

**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, FEBRUARY 24, 2005**

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

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

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

Mayor Garza reconvened the "B" Session from Executive Session at 12:18 pm, at which time he stated that City Council had been briefed on the above-styled matter and given staff direction, but had taken no official action.

The "B" Session adjourned at 12:19 PM.

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.

The Invocation was delivered by Reverend Alvin Logan, Chaplain, District 5, Bexar County Detention Ministries.

Mayor Garza led the Pledge of Allegiance to the flag of the United States.

**CEREMONIAL ITEMS**

Mayor Garza presented the following honorariums:

A Certificate of Appreciation to the Citibank Service Center & Citigroup Foundation.

A Proclamation in honor of Pink Ribbon Month.

A Citation to the "Draguars" Girls Soccer Team for winning the Got Milk? National Soccer Competition.

**CONSENT AGENDA - CITIZEN'S COMMENTS**

The City Clerk read the following ordinance:

AN ORDINANCE 100453

AUTHORIZING THE ACCEPTANCE OF A \$10,000.00 GRANT BY THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC., ACTING AS FISCAL AGENT FOR THE CITY OF SAN ANTONIO, FROM THE CITIGROUP FOUNDATION FOR FAÇADE IMPROVEMENTS THROUGH OPERATION FACELIFT ADMINISTERED THROUGH THE NEIGHBORHOOD COMMERCIAL REVITALIZATION PROGRAM.

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

The following citizen(s) appeared to speak:

Mr. Jack Finger spoke to Item 9, the contract with Drash Consulting, noting there had been no bidding for the contract. He further spoke to Item 11, stating that there was no listing of the subcontractors and he noted campaign contributions also.

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.

**CONSENT AGENDA**

Item 8 was addressed individually from the consent agenda. The remaining Items 6 through 19G were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Haass.

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

AN ORDINANCE 100454

ACCEPTING THE SINGLE SOURCE OFFER SUBMITTED BY ASBURY ENVIRONMENTAL SERVICES TO PROVIDE THE CITY OF SAN ANTONIO PUBLIC WORKS DEPARTMENT STORM WATER DIVISION WITH INSTALLATION OF AUTOMATIC STORM WATER CURB INLET PROTECTORS FOR A TOTAL COST OF \$68,600.00 FROM GRANT FUNDS.

AN ORDINANCE 100455

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY EMERGENCY ONE, INC. TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH A REPLACEMENT AIRCRAFT RESCUE FIREFIGHTING VEHICLE FOR A TOTAL COST OF \$635,678.00.

AN ORDINANCE 100456

AUTHORIZING FUNDS IN THE AMOUNT OF \$559,384.36 PAYABLE TO THE TEXAS DEPARTMENT OF TRANSPORTATION ("TXDOT") FOR THE CITY'S PORTION OF THE CONSTRUCTION COSTS IN CONNECTION WITH THE SOUTH FLORES - MALONE TO OCTAVIA MPO PROJECT, THE THOUSAND OAKS INTERSECTIONS MPO PROJECT AND THE TEZEL ROAD - TIMBER PATH TO OLD TEZEL ROAD MPO PROJECT; AUTHORIZING \$13,361.20 FOR CONSTRUCTION CONTINGENCY EXPENSES; AUTHORIZING \$23,490.00 PAYABLE TO DRASH CONSULTING ENGINEERS, INC., FOR ENVIRONMENTAL MONITORING AND OVERSIGHT SERVICES IN CONNECTION WITH THE SOUTH FLORES - MALONE TO OCTAVIA PROJECT; AUTHORIZING \$6,458.13 FOR CONSTRUCTION CONTINGENCY EXPENSES IN CONNECTION WITH THE THOUSAND OAKS INTERSECTION PROJECT; AUTHORIZING \$36,119.11 FOR CONSTRUCTION CONTINGENCY EXPENSES IN CONNECTION WITH THE TEZEL ROAD - TIMBER PATH TO OLD TEZEL PROJECT, FOR A TOTAL AMOUNT OF \$638,812.80 FROM CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100457

SELECTING ALDERSON & ASSOCIATES, INC. (SBE) TO PROVIDE PROFESSIONAL ELECTRICAL ENGINEERING SERVICES ASSOCIATED WITH

THE RIVER WALK ELECTRICAL AND LIGHTING ANALYSIS PROJECT COVERING VARIOUS LOCATIONS ON THE RIVER WALK IN COUNCIL DISTRICT 1; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$108,217.00; AUTHORIZING \$10,800.00 FOR ARCHITECTURAL CONTINGENCY EXPENSES; AUTHORIZING MANDATORY PROJECT FEES OF \$50,600.00, FOR A TOTAL AMOUNT OF \$169,617.00 FROM THE RIVER WALK CAPITAL IMPROVEMENTS FUND; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100458

SELECTING HALFF ASSOCIATES, INC., TO PROVIDE PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES IN CONNECTION WITH THE MITCHELL LAKE/LAND HERITAGE INSTITUTE TRAIL SYSTEM PROJECT, LOCATED IN COUNCIL DISTRICTS 3 AND 4; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$144,848.00; AUTHORIZING \$10,000.00 FOR MASTER PLAN CONTINGENCY EXPENSES; AUTHORIZING \$40,000.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$194,848.00 FROM PARK BOND FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100459

AUTHORIZING PAYMENT IN THE AMOUNT OF \$13,703.00 TO K. M. NG & ASSOCIATES, INC. (SBE/DBE/MBE) FOR ON-CALL CIVIL ENGINEERING SERVICES, PASSED AND APPROVED ON AUGUST 7, 2003, BY ORDINANCE NO. 97945, IN CONNECTION WITH THE SOUTHSIDE LIONS PARK POOL DRAIN LINE RELOCATION COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING \$3,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$1,000.00 FOR BID ADVERTISING AND PRINTING EXPENSES; AUTHORIZING \$3,000.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$20,703.00; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100460

AUTHORIZING PAYMENT IN THE AMOUNT OF \$18,424.00 TO K. M. NG & ASSOCIATES, INC. (SBE/DBE/MBE) FOR ON-CALL CIVIL ENGINEERING SERVICES, PASSED AND APPROVED ON AUGUST 7, 2003, BY ORDINANCE NO. 97945, IN CONNECTION WITH THE SOUTHSIDE LIONS PARK (WEST) DRAINAGE IMPROVEMENTS COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 3; AUTHORIZING \$3,000.00 FOR ENGINEERING CONTINGENCY EXPENSES; AUTHORIZING \$1,200.00 FOR BID ADVERTISING AND PRINTING EXPENSES; AUTHORIZING \$3,000.00 FOR MANDATORY PROJECT FEES, FOR A TOTAL AMOUNT OF \$25,624.00; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100461

AUTHORIZING THE FEE SIMPLE PURCHASE OF NINE (9) PROPERTIES LOCATED ALONG THE SALADO AND LEON CREEKS IN COUNCIL DISTRICTS 2 AND 6 FOR A TOTAL AMOUNT OF \$86,945.00; AUTHORIZING \$2,754.00 FOR DUE DILIGENCE EXPENSES, FOR A TOTAL AMOUNT OF \$89,699.00 FROM THE PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT (PROPOSITION 3) SALES TAX FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100462

AUTHORIZING THE CITY OF SAN ANTONIO TO ACCEPT THE TRANSFER OF OWNERSHIP OF TELECOMMUNICATION EQUIPMENT FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO AS DESCRIBED IN A MEMORANDUM OF UNDERSTANDING.

AN ORDINANCE 100463

AUTHORIZING THE EXECUTION OF EIGHT (8) PROFESSIONAL SERVICES AGREEMENTS TOTALING \$678,825.00 TO SUPPORT THE STEPS TO A HEALTHIER SAN ANTONIO PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 22, 2004 THROUGH SEPTEMBER 21, 2005, AS FOLLOWS: THE AMERICAN CANCER SOCIETY, \$153,195.00; THE AMERICAN LUNG ASSOCIATION OF TEXAS,

\$13,450.00; THE SOUTH TEXAS ASTHMA COALITION, \$29,500.00; THE SAN ANTONIO – BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION, \$88,200.00; THE BEXAR COUNTY COMMUNITY HEALTH COLLABORATIVE, \$66,825.00; UNIVERSITY HEALTH SYSTEM – TEXAS DIABETES INSTITUTE, \$151,555.00; THE SOCIAL AND HEALTH RESEARCH CENTER “BIENESTAR PROGRAM”, AND THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT, \$146,100.00; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 100464

RATIFYING THE SUBMISSION OF A GRANT APPLICATION IN THE AMOUNT OF \$126,755.00 TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, AVAILABLE UNDER THE VIOLENCE AGAINST WOMEN ACT FOR THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006.

AN ORDINANCE 100465

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR DOWNTOWN FOR THE CESAR CHAVEZ MARCH FOR JUSTICE PARADE TO BE HELD FROM 10:00 A.M. UNTIL 2:00 P.M. SATURDAY, MARCH 26, 2005.

AN ORDINANCE 100466

REAPPOINTING BETTI WARD (DISTRICT 1) TO THE ARTS AND CULTURAL AFFAIRS COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 10467

REAPPOINTING CARMEN ABAD-FITTS (STRUCTURAL ENGINEER CATEGORY - DISTRICT 1) TO THE BOARD OF APPEALS FOR A TERM OF OFFICE TO EXPIRE ON JULY 31, 2006.

AN ORDINANCE 100468

REAPPOINTING CONNIE BOYLE (DISTRICT 1) TO KEEP SAN ANTONIO BEAUTIFUL, INC., FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 22, 2006.

AN ORDINANCE 100469

REAPPOINTING BARBARA WITTE-HOWELL (DISTRICT 1) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100470

APPOINTING KEVIN S. MESSENGER (DISTRICT 10) AND ARTHUR EMERSON (DISTRICT 1) TO THE GREATER KELLY DEVELOPMENT AUTHORITY FOR TERMS OF OFFICE TO EXPIRE ON NOVEMBER 30, 2006.

AN ORDINANCE 100471

REAPPOINTING VERONICA GARCIA (DISTRICT 6) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100472

APPOINTING CRISTA MARICHALAR (DISTRICT 10) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

**CONSENT ITEM CONSIDERED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 100473

ACCEPTING THE LOW RESPONSIVE BIDS SUBMITTED BY BABY JACK AUTOMOTIVE LTD., D/B/A COLUMBUS COUNTRY FORD, BID NO. 1, ITEM 1 AND TOM BENSON CHEVROLET, ITEM 2 TO PROVIDE THE CITY OF SAN ANTONIO WITH REPLACEMENT ADMINISTRATIVE VEHICLES, TO INCLUDE SIXTY FOUR (64) SEDANS AND TWELVE (12) HYBRID SEDANS FOR A TOTAL COST OF \$1,042,824.00.

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

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke about the Caesar Chavez March and invited all to participate. He also spoke to item 24 (ACCD Allied Health Care Facility).

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

The minutes of the City Council meeting of February 3, 2005 were approved as presented.

ZONING CASES

4A) ZONING CASE NUMBER Z2005010: The request of Casey Cooke, Applicant, for Casey Cooke, 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 multi-family dwellings not to exceed 23 units per acre on Lot 12, Block 5, NCB 1967 (1647 W. Woodlawn). Staff's recommendation was for approval. Zoning Commission has recommended approval of "R-6" C. (Council District 1)

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

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke with regards to items 4I and 4J. He stated that he was very familiar with this area and spoke to the zoning cases.

Ms. Mariana Ornelas, 526 Freiling, also spoke to items I and J and noted the damage to our sole water source and asked the Council to protect the aquifer.

Ms. Deanna Frist, League of the Woman Voters, also spoke to items I and J and asked why Councilman Schubert would continue said items for 2 weeks.

Mr. Jack M. Finger, PO Box 12048, spoke to the impervious cover of no more than 30%. He added that the idea is to keep it at 15%.

Ms. Angelique Naylor, 1647 Woodlawn, spoke with regards to City Council consideration on said item.

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

#### AN ORDINANCE 100474

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 12, BLOCK 5, NCB 1967 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 23 UNITS PER ACRE.

4B) ZONING CASE NUMBER Z2005011: The request of Marty Taglauer, Applicant, for Marty Taglauer, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "RM-4" Residential Mixed District on Lots 1 thru 3, Block 6, NCB 1782 (1146 Fulton 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 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, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Castro, Schubert.

AN ORDINANCE 100475

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THRU 3, BLOCK 6, NCB 1782 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "RM-4" RESIDENTIAL MIXED DISTRICT.

4C) ZONING CASE NUMBER Z2005023: The request of Brown, P. C. Attorneys at Law, Applicant, for William A. Nash IV, Owner(s), for a change in zoning from "R-4" Residential Single-Family District and "EP-1" Event Parking to "MF-33" Multi-Family District and "EP-1" Event Parking on 9.881 acres out of NCB 10235 (405 Spriggsdale Road). Staff's recommendation was for approval. Zoning Commission recommendation was for approval. (Council District 2)

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

The following citizen(s) appeared to speak:

Ms. Wray Hood, 482 Hub, spoke with regards to said item and stated that she is in favor of the senior citizen project that is proposed.

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

AN ORDINANCE 100476

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 9.881 ACRES OUT OF NCB 10235 FROM "R-4"

RESIDENTIAL SINGLE-FAMILY DISTRICT AND "EP-1" EVENT PARKING TO  
"MF-33" MULTI-FAMILY DISTRICT AND "EP-1" EVENT PARKING

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 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 100477

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 5 THROUGH 8, BLOCK 4, NCB 6637 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "HS" R-4" HISTORIC SIGNIFICANT RESIDENTIAL SINGLE-FAMILY DISTRICT.

4E) ZONING CASE NUMBER Z2005009 C: The request of La Obra Milagrosa Church DBA Miracle Center Church, Applicant, for La Obra Milagrosa Church DBA Miracle Center Church, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "R-4" C Residential Single-Family District with a conditional use for a recreational facility-private community wide on 1.836 acre tract of land out of Lot 11, Block 49, NCB 11079. (1911 Escalon Avenue) Staff's recommendation was for approval. Zoning Commission has recommended approval with conditions: 1) There shall be no exterior display or sign with the exception that a nameplate, not exceeding three (3) square feet in area, may be permitted when attached to the front of the main structure; 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 10:00 p.m. as requested by the applicant. (Council District 3)

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

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

#### AN ORDINANCE 100478

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 1.836 ACRE TRACT OF LAND OUT OF LOT 11, BLOCK 49, NCB 11079 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A RECREATIONAL FACILITY-PRIVATE COMMUNITY WIDE.

4F) ZONING CASE NUMBER Z2005016: The request of City of San Antonio, Historic Preservation Office for Darryl Ohlenbusch, Applicant, for Darryl Ohlenbusch, Owner(s), for a change in zoning to designate Historic Significance on Lot 6, Block 5, NCB 1675 (2340 South Presa Street). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 5)

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

The following citizen(s) appeared to speak:

Mr. Robert Alvarado, 716 S. Presa, spoke in favor to the rezoning.

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

AN ORDINANCE 100479

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 6, BLOCK 5, NCB 1675 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "I-1 HS" GENERAL INDUSTRIAL DISTRICT, HISTORIC SIGNIFICANCE.

4G) ZONING CASE NUMBER Z2005030 S: The request of City of San Antonio, Applicant, for Mainland Drive Investment, LLC, Owner(s), for a change in zoning from "I-1" General Industrial District to "L" S Light Industrial District with specific use authorization for a daycare center on Lots 5 and Lot 6, Block 1, NCB 18571 (7939, 7941, 7943, 7945, 7947 and 7949 Mainland Drive). Staff's recommendation was for approval. Zoning Commission recommendation was for approval. (Council District 8)

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

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

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

Zoning case Z2005030 S was continued for two weeks.

4H) ZONING CASE NUMBER Z2004259: The request of City of San Antonio, Applicant, for Multiple Owners, for a change in zoning to establish Neighborhood Conservation District No. 4 (NCD-4) Overlay on property generally bound by Wurzbach Parkway on the northwest, Lockhill-Selma Road on the northeast, Dreamland on the southeast and the Union Pacific Railroad right-of-way on the southwest. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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

The following citizen(s) appeared to speak:

Ms. Sherry Marton, 11015 Whisper Hollow, addressed the Council with regards to her opposition to the zoning case.

Mr. Peter Nittelfield, 2714 Whisper Dove, also addressed the Council with regards his opposition to the proposed change.

Mr. Dennis Olivares, 10935 Whisper Ridge, stressed the high number of neighborhood owners in opposition to the zoning case.

Ms. Gail Huchlette, 11503 Whisper Ledge, spoke in favor of the zoning request and the process utilized.

Mr. Paul Fletcher, 111 Soledad, pointed out all of the issues with the zoning request and noted his opposition.

Mr. Allan Riggs, 11403 Whisper Moss, spoke in favor of the zoning request.

Mr. Ed Einstein, President of the Whispering Oaks Homeowners Association, stated they are in favor of the zoning request.

Mr. Michael Makowski, 2602 Whisper Dove, stated the approval of said request would mean progress.

Mr. Joel R. Garcia, 2603 Whisper Dove, spoke to his approval of the rezoning request and noted the opposition states they have signatures but asked for a show of hands for and against the zoning case.

Ms. Norma Sackett, 11439 Whisper Dawn, spoke in favor of the zoning case.

Mr. Dennis Olivares spoke to the lack of notices to the property owner, and also cited one of the meeting notices received only 3 days prior to the meeting.

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

AN ORDINANCE 100480

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35 UNIFIED DEVELOPMENT CODE, SECTION 35-304, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO ESTABLISH NEIGHBORHOOD CONSERVATION DISTRICT 4 (NCD-4) OVERLAY DISTRICT ON PROPERTY GENERALLY BOUNDED BY LOCKHILL-SELMA ROAD TO THE NORTHEAST, WURZBACH ROAD TO THE NORTHWEST, UNION PACIFIC RAILROAD RIGHT-OF-WAY TO THE SOUTHWEST AND THE NORTHWEST PARCEL LINES OF PARCELS THAT FRONT DREAMLAND TO THE SOUTHEAST, LOCATED IN THE WHISPERING OAKS NEIGHBORHOOD, AS DESCRIBED HEREIN AND TO PROVIDE FOR A NEIGHBORHOOD CONSERVATION PLAN.

4I) 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)

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

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

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

Zoning case Z2004270 was continued for two weeks.

4J) 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 P-4F, NCB 15671 (18581 Redland Road). 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.

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

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

Zoning case Z2004265 was continued for two weeks.

### **STAFF BRIEFING ON THE CONVENTION CENTER HEADQUARTERS HOTEL PROJECT.**

Mr. Christopher J. Brady, Assistant City Manager, provided a presentation on the Convention Center Headquarters Hotel, a copy of which is on file with the Office of the City Clerk. He outlined the key event dates, design, provision of the 500 public parking spaces and its negotiations, the City's guarantee and sources of payment for the bonds. He further spoke to the shortfall provisions, the hotel operator, outstanding issues with respect to the condos which included conveyance of air rights for condos, legal structure of the condo development, parking for the condos, and the number of condos to be constructed.

### **EXECUTIVE SESSION**

The City Council recessed its regular session at 4:48 pm in order to convene in Executive Session for the purpose of:

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 the Texas A&M University System, Faulkner USA, and one or more business prospects, 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).

The City Council adjourned the Executive Session at 6:16 pm 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.

### **CITIZENS TO BE HEARD**

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke with regards to various issues.

Ms. Amelia Ornelas, 242 Ravenhill, addressed the City Council with regards to the Neighborhood Action Department's residential Rehabilitation Project and the problems she has encountered with a lien placed on her home and issues with the contractor.

Councilmember Williams asked the City Manager to provide a report on the liens of homes.

### **ITEMS FOR INDIVIDUAL CONSIDERATION – CITIZEN COMMENTS**

Mr. Jack M. Finger, PO Box 12048, addressed the City Council with regards to item 20 and he outlined the pitfalls with said project (parking, bond insurance and long term obligation - condos).

The City Clerk read the following ordinance:

#### **AN ORDINANCE 100481**

**AUTHORIZING THE ESTABLISHMENT OF A DEDICATED REVENUE AND EXPENDITURE ACCOUNT TITLED "ANIMAL CARE FACILITY DONATION FUND" AND AUTHORIZING THE ACCEPTANCE OF ALL MONETARY DONATIONS FROM SOURCES THAT SUPPORT THE INITIATIVES FOR RESPONSIBLE PET OWNERSHIP AND SHELTER OPERATIONS WITHIN THE ANIMAL CARE DIVISION.**

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

Mr. Sam Sanchez, Animal Care Services Administrator, Metropolitan Health District, narrated a slide presentation on the dedicated revenue and expenditure account to enhance animal care initiatives, a copy of which is on file with the Office of the City Clerk. He spoke to the citizens' concerns presented at the town hall meetings, noting the measures taken thus far by staff to address those concerns. He stated the volunteer program was begun on January 17, 2005, cited the donations received and the volunteers and hours expended in tending to the care of animals. He further amplified on the adoptions, euthanasia, animal care statistics for 2004, the staff training, quality assurance programs, and partnerships with Bexar County Human Society, Animal Defense League and the Animal Resource Center. He cited the community based programs, media campaign, activities of the Animal Services Advisory Board and the Blue Ribbon Committee whose duties will include recommending a strategic plan for promoting pet responsibility and animal advocacy in the City. He also expanded on the Summit for 2005 where they would work to enlist businesses, veterinarians, animal advocacy groups, community leaders and others in an effort to support spay/neuter promotion, animal adoption and human treatment of animals.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100482

APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE SAN ANTONIO TECHNOLOGY ACCELERATOR INITIATIVE ("SATAI") NETWORK, L.L.C., A SINGLE-MEMBER TEXAS LIMITED LIABILITY CORPORATION ACTING THROUGH ITS FISCAL AGENT, THE TEXAS RESEARCH PARK FOUNDATION, TO ESTABLISH THE TERMS AND CONDITIONS OF A \$500,000.00 GRANT TO ASSIST THE SATAI NETWORK IN PROMOTING AND FACILITATING THE COMMUNITY'S TECHNOLOGY INITIATIVES.

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

Mr. Ramiro Cavazos, Director of Economic Development Department made a presentation on the grant agreement with the San Antonio Technology Accelerator Initiative Network, (SATAI), a copy of which is on file with the Office of the City Clerk.

He spoke to the purpose of the proposed grant, background history on SATAI, its Board of Directors, and the mission of SATAI.

Dr. Randy Goldsmith, President and CEO of SATAI, amplified on the SATAI programs and mission. He delineated the four programs and associated services for each of the programs which included the enterprise services, capital network, network services and special projects. He further cited accomplishments, noting the total clients served, new high-tech jobs created, clients securing investments, and investment in SATAI clients.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100483

ACCEPTING A \$125,000.00 PLANNING GRANT FROM THE U.S. DEPARTMENT OF DEFENSE, OFFICE OF ECONOMIC ADJUSTMENT ("OEA"), FOR THE PURPOSE OF STUDYING THE IMPACT OF LOCAL MILITARY MEDICAL CENTERS IN SAN ANTONIO; AUTHORIZING THE DIRECTOR OF THE CITY'S ECONOMIC DEVELOPMENT DEPARTMENT TO ACCEPT SAID GRANT ON BEHALF OF THE CITY BY EXECUTING A GRANT AGREEMENT THROUGH ELECTRONIC SIGNATURE WITH THE OEA; AUTHORIZING THE INTERIM CITY MANAGER OR HIS DESIGNEE TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH THE DILUZIO GROUP TO PERFORM THE REQUIREMENTS OF THE PLANNING GRANT.

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

Mr. Ramiro Cavazos, Director of Economic Development Department, narrated a slide presentation on the grant acceptance of \$125,000.00 from Office of Economic Adjustment, U.S. Department of Defense, a copy of which is on file with the Office of the City Clerk. He outlined background information, scope of services, the request for proposal process, Evaluation Committee and its recommendation, and the scoring matrix. He presented information on The Diluzio Group, the consulting firm that received the contract, project timelines and fiscal impact.

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

**RESOLUTION OF SUPPORT TO THE ALAMO COMMUNITY COLLEGE DISTRICT**

Item 24 is a Resolution of support to the Alamo Community College District Board of Directors, to have the proposed Allied Health Care Facility built on the near eastside of San Antonio, within the Empowerment Zone; as requested by Councilman Joel Williams, District 2.

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

The following citizen(s) appeared to speak:

Mr. Leo Zuniga, Alamo Community College District, addressed the City Council with regards to the needs of the Community College and noted they were formulating a new bond package.

Ms. Nettie Hinton, 509 Burleson, addressed the City Council relating to the fact that the infrastructure is already in place and how pleased she is that the location of the proposed allied health care facility is being considered for the area of the east side.

Mr. Joseph Oubre, COPS/Metro Alliance, stated that COPS Metro Alliance supports the proposed allied health care facility. He added that this is an opportunity to develop the east side.

A substitute motion was made by Councilmember Williams and seconded by Councilmember Barrera to postpone the vote on this resolution for the next scheduled City Council Meeting in order to allow the entire City Council to vote on same.

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

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

**CITY MANAGER'S REPORT**

The City Manager was directed to place the ballot language on the agenda for next Thursday.

Ms. Diane Galvan, External Relations, presented the City's 2004 Annual Report.

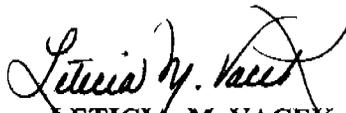
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 7:56 pm.

A P P R O V E D



EDWARD D. GARZA  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk