOMAS MURRAY (PLACE 7), JOHN CURRAN (PLACE 12), DOUGLAS HEATH (PLACE 11) AND DIANE CORTEZ (PLACE 1), ALL IN THE BUSINESS CATEGORY, AND ROLAND PENA (PLACE 20 – ECONOMIC DEVELOPMENT CATEGORY) FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 31, 2007.

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding board appointments to the Alamo Workforce Development Board, a copy of which is on file with the Office of the City Clerk. He spoke to the work of the board as well as the composition of the board, and discussed the current vacancies. He then spoke to the re-appointments and the nominees to fill the slots.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100032

ESTABLISHING THE FILING PROCEDURES FOR CANDIDATES FOR THE CITY OF SAN ANTONIO CITY COUNCIL AND REPEALING ORDINANCE NO. 96789, PASSED ON NOVEMBER 21, 2002.

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

Ms. Leticia Vacek, City Clerk, indicated this ordinance would amend the previous ordinance establishing candidate filing procedures, which would reflect the newly adopted filing periods established in the 78<sup>th</sup> Legislative Session.

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

Item 42, being a proposed ordinance authorizing the selection, negotiation and execution of a professional services contract to hire an executive search firm to assist in hiring a City Manager was postponed at the request of the Mayor.

The City Clerk read the following ordinance:

AN ORDINANCE 100033

AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE EIGHT (8) DELEGATE AGENCY CONTRACTS IN CONNECTION WITH THE NEIGHBORHOOD HERITAGE INITIATIVE PROGRAM FOR COMMUNITY BASED ART PROJECTS IN A TOTAL AMOUNT OF \$120,000.00 FROM FY 2003 AND FY 2004 COMMUNITY AND VISITOR FACILITIES FUND; AND PROVIDING FOR PAYMENT.

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

Mr. Felix Padron, Office of Cultural Affairs Director, narrated a slide presentation regarding the Neighborhood Heritage Initiative Program third round funding, a copy of which is on file with the Office of the City Clerk. He presented an overview and background information on the objectives of the program, and indicated it would provide financial support for a variety of cultural/art activities that advance neighborhood and commercial revitalization plans. He spoke to eligibility and provided background

information on the application process. He then presented Council with a chronology of the review process, and discussed the funding methodology.

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

The City Clerk read the following ordinance:

**AN ORDINANCE 100034**

**APPROVING THE CITY'S PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE SALE OF OBLIGATIONS DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT FORWARD REFUNDING BONDS, SERIES 2006"; COMPLYING WITH THE REQUIREMENTS CONTAINED IN MUNICIPAL SECURITIES RULE MAKING BOARD RULE 15C2-12; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH BONDS; AND PROVIDING AN EFFECTIVE DATE.**

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

Mr. Milo Nitschke, Director of Finance, narrated a slide presentation regarding agenda items 46A (Ordinance 100034) and 46B (Ordinance 100035), a copy of which is on file with the Office of the City Clerk. He explained this was an approval of a preliminary official statement, as well as the issuance sale and delivery of approximately \$33,040,000 general improvement forward refunding bonds (series 2006). He presented a transaction summary, and discussed the underwriter syndicate and the tentative bond sale and delivery schedule.

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

The City Clerk read the following ordinance:

**AN ORDINANCE 100035**

**AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$33,250,000.00 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT FORWARD REFUNDING**

BONDS, SERIES 2006"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AGREEMENT, AND A FORWARD DELIVERY PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS IMPOSED BY THE LETTER OF REPRESENTATIONS PREVIOUSLY EXECUTED WITH THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100036

AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE TAX EXEMPT MULTI-FAMILY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$8,500,000.00 FOR THE VILLAS OF COSTA CADIZ APARTMENTS PROJECT, LOCATED AT 2813 AND 2815 W. W. WHITE ROAD IN COUNCIL DISTRICT 2.

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

Mr. Andrew Cameron, Director of Housing and Community Development, narrated a slide presentation regarding agenda items #47 (Ordinance 100036), #48 (tabled) and #49 (Ordinance 100037), a copy of which is on file with the Office of the City Clerk. He explained this was a request of the San Antonio Housing Finance Corporation to issue tax exempt multi-family housing revenue bonds to support the Villas of Costa Cadiz apartments, the Artisan at the Bluff Apartments and the Rosemont at Pleasanton Road Apartment projects. He summarized each of the projects in detail, and presented background information on each. He cited the location, developer; non-profit partner and

income mix of each of the projects, and indicated approval of these items would not impact the general fund budget.

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

Item 48 is a proposed ordinance authorizing the San Antonio Housing Finance Corporation to issue Tax Exempt Multi-family Housing Revenue Bonds in an amount not to exceed \$13,500,000 for the Rosemont at Pleasanton Road Apartments, located at 9900 Moursund Road in City Council District 3.

Councilmember Perez made a motion to table the proposed Ordinance for two weeks. Councilmember Radle seconded the motion.

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

Item 48 was tabled for two weeks.

The City Clerk read the following ordinance:

#### AN ORDINANCE 100037

**AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE TAX EXEMPT MULTI-FAMILY REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$14,000,000.00 FOR THE ARTISAN AT THE BLUFF APARTMENTS PROJECT, LOCATED AT 6425 DE ZAVALA ROAD IN COUNCIL DISTRICT 8.**

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

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

Item 50 being a proposed Ordinance releasing approximately 226.5 acres consisting of forty two (42) lots in the Schoenthal Ranch Subdivision situated in Comal County and within the Extraterritorial Jurisdiction of the City of San Antonio from the Extraterritorial

Jurisdiction of the City of San Antonio to the City of Boerne, Texas for incorporation by the City of Boerne, Texas into its Extraterritorial Jurisdiction was pulled from consideration.

The City Clerk read the following resolution:

A RESOLUTION 2004-42-43

AUTHORIZING THE PLANNING DIRECTOR TO UNDERTAKE LAND USE AND OTHER BACKGROUND STUDIES NECESSARY TO RECOMMEND TO THE CITY COUNCIL A CORRIDOR OVERLAY DISTRICT ALONG STATE HIGHWAY 151 FROM U.S. HIGHWAY 90 TO LOOP 1604 IN COUNCIL DISTRICT 6, PURSUANT TO SECTION 35.339.01, CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding a request to initiate the Highway 151 Corridor project, a copy of which is on file with the Office of the City Clerk. He presented background information on the project, and discussed the scope of work and project timeline. He further discussed the financial impact, and acknowledged staff recommended approval of this resolution.

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

Item 52 being a proposed Resolution deciding an appeal by Earl & Associates, on behalf of Mission Del Lago, of the Planning Commission's decision to deny the applicant's claim for recognition of rights to develop 812 acres located east of Mitchell Lake, west of U.S. Highway 281 and surrounding the Mission del Lago Municipal golf course (known as Mission del Lago) under Chapter 245 of the Texas Local Government Code was withdrawn from the agenda.

The City Clerk read the following resolution:

A RESOLUTION 2004-42-44

SUPPORTING THE COMPLETION OF THE TRANS-TEXAS CORRIDOR PROJECT BY THE TEXAS DEPARTMENT OF TRANSPORTATION.

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

Mr. Tom Wendorf, Director of Public Works, narrated a slide presentation regarding the support of the Trans-Texas Corridor project, a copy of which is on file with the Office of the City Clerk. He presented background information, and acknowledged Governor Rick Perry unveiled the Trans-Texas Corridor plan, and noted it was one of the largest, most extensive engineering projects ever proposed for Texas. He discussed specific details of the project, and indicated approval of this resolution was consistent with the City's policy to collaborate with other agencies on initiatives which would improve transportation.

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

The City Clerk read the following resolution:

A RESOLUTION 2004-42-45

NOT OPPOSING THE SAN ANTONIO RIVER AUTHORITY'S APPLICATION FOR A DUAL CERTIFICATE OF CONVENIENCE AND NECESSITY THAT WAS FILED WITH THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO PROVIDE WASTEWATER SERVICE TO THE WOODLAKE AREA.

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

Mr. Ben Gorzell, Public Utilities Supervisor, narrated a slide presentation regarding the San Antonio River Authority's (SARA) sewer Certificate of Convenience and Necessity (CCN) request, a copy of which is on file with the Office of the City Clerk. He noted SARA had applied to protect its service area by formalizing it with a sewer CCN, which in turn would allow SARA to protect its existing infrastructure and begin long range planning for future needs. He then presented an overview of SARA, and noted they owned and operated three wastewater treatment plants within the area. He indicated portions of the San Antonio Water System (SAWS) sewer CCN overlapped SARA's service area, and therefore agreed to a dual sewer CCN in order for SARA to incorporate its entire service area.

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

The City Clerk read the following resolution:

**A RESOLUTION 2004-42-46**

**TO NOMINATE AVANZAR INTERIOR TECHNOLOGIES, LTD., VUTEX, INC., AND TEXAS AUTOMOTIVE MANUFACTURING TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM, FOR DESIGNATION AS STATE ENTERPRISE ZONE PROJECTS.**

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

Mr. Ramiro Cavazos, Director of Economic Development, narrated a slide presentation regarding the nominations of Avanzar Interior Technologies Ltd. And Vutex Inc. for designation as State Enterprise Projects to the Office of the Governor, Economic Development and tourism, a copy of which is on file with the Office of the City Clerk. He spoke to the purpose of this resolution, and amplified on the Enterprise Zone (EZ) program, noting it has been in existence since 1988. He spoke to the qualifications necessary to qualify for this program, and discussed current active EZ projects. He then delineated the nominations at hand, and presented information regarding the investment of each and the number of jobs it would both provide.

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

The City Clerk read the following resolution:

**A RESOLUTION 2004-42-47**

**AMENDING RESOLUTION NO. 2003-24-26 BY REVISING THE APPOINTMENT OF CERTAIN MEMBERS OF CITY COUNCIL TO THE METROPOLITAN PLANNING ORGANIZATION; THE FIRE AND POLICE PRE-FUNDED HEATH TRUST; THE FIREMEN'S AND POLICEMEN'S PENSION FUND BOARD OF TRUSTEES; THE COMMUNITY ACTION ADVISORY BOARD; AND THE COMMITTEE OF SIX OF THE ALAMO WORKSOURCE, AS REQUESTED BY MAYOR EDWARD GARZA.**

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

Mayor Garza indicated this resolution was in regards to adjustments made to existing Council Committees and Board and Commission appointments, as outlined in his memo dated August 4, 2003.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100038

REALLOCATING \$5,000.00 FROM THE MAYOR'S FY 2001 ONE-TIME PROJECT FUNDS AND AUTHORIZING THE FOLLOWING ADJUSTMENTS; REDUCING FUNDS SET ASIDE FOR THE COMPLETED CREEKWAY AND LINEAR PARK DEVELOPMENT REPORT PROJECT BY \$1,231.86; REDUCING FUNDS SET ASIDE FOR THE COMPLETED EMISSIONS DEVICE TESTING PROJECT BY \$3,768.14; REALLOCATING \$2,500.00 FROM COUNCILMAN CASTRO'S FY2004 ONE-TIME PROJECT FUNDS AND REALLOCATING \$1,000.00 FROM COUNCILMAN WILLIAMS' ONE-TIME PROJECT FUNDS; AND ALLOCATING \$8,500.00 TO SOLAR SAN ANTONIO, A NON-PROFIT ADVOCACY AND RESOURCE CENTER FOR RENEWABLE AND SUSTAINABLE ENERGY APPLICATIONS IN ORDER TO SUPPORT THEIR ONGOING EDUCATIONAL PROGRAMS INVOLVING THE PUBLIC SCHOOL SYSTEM; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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

Mayor Garza indicated this ordinance would reallocate \$5,000 of the Mayor's FY 2001 one-time project funds for a grant contribution to Solar San Antonio in order to support their ongoing educational programs involving the public school system. He further requested each City Council district contribute toward the total grant contribution from their Human Development Services Funds.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100039

AUTHORIZING THE REALLOCATION OF \$85,403.92 FROM THE MAYOR'S FY 2001 ONE-TIME PROJECT BUDGETS AND AUTHORIZING THE FOLLOWING ADJUSTMENTS: REDUCING FUNDS SET ASIDE FOR BETTER JOBS BENCHMARKS DEVELOPMENT BY \$48,000.00; REDUCING FUNDS SET ASIDE FOR BETTER JOBS OFFICE FURNITURE & FIXTURES BY \$5,122.38; REDUCING FUNDS SET ASIDE FOR BETTER JOBS OFFICE ONE-TIME EXPENDITURES BY \$462.12; REDUCING FUNDS SET ASIDE FOR BETTER JOBS RELATED AGENCIES TRAINING BY \$22,146.08; REDUCING FUNDS SET ASIDE FOR BETTER JOBS RELATED PROGRAMS BY \$453.47; REDUCING FUNDS SET ASIDE FOR ECONOMIC DEVELOPMENT PLAN/WORKING TOGETHER MEETING BY \$2,500.00; REDUCING FUNDS SET ASIDE FOR ECONOMIC DEVELOPMENT PLAN INFORMATION SUMMARY BY \$0.99; REDUCING FUNDS SET ASIDE FOR EMISSIONS DEVICE TESTING BY \$523.16; REDUCING FUNDS SET ASIDE FOR MATH AND SCIENCE STUDENT/PARENT EMPOWERMENT BY \$2,000.00; AND REDUCING FUNDS SET ASIDE FOR STRATEGIC PLAN FOR SMALL BUSINESS TECHNOLOGY BY \$4,195.72; AND ALLOCATING \$85,403.92 TO A NEW ONE-TIME PROJECT FOR THE CITY SOUTH INITIATIVE; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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

Mayor Garza indicated this ordinance would reallocate \$85,403.92 from his completed FY 2001 one-time project budgets to a one-time project for the City South Initiative.

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

**TRAVEL AUTHORIZATION - Granted:**

Ratification of Travel Authorization for Councilman Richard Perez, District 4, who traveled to Washington, D.C., to discuss railroad issues with the U.S. Department of Homeland Security and U.S. Sen. John Cornyn's office from Monday, November 15, 2004 to Wednesday, November 17, 2004.

Councilmember Williams made a motion to approve the proposed Travel Ratification. Councilmember Perez seconded the motion.

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

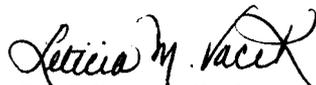
There being no further business to come before the City Council, the meeting was adjourned at 12:46 A.M.

**A P P R O V E D**



**EDWARD D. GARZA**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk