

**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, JANUARY 27, 2005

* * * *

The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room.

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

Mayor Garza called the meeting to order and recessed the B Session into Executive Session at 10:24 am to discuss the following:

Deliberation and consideration of the annual performance evaluation of City Auditor Patricia Major, pursuant to Texas Government Code Section 551.074 (personnel matters).

Discussion regarding the Convention Center Headquarters Hotel pursuant to Section 551.072 (deliberation about real property), Section 551.087 (deliberation regarding economic development negotiations), and Section 551.071 (consultation with attorney).

Mayor Garza reconvened the "B" Session from Executive Session at 11:54 am, at which time he stated City Council was briefed on the above-styled matters and gave staff direction, but had taken no official action.

The "B" Session was adjourned at 11:55am.

Mayor Pro Tem Chip Haass called the Regular Meeting to order at 1:15 pm with the following members present: Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass and Mayor Garza.

The invocation was delivered by Reverend Phil Johnson, Senior Associate Pastor, of the First Assembly of God Church, District 9.

Mayor Pro Tem Haass led the Pledge of Allegiance to the United States Flag.

CEREMONIAL ITEMS

Mayor Pro Tem Haass presented a proclamation to kick off San Antonio's Official Rodeo Season.

Mayor Pro Tem Haass also presented a proclamation in honor of the 75th anniversary of Mahatma Gandhi's Salt March.

Mayor Garza presented Resolutions of Appreciation to retiring directors Mr. Quentin Porter, Municipal Courts, and Mr. Martin Rodriguez, Code Compliance. Both are retiring after thirty three years of service to the City of San Antonio.

Approval of minutes for the regular City Council meeting held December 16, 2004 and special City Council meeting of December 21, 2004.

CONSENT AGENDA – CITIZENS COMMENTS

Items 11, 14 and 18A-18G were addressed individually from the consent agenda. The remaining items 7 through 17 were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Segovia.

The following citizen(s) appeared to speak:

Ms. Elsa Nava addressed the City Council relating to item 16 and asked of the intent of this item.

Mr. Jack M. Finger, PO Box 12048, addressed items 11, 17, and noted the Councilmembers that had received campaign contributions.

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

AN ORDINANCE 100333

ACCEPTING THE BID SUBMITTED BY TRACSTAR SYSTEMS, INC. TO PROVIDE THE CITY OF SAN ANTONIO POLICE AND FIRE DEPARTMENTS WITH TWO (2) MOBILE SATELLITE SYSTEMS FOR A TOTAL COST OF \$67,810.53 FROM STATE HOMELAND SECURITY GRANT FUNDS.

AN ORDINANCE 100334

ACCEPTING THE OFFER SUBMITTED BY BABY JACK FORD AUTOMOTIVE LTD., D/B/A COLUMBUS FORD MERCURY, UTILIZING THE TEXAS BUYBOARD CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH THREE (3) PICKUP TRUCKS FOR A TOTAL COST OF \$142,101.00 FROM STATE HOMELAND SECURITY GRANT FUNDS.

AN ORDINANCE 100335

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY RIVER CITY MARKETING, D/B/A MISSION GOLF CARS TO PROVIDE THE CITY OF SAN ANTONIO PARKS & RECREATION DEPARTMENT WITH NINETY (90) REPLACEMENT ELECTRIC GOLF CARS FOR A TOTAL COST OF \$185,400.00.

AN ORDINANCE 100336

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH THE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$795,060.00 TO INCLUDE CONTRACTS FOR: SPOKEN WORD AUDIO CASSETTES AND COMPACT DISCS; LOW ENVIRONMENTAL IMPACT ASPHALTS, OIL & EMULSIONS; PERSONAL COMPUTER SOFTWARE; VERITAS SOFTWARE SUPPORT; PERSONAL COMPUTERS, SERVERS, PRINTERS, SCANNERS AND COMPUTER HARDWARE COMPONENTS.

AN ORDINANCE 100337

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH DANIEL GONZALES D/B/A FIESTA CUTOUTS FOR USE OF 228 SQUARE FEET OF RETAIL SPACE IN FARMERS MARKET PLAZA AT MARKET SQUARE IN CITY COUNCIL DISTRICT 1 FOR A FOUR-YEAR AND EIGHT MONTH TERM, WHICH COMMENCED ON JANUARY 1, 2005 AND WHICH WILL EXPIRE ON AUGUST 31, 2009, AT AN INITIAL RENT OF \$4,500.00 PER YEAR AND INCREASING TO \$7,800.00 PER YEAR IN 2009.

AN ORDINANCE 100338

AUTHORIZING THE EXECUTION OF A STORAGE USE LICENSE AGREEMENT WITH MOE LAZRI D/B/A THE FIG TREE RESTAURANT AND LITTLE RHEIN STEAKHOUSE FOR THE USE OF APPROXIMATELY 200 SQUARE FEET OF STORAGE SPACE LOCATED IN THE BASEMENT OF BUILDING 11 IN LA VILLITA IN CITY COUNCIL DISTRICT 1, FOR A ONE YEAR TERM WHICH COMMENCED ON AUGUST 1, 2004 AND WHICH WILL EXPIRE ON JULY 31, 2005, AT A RENTAL RATE OF \$1,200.00 PER YEAR; AND AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO EXECUTE TWO ONE-YEAR RENEWALS ON BEHALF OF THE CITY.

AN ORDINANCE 100339

AUTHORIZING THE ESTABLISHMENT OF A DEDICATED REVENUE ACCOUNT TITLED "THE JOSEPH ROY KAISER G.E.D. FINANCIAL ASSISTANCE FUND" TO PROVIDE FINANCIAL ASSISTANCE TO SAN ANTONIO RESIDENTS TAKING GENERAL EDUCATION DEVELOPMENT (G.E.D.) EXAMINATIONS; ACCEPTING DONATIONS GENERATED BY THE SAN ANTONIO 5K RUN/WALK FOR LITERACY EVENT IN THE AMOUNT OF \$11,593.00; AND ADOPTING A BUDGET.

AN ORDINANCE 100340

ENTERING AN ORDER TO ESTABLISH THE EFFECTIVE DATE OF THE THREE CHARTER AMENDMENTS APPROVED BY THE VOTERS AT THE NOVEMBER 6, 2001 ELECTION, IN RESPONSE TO THE COURT'S ORDER REGARDING CROSS-MOTIONS FOR SUMMARY JUDGMENT IN *MINELLA V. CITY OF SAN ANTONIO*, CIVIL ACTION NO. SA-03-CA-246-FB IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO DIVISION.

AN ORDINANCE 100341

AUTHORIZING PAYMENT IN THE AMOUNT OF \$65,000.00 AND UP TO \$2,000.00 FOR COURT COSTS AS FULL AND FINAL SETTLEMENT IN THE LAWSUIT STYLED *R. ROBERT WILLMANN, JR., BRIDGID SHERIDAN, AND ED MINARICH V. CITY OF SAN ANTONIO*.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 100342

AUTHORIZING PAYMENT IN THE AMOUNT OF \$13,936.00 TO DEBRA J. DOCKERY, ARCHITECT, P.C. (SBE/WBE) FOR ARCHITECTURAL SERVICES AND PAYMENT IN THE AMOUNT OF \$51,600.00 TO VICKREY & ASSOCIATES, INC. (SBE/WBE) FOR ENGINEERING SERVICES IN CONNECTION WITH IMPROVEMENTS TO THE JAPANESE TEA GARDEN LOCATED IN THE SUNKEN GARDEN AREA IN BRACKENRIDGE PARK IN COUNCIL DISTRICT 1; AUTHORIZING \$3,500.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING \$5,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$2,000.00 FOR BID ADVERTISING AND PRINTING EXPENSES; AND AUTHORIZING \$2,500.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$78,536.00 FROM 2003-2007 PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100343

ACKNOWLEDGING CONTRACT MODIFICATIONS WITH ALAMO WORKFORCE DEVELOPMENT, INC. AWARDING ADDITIONAL FUNDS IN THE AMOUNT OF \$870,000.00 FOR DIRECT CHILD CARE AND OPERATIONS EXPENDITURES WITHIN THE ALAMO AREA CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM FOR THE PERIOD BEGINNING OCTOBER 1, 2004 THROUGH DECEMBER 31, 2004; AUTHORIZING THE ACCEPTANCE OF SAID FUNDS; AUTHORIZING EXECUTION OF AN AMENDMENT TO THE DELEGATE AGENCY CONTRACT WITH ALAMO AREA DEVELOPMENT CORPORATION PROVIDING ADDITIONAL FUNDS IN THE AMOUNT OF \$70,000.00 FOR THE PROVISION OF CHILDCARE SERVICES FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; APPROVING A REVISED FY 2004-2005 CCDS

PROGRAM BUDGET; AND APPROVING A REVISED PERSONNEL COMPLEMENT.

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

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

The City Clerk read the following ordinances:

AN ORDINANCE 100344

APPOINTING MARY E. ROGERS (DISTRICT 7) AS A REGULAR MEMBER OF THE BOARD OF ADJUSTMENT FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2005.

AN ORDINANCE 100345

APPOINTING LEO G. RAMOS, JR. (HANDICAPPED SERVICES CONSUMER CATEGORY – DISTRICT 8) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100346

REAPPOINTING DR. MARY HELEN VERA (DISTRICT 8) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100347

APPOINTING J. D. COZORT (DISTRICT 8) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2005.

AN ORDINANCE 100348

REAPPOINTING DR. BEN CRAVER (DISTRICT 8) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100349

REAPPOINTING ESTHER VILLARREAL (DISTRICT 6) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100350

APPOINTING REBECCA DE LA GARZA (DISTRICT 8) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

Councilmember Perez made a motion to approve the proposed Ordinances with the corrected expiration terms. Councilmember Segovia seconded the motion.

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

ZONING ITEMS

4A) **ZONING CASE NUMBER Z2004258 C:** The request of Annette Aguirre, Applicant, for Annette Aguirre, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "R-6" C Residential Single-Family District with a conditional use for a professional office on Lots 21 through 23, Block 42, NCB 1850, 1100 West Woodlawn. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

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

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

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

AN ORDINANCE 100351

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 21 THROUGH 23, BLOCK 42, NCB 1850 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A PROFESSIONAL OFFICE.

4B) ZONING CASE NUMBER Z2004285: The request of City of San Antonio, Historic Preservation Officer for Jon Thompson, Applicant, for Jon Thompson, Owner(s), for a change in zoning to designate Historic Significance on 0.1208 acres out of NCB 777, 208 West Euclid Avenue. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

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

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

AN ORDINANCE 100352

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 0.1208 ACRES OUT OF NCB 777 FOR A CHANGE IN ZONING CLASSIFICATION FROM C-2 COMMERCIAL DISTRICT TO HS C-2 HISTORIC, SIGNIFICANT COMMERCIAL DISTRICT

4C) ZONING CASE NUMBER Z2004286: The request of City of San Antonio, Historic Preservation Officer, for Carolina R. Trevino, Owner(s), for a change in zoning to designate Historic Significance on Lots 26 through 33, NCB 2237, 2211 West Salinas. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 1)

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

The following citizen(s) appeared to speak:

Mr. Robert Anthony, 7110 W. Pioneer Pkwy., asked how this was going to affect the lots with the existing building codes.

Mr. Kerman Rogers, 2203 W. Travis, addressed the Council and asked what was proposed.

Councilmember Flores made a motion to continue the proposed rezoning case to the meeting of February 10, 2005. Councilmember Haass seconded the motion.

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

Zoning case Z2004286 was continued to the meeting of February 10, 2005.

4D) ZONING CASE NUMBER Z2004284: The request of City of San Antonio, Historic Preservation Officer for Good News Missionary Church, Applicant, for Good News Missionary Baptist Church, Owner(s), for a change in zoning to designate Historic Significance on Lots 5 through 8, Block 4, NCB 6637, 1233 East Highland Boulevard. 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 continue the proposed rezoning case for 30 days. Councilmember Perez seconded the motion.

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

Zoning case Z2004284 was continued for 30 days.

4E) ZONING CASE NUMBER Z2005004: The request of Earl & Associates, P. C., Applicant, for Phelps-Toiton, Inc., Owner(s), for a change in zoning from H "C-3" RIO-5 Historic General Commercial District, River Improvement Overlay to H "MF-33" RIO-5 Historic Multi-Family District, River Improvement Overlay on Parcel 100, NCB 7650, 731 Riverside Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

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

The following citizen(s) appeared to speak:

The applicant's representative spoke in favor of the approval of the zoning item.

Ms. Laura Sosa, 218 Lively, addressed the Council and felt that the zoning change would improve the area and asked that it be approved.

Ms. Gloria Cortez, 5300 S. Presa, addressed the Council and asked that said item be approved and noted how this project would provide a positive impact for the area.

Mr. James Harris, Southern Steel, addressed the Council and stated that he represented the current owner and asked for approval of said item.

Mr. Lawrence Setierle, 118 Broadway, asked that the Council approve the zoning change.

Mr. Jim Myers, 5539 Cool Valley, addressed the Council in support of the zoning request.

Ms. Laura Garcia, 7110 Symphony, addressed the Council in support of the zoning request.

Mr. Joe Quintero, 101 Hot Wells, addressed the Council in favor of the zoning request.

Ms. JoAnn Ramon, 3939 Portsmouth, addressed the Council in support of the zoning.

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

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

Zoning case Z2005004 was continued for 30 days.

4F) ZONING CASE NUMBER Z2005007: The request of Jacqueline A. Weaks, Applicant, for Jacqueline A. Weaks, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "MH" Manufactured Housing District on Lot 257, Block 8, NCB 15624, 5407 Hayden Drive. Staff's recommendation was for approval and Zoning Commission has 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 Haass seconded the motion.

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

AN ORDINANCE 100353

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 257, BLOCK 8, NCB 15624 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MH" MANUFACTURED HOUSING DISTRICT.

4G) ZONING CASE NUMBER Z2004180: The request of Earl & Associates, P. C., Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "C-3R" Restrictive Commercial District to PUD "R-5" Planned Unit Development Residential Single-Family District on P-3, Block 33, NCB 15849, 10.349 acres directly north of the intersection between Hunt Lane and Ingram Road. 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.

The following citizen(s) appeared to speak:

Ms. Mary Lee Buettner, Heritage Neighborhood Association, addressed several concerns relating to fences, and noted she was in agreement with the zoning.

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

AN ORDINANCE 100354

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-3, BLOCK 33, NCB 15849 FROM "C-3R" RESTRICTIVE COMMERCIAL DISTRICT TO PUD "R-5" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.

4H) ZONING CASE NUMBER Z2004181: The request of Earl & Associates, P. C., Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District and "R-6" Residential Single-Family District on 59.371 acres out of NCB 17873 and NCB 17875, to PUD "R-5" Planned Unit Development Residential Single-Family District, Hunt Lane at Villa Lago Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

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

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

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

AN ORDINANCE 100355

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 59.371 ACRES OUT OF NCB 17873 AND NCB 17875 FROM "C-2" COMMERCIAL DISTRICT AND "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO PUD "R-5" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.

4I) ZONING CASE NUMBER Z2004209: The request of Earl & Associates, P. C., Applicant, for Lakeside Properties, Ltd., Owner(s), for a change in zoning from "C-2" Commercial District to PUD "R-5" Planned Unit Development Residential Single-Family District on Lot P-4, Block 33, NCB 17875, southeast corner of Villa Lago Drive and Hunt Lane. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

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

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

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

AN ORDINANCE 100356

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-4, BLOCK 33, NCB 17875 FROM "C-2" COMMERCIAL DISTRICT TO PUD "R-5" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.

4J) ZONING CASE NUMBER Z2004253: The request of Earl & Associates, P. C., Applicant, for Lakeside Properties Ltd., Owner(s), for a change in zoning from "C-3NA" General Commercial District, Nonalcoholic Sales and "I-1" General Industrial District to PUD "R-5" Planned Unit Development Residential Single Family District on P-5, NCB 17876; and from "R-6" Residential Single Family District to PUD "R-6" Planned Unit Development Residential Single Family District on P-4F, NCB 15850, southwest corner of Old Hunt Lane and Heritage Farm. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

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

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

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

AN ORDINANCE 100357

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 5.19 ACRES OUT OF NCB 17876 FROM "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES AND "I-1" GENERAL INDUSTRIAL DISTRICT TO PUD "R-5" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE FAMILY DISTRICT AND 5.45 ACRES OUT OF NCB 15850 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO PUD "R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE FAMILY DISTRICT.

4K) ZONING CASE NUMBER Z2004280: The request of Irene D. Salinas, Applicant, for Irene D. Salinas, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-2" Commercial District on 0.4953 acres out of NCB 11492, 2506 and 2510 Bandera Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

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

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

AN ORDINANCE 100358

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 0.4953 ACRES OUT OF NCB 11492 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

4L) ZONING CASE NUMBER Z2005001: The request of Mary L. Stewart, Applicant, for Mary L. Stewart, Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "C-1" Light Commercial District on the northwest 158.3 feet and "C-2" General Commercial District on the southeast 220 feet on Lot 9, Block 2, NCB 14702, 9325 Huebner 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 with deed restrictions as noted on the documents submitted for the record. 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, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Barrera.

AN ORDINANCE 100359

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 9, BLOCK 2, NCB 14702 FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT ON THE NORTHWEST 158.3 FEET AND "C-2" GENERAL COMMERCIAL DISTRICT ON THE SOUTHEAST 220 FEET.

4M) ZONING CASE NUMBER Z2004163: The request of Guefen Development Company, Applicant, for Laredo/1604 Ltd., Owner(s), for a change in zoning from "C-3" ERZD Commercial Edwards Recharge Zone District to "MF-25" ERZD Multi Family Edwards Recharge Zone District on 20 acres out of NCB 17701 on the north side 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 citizen(s) appeared to speak:

Mr. Andy Guerrero spoke in support of the proposed zoning.

Mr. Elginio Rodriguez, 450 N. San Gabriel, spoke on the proposed rezoning item.

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

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

AN ORDINANCE 100360

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 20 ACRES OUT OF NCB 17701 FROM "C-3" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-25" ERZD MULTI FAMILY EDWARDS RECHARGE ZONE DISTRICT.

4N) ZONING CASE NUMBER Z2004270: The request of Gamez Family Partnership, Ltd., Applicant, for Gamez Family Partnership, Ltd., Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2NA" ERZD Commercial Nonalcoholic Sales Edwards Recharge Zone District on 6.8317 acres out of NCB 15671, 18851 Redland Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

Councilmember Schubert made a motion to continue the proposed rezoning case for 4 weeks. Councilmember Williams seconded the motion.

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

Zoning case Z2004270 was continued for 4 weeks.

40) ZONING CASE NUMBER Z2004265: The request of Randy Schumacher, Applicant, for Monterey Adair, Owner(s), for a change in zoning from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-3NA" ERZD General Commercial District, Nonalcoholic Sales Edwards Recharge Zone District on Lot P-4F, NCB 15671, 18581 Redland Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 9)

Councilmember Schubert made a motion to continue the proposed rezoning case for 4 weeks. Councilmember Williams seconded the motion.

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

Zoning case Z2004265 was continued for 4 weeks.

3:00 P.M. CONSIDERATION OF THE FOLLOWING RESOLUTIONS

The City Clerk read the following resolution:

A RESOLUTION 2005-05-03

ADOPTING THE TEN-YEAR PLAN TO END CHRONIC HOMELESSNESS IN SAN ANTONIO

Mr. Dennis Campa, Director of Community Initiatives, made a presentation on the Hunger and Homelessness 10-Year Plans, a copy of which is on file with the Office of the City Clerk. He spoke on the history of the Mayor's Task Force on Hunger and Homelessness, the intent of the plans, goals and strategies to prevent homelessness and hunger, estimated costs per year on the homelessness and hunger plans, potential policy implications, and timeline of the \$250,000 RPF for the mobile canteen/day center.

Ms. Susan Dumph, Community Development Program of St. Mary's Civil Justice Clinic spoke with regards to public restrooms for the homeless.

Ms. Stephanie Collins, 538 Leigh Street spoke in relation to basic necessities of the homeless.

Ms. Angie Garcia, National VP of LULAC, spoke in favor of the plan and noted where the homeless sleep and the need for a center.

Mr. Nick Pena, LULAC, stated they deal with the homeless issue on a daily basis and noted the San Antonio Housing Authority could get involved to solve the issue.

Mr. Joe Tedesco spoke with regards to the task force for Hunger and the Homeless.

Mr. John Apollo, Peace Center, addressed living as a homeless person and noted the community initiatives available for the homeless.

Mr. Tom Harrell, Seton Home Archdiocese of San Antonio, noted they have had to turn away over 100 girls and stated they strongly endorsed this plan.

Mr. Jack M. Finger, PO Box 12048, SATX 78212 spoke with regards to the committee and the programs they reviewed and referenced slide #23.

Mr. Jorge Peacher, Holy Spirit Catholic Church, spoke to being blessed in having certain things and in support of the plan.

Mr. Rick Doucette, Archdiocese of San Antonio, spoke in support of the plan.

Mr. Billy Bruckmeyer addressed the City Council in support of the plan.

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

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

The City Clerk read the following ordinance:

A RESOLUTION 2005-05-04

ADOPTING THE TEN-YEAR PLAN FOR FOOD SECURITY IN SAN ANTONIO

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

CITIZENS TO BE HEARD

Ms. Adriane Skye, Concord Taxi Co-op, spoke to the Transportation Advisory Board Meeting and read a letter into the record with regards to her investment in a van that is equipped for the disabled.

Mr. Eddie Masson, Help for Disabled, spoke to issues affecting the disabled.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed item #5 and mentioned the patients that receive treatment at the State Hospital.

Mr. Gary Bradenburg, 112 Stanford, spoke to the availability of vans that are equipped for the disabled.

(Mayor Garza was obliged to leave the meeting at 5:20 P.M. Mayor Pro Tem Haass presided.)

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 100361

RATIFYING THE SUBMISSION OF A CONTINUATION GRANT APPLICATION TO THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR OPERATION OF THE 2005 HEAD START-EARLY CHILD CARE PROGRAM FOR THE PERIOD OF FEBRUARY 1, 2005 THROUGH JANUARY 31, 2006; AUTHORIZING THE ACCEPTANCE OF AN AWARD IN THE AMOUNT OF \$45,833,107.00 IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARENT/CHILD, INCORPORATED IN THE AMOUNT OF \$45,363,107.00 TO OPERATE SAID PROGRAM; AND ADOPTING A BUDGET AND PERSONNEL COMPLEMENT.

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

Mr. Dennis Campa, Director of Community Initiatives, made a presentation on the Head Start 2005 Continuation Grant, a copy of which is on file with the Office of the City Clerk. He spoke to Parent Child Inc. (PCI) which serves as a City delegate agency that administers the Head Start program. He stated that the 81 head start sites serve 6,789 children in the community. He further spoke to the 2005 funding notification and

application submission, the executive compensation, teacher compensation, the Head Start National Reporting System, and the National Reporting System San Antonio Results.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100362

AUTHORIZING THE INTERIM CITY MANAGER, THE ASSISTANT CITY MANAGER AND THE DIRECTOR OF HOUSING AND COMMUNITY DEVELOPMENT TO PROVIDE THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) WITH ADDITIONAL INFORMATION REGARDING THE CITY’S REPAYMENT COMMITMENT FOR THE \$57,000,000.00 HUD 108 LOAN AND AMENDS THE CITY ACTION PLAN TO INCLUDE THE PROJECTS CONTAINED IN THE SAID LOAN APPLICATION.

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

Mr. Drew Cameron, Director of Housing and Community Development, made a presentation on the HUD 108 Loan Program, a copy of which is on file with the Office of the City Clerk. He outlined background information on the loan program, its benefits, noting that the projects for the program are located throughout the City and that the funding to districts is consistent with the distribution formula for CDBG funds to districts. He further delineated the commitment to HUD with respect to repayment and staff recommendation.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100363

DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS AND RELATED

RIGHTS OF INGRESS AND EGRESS RELATING TO ELECTRIC TRANSMISSION AND DISTRIBUTION LINES FOR THE CAGNON TO KENDALL PROJECT IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN THE FOLLOWING AREAS OF BEXAR AND MEDINA COUNTIES, TEXAS:

BEXAR COUNTY: G.C. & S.F.R.R. CO. SURVEY NO. 246 2/3, ABSTRACT NO. 1006, COUNTY BLOCK 4594, F.E. CEPEDA SURVEY NO. 246 3/4, ABSTRACT 1269, COUNTY BLOCK 4621; AND MEDINA COUNTY: BERIANA SANDOVAL SURVEY NO. 40, ABSTRACT NO. 840, COUNTY BLOCK 4403; FOR THE PUBLIC PURPOSES OF THE CONSTRUCTION, OPERATION AND MAINTENANCE OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, COMMUNICATION SYSTEMS AND RELATED APPURTENANCES FOR THE CAGNON TO KENDALL ELECTRIC TRANSMISSION AND DISTRIBUTION LINES PROJECT FOR THE CITY OF SAN ANTONIO GAS AND ELECTRIC SYSTEM; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY PUBLIC SERVICE BOARD TO ACQUIRE SUCH EASEMENTS AND RIGHTS OF INGRESS AND EGRESS, AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO INVESTIGATE, SURVEY, SPECIFY, DEFINE AND SECURE THE NECESSARY EASEMENT RIGHTS, AND DECLARING THE SECTIONS OF THE ORDINANCE TO BE SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

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

Ms. Joyce Labus, City Public Service made a presentation on the Cagnon-to-Kendall Transmission Project, a copy of which is on file with the Office of the City Clerk. She stated that the proposed ordinance would correct a previous approved ordinance where three county block numbers had not been included in the caption. She added that the ordinance would correct caption omissions, provide proper notice and confirm eminent domain authority over the referenced properties.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100364

APPROVING A CONSENT BY THE CITY AS LANDLORD TO THE ASSIGNMENT TO THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM OF THE LEASE ON THE BUSINESS TECHNOLOGY CENTER.

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

Ms. Rebecca Waldman, Director of Asset Management, made a presentation on the assignment to the Board of Regents of the University of Texas System, a copy of which is on file with the Office of the City Clerk. She stated this was related to the land exchange between the City and the Board of Regents where the Board would convey a 5.995 acre tract of land located adjacent to the Institute of Texas Cultures within HemisFair Park in exchange for two tracts of land that the City would convey to the Board. She presented view of the proposed areas and details of the subject properties.

(Mayor Garza returned to the meeting at 6:28 P.M. to preside.)

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

The City Clerk read the following ordinance:

AN ORDINANCE 100365

RECOGNIZING THE APPOINTMENT OF THE INTERIM CLERK OF THE MUNICIPAL COURTS OF RECORD.

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

CITY MANAGER'S REPORT

Dr. Fernando Guerra, Metropolitan Health District Director, presented a report entitled Public Center for Environmental Health Linking Health and Environment.

Mr. Ramiro Cavazos, Economic Development Director, presented a report on the Economic Development Incentive Fund.

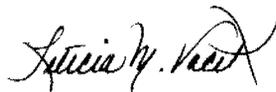
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 7:37 pm.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk