

**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, APRIL 14, 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 following:

Staff presentation on Community Infrastructure and Economic Development (CIED) Fund.

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

Mayor Garza recessed the "B" Session at 11:35 am to convene in Executive Session for the purpose of:

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).

Mayor Garza reconvened the "B" Session from Executive Session at 12:42 pm, at which time he stated City Council had been briefed on the above-styled matter and gave staff direction, but had taken no official action.

The "B" Session adjourned at 12:43 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 Dr. David Miracle, Northridge Park Baptist Church, guest of Councilmember Haass, District 10.

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

CEREMONIAL ITEMS

Mayor Garza presented the following honorariums: proclamation for “El Rey Feo”, Mr. Robert “Dick” Tips; proclamation celebrating “Night in Old San Antonio (NIOA); citation for the South San High School Varsity Basketball team; and a proclamation recognizing “CPR Day”.

The minutes of the Special City Council Meetings of March 23rd and March 30, 2005 were approved as presented.

CONSENT AGENDA

Consent agenda items 9 through 28 were approved upon motion made by Councilmember Haass and seconded by Councilmember Segovia.

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

AN ORDINANCE 100663

ACCEPTING THE LOW, RESPONSIVE BID SUBMITTED BY BWI SCHULENBURG TO PROVIDE THE CITY OF SAN ANTONIO PARKS AND RECREATION DEPARTMENT WITH FERTILIZER FOR A TOTAL COST OF \$48,360.00.

AN ORDINANCE 100664

ACCEPTING THE OFFER SUBMITTED BY FISHER SCIENTIFIC COMPANY, LLC, UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO FIRE DEPARTMENT WITH ESCAPE HOODS FOR A TOTAL COST OF \$42,057.84 FROM HOMELAND SECURITY GRANT FUNDS.

AN ORDINANCE 100665

RATIFYING THE EMERGENCY PURCHASE OF PHARMACEUTICALS FROM SUPPLY SERVICE CENTER FOR THE CITY OF SAN ANTONIO FIRE DEPARTMENT FOR A TOTAL COST OF \$176,657.04 FROM HOMELAND SECURITY GRANT FUNDS.

AN ORDINANCE 100666

ACCEPTING THE OFFER SUBMITTED BY TEXAS BUS SALES, UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT, TO PROVIDE THE CITY OF SAN ANTONIO AVIATION DEPARTMENT WITH THREE (3) REPLACEMENT PASSENGER SHUTTLE BUSES FOR A TOTAL COST OF \$162,459.00.

AN ORDINANCE 100667

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 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$411,981.00 TO INCLUDE CONTRACTS FOR LEARNING EXPRESS LIBRARY ONLINE SUBSCRIPTION RENEWAL, HONDA MOTORCYCLE PARTS AND SERVICE, DEPO-PROVERA PHARMACEUTICALS, AND POLICE PURSUIT TIRES.

AN ORDINANCE 100668

ACCEPTING THE LOW, RESPONSIVE BID SUBMITTED BY DELL MARKETING, LP UTILIZING THE TEXAS DEPARTMENT OF INFORMATION RESOURCES "GO DIRECT" PROGRAM, TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH SEVEN GIS/EOC WORKSTATION COMPUTERS FOR A TOTAL COST OF \$32,697.00 FROM LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT FUNDS.

AN ORDINANCE 100669

ACCEPTING THE LOW, RESPONSIVE BID SUBMITTED BY DELL MARKETING, LP, UTILIZING THE TEXAS DEPARTMENT OF INFORMATION RESOURCES

“GO DIRECT” PROGRAM, TO PROVIDE THE CITY OF SAN ANTONIO POLICE AND INFORMATION TECHNOLOGY SERVICES DEPARTMENTS WITH MOBILE DEVICE SERVERS FOR A TOTAL COST OF \$48,070.00.

AN ORDINANCE 100670

AUTHORIZING THE EXECUTION OF A BOND FUNDING AGREEMENT WITH THE SAN ANTONIO ZOOLOGICAL SOCIETY FOR THE COST OF UP TO \$1,450,000.00 FROM 2003-2007 PARK BOND FUNDS FOR SAN ANTONIO ZOO FACILITY IMPROVEMENTS, LOCATED IN COUNCIL DISTRICT 9; AND APPROPRIATING FUNDS.

AN ORDINANCE 100671

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE WITTE MUSEUM FOR THE COST OF UP TO \$250,000.00 FROM CERTIFICATES OF OBLIGATION FUNDS FOR CAPITAL INFRASTRUCTURE IMPROVEMENTS AT THE WITTE MUSEUM, LOCATED IN COUNCIL DISTRICT 9; AND APPROPRIATING FUNDS.

AN ORDINANCE 100672

APPROVING THE EXECUTION OF A HEMISFAIR PARK LEASE AGREEMENT WITH THE BEXAR COUNTY MASTER GARDENERS FOR THE USE OF APPROXIMATELY 971 SQUARE FEET OF SPACE, LOCATED AT 331 GOLIAD STREET AND IDENTIFIED AS BUILDING 514 A/K/A THE MAX SCHULTZE HOUSE FOR A FIVE (5) YEAR TERM WITH AN OPTION TO RENEW FOR AN ADDITIONAL FIVE (5) YEAR TERM, FOR THE CONTINUED OPERATION OF A GIFT STORE AND TRAINING FACILITY ON HORTICULTURAL TOPICS AND IN LIEU OF MONETARY RENTAL PAYMENTS PROVIDING GENERAL MAINTENANCE OF THE MAX SCHULTZE HOUSE AND VOLUNTEER SERVICES TO THE CITY, SPECIFICALLY THE SAN ANTONIO BOTANICAL CENTER GENERAL GARDEN AND CHILDREN’S GARDEN, CONTINUED MAINTENANCE OF A MODEL GARDEN ADJACENT TO THE LEASED PREMISES AND MAINTENANCE OF THREE (3) ADDITIONAL PLANTING AREAS LOCATED WITHIN HEMISFAIR PARK.

AN ORDINANCE 100673

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS MIGRANT COUNCIL, INC. (TMC) MIGRANT HEAD START PROGRAM IN ORDER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO PROVIDE PHYSICAL EXAMINATIONS ON A REIMBURSABLE FEE-FOR-SERVICE BASIS IN AN AMOUNT NOT TO EXCEED \$8,000.00 FOR APPROXIMATELY FORTY (40) CHILDREN ENROLLED IN THE TMC MIGRANT HEAD START PROGRAM FOR THE PERIOD FEBRUARY 1, 2005 THROUGH JANUARY 31, 2007; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TMC MIGRANT HEAD START PROGRAM IN ORDER FOR THE SAMHD TO PROVIDE DENTAL EVALUATIONS ON A REIMBURSABLE FEE-FOR-SERVICE BASIS IN AN AMOUNT NOT TO EXCEED \$8,000.00 FOR APPROXIMATELY FORTY (40) CHILDREN ENROLLED IN THE TMC MIGRANT HEAD START PROGRAM FOR THE PERIOD FEBRUARY 1, 2005 THROUGH JANUARY 31, 2007; AUTHORIZING THE SAMHD AS A CERTIFIED MEDICAID, MEDICARE, AND THIRD PARTY MEDICAL AND DENTAL CLAIMS PROVIDER TO SUBMIT BILLS FOR SERVICES RENDERED AND TO RECEIVE PAYMENTS AND REIMBURSEMENTS FOR THESE SERVICES IN THE APPROXIMATE AMOUNT OF \$3,860.00; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT, AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 100674

AUTHORIZING THE ACCEPTANCE OF TEXAS BLOCK GRANT FUNDS IN THE AMOUNT OF \$450,000.00, WHEN OFFERED, IN SUPPORT OF 2005 AIRPORT IMPROVEMENTS AT STINSON MUNICIPAL AIRPORT; APPROPRIATING FUNDS AND AUTHORIZING PAYMENT TO THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) OF AN AMOUNT NOT TO EXCEED \$50,000.00 FOR THE CITY'S TEN PERCENT (10%) MATCHING SHARE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT OF SUCH FUNDS TO TXDOT.

AN ORDINANCE 100675

AUTHORIZING THE ACCEPTANCE OF A GATES "STAYING CONNECTED" COMPUTER REPLACEMENT PROGRAM GRANT IN THE AMOUNT OF \$40,278.00 FROM THE BILL & MELINDA GATES FOUNDATION THROUGH THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION, WHICH WILL BE USED TO REPLACE THIRTY TWO (32) PUBLIC ACCESS COMPUTERS

ORIGINALLY PROVIDED BY THE FOUNDATION IN LOW-INCOME COMMUNITIES WITH REPLACEMENT "GATES MODEL" COMPUTERS; AUTHORIZING A MATCH OF \$20,138.00; AND APPROPRIATING FUNDS.

AN ORDINANCE 100676

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE SEGAL COMPANY TO PROVIDE A NEW ACTUARIAL VALUATION OF THE FIRE AND POLICE RETIREE HEALTHCARE FUND ("FUND") FOR A COST NOT TO EXCEED \$25,000.00, AND ADDITIONAL CONTINGENT CONSULTING SERVICES RELATED TO THE FUND FOR A COST NOT TO EXCEED \$15,000.00.

AN ORDINANCE 100677

SELECTING WATSON CONSOLIDATED, HADAR CONSTRUCTION SERVICES, L.L.C., TEXAS LEAD INSPECTION & ENVIRONMENTAL SERVICES, SINCLAIR CONSTRUCTION, BOLADO ENVIRONMENTAL & CONSTRUCTION SERVICES, L.L.C. AND ASBESTOS & DEMOLITION CONTRACTING TO PROVIDE ON-CALL LEAD HAZARD CONTROL WORK IN CONNECTION WITH VARIOUS NEIGHBORHOOD ACTION DEPARTMENT HOUSING PROGRAMS FOR AN AMOUNT NOT TO EXCEED \$250,000.00 FOR EACH CONTRACT, FOR A TOTAL AMOUNT OF \$1,500,000.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT LEAD GRANT FUNDS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF THE ENVIRONMENTAL SERVICE CONTRACTS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100678

AUTHORIZING THE ACCEPTANCE OF A \$149,950.00 GRANT FROM THE U.S. DEPARTMENT OF DEFENSE FOR THE PROCUREMENT TECHNICAL ASSISTANCE CENTER FOR THE GRANT PERIOD OF JANUARY 1, 2005 THROUGH DECEMBER 31, 2005; AND APPROVING A BUDGET AND A PERSONNEL COMPLEMENT.

AN ORDINANCE 100679

APPROVING THE TEMPORARY CLOSURE OF GILLETTE BOULEVARD BETWEEN POTEET JOURDANTON FREEWAY (STATE HIGHWAY 16) AND PALO ALTO ROAD FROM 8:00 A.M. UNTIL 11:59 P.M. ON SUNDAY, MAY 1, 2005 FOR ST. BONAVENTURE CATHOLIC CHURCH'S ANNUAL SCHOOL FESTIVAL.

AN ORDINANCE 100680

APPROVING THE TEMPORARY CLOSURE OF CASTLERIDGE BETWEEN PINN ROAD AND MILITARY DRIVE WEST FROM 7:00 A.M. UNTIL 11:00 P.M. ON SUNDAY, JUNE 5, 2005 FOR RESURRECTION OF THE LORD CATHOLIC CHURCH'S ANNUAL FESTIVAL.

AN ORDINANCE 100681

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF EAST OLMOS DRIVE NEAR OLMOS PARK FROM 5:00 A.M. UNTIL 10:30 A.M. ON SATURDAY, MAY 14, 2005 FOR THE GREAT STRIDES: TAKING STEPS TO CURE CYSTIC FIBROSIS RUN/WALK SPONSORED BY THE CYSTIC FIBROSIS FOUNDATION.

AN ORDINANCE 100682

REAPPOINTING ROY R. BOTELLO (DISTRICT 5) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

EXECUTIVE SESSION

Mayor Garza recessed the Regular Session at 1:55 pm in order to convene in Executive Session for the purpose of:

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).

Mayor Garza reconvened the Regular Session from Executive Session at 3:25 pm, at which time he stated City Council had been briefed on the above-styled matter and gave staff direction, but had taken no official action.

1:30 PM - CONSIDERATION OF THE FOLLOWING:

Public Hearing relating to the issuance by the City of San Antonio, Texas Convention Center Hotel Finance Corporation of its Contract Revenue Empowerment Zone Bonds, Series 2005A, and Contract Revenue Bonds, Taxable Series 2005B to provide a portion of the funds required to develop, construct, equip and open of a full-service hotel located adjacent to the City's convention center which initially will be owned by Hotel Investments, L.P., a Texas limited partnership.

Mayor Garza declared the Public Hearing to be open.

Mr. Chris Brady, Assistant City Manager, made a presentation on the hotel project, a copy of which is on file with the Office of the City Clerk. He detailed the specifics on the hotel such as the number of rooms for meetings and ballroom space, square footage, financing overview, historical data on HOT collections, and overview of the Convention Center Facilities. He addressed the debt service coverage, data on the ground lease, the project agreement, site access agreement, room blocking agreement, economic development agreement and the underwriter syndicate. He further delineated status of negotiations, citing the need to approve the agreements in a timely manner to avoid interest rate increases. He noted that the subject of the condos was not included in the provisions presented this day until after the bond pricing. He highlighted information on the evaluation criteria for the selection of Faulkner, the partnership roles, the original preferred finance plan, credit support structure, projected available City tax revenue for credit support of debt service, and repayment of all taxes. He also spoke to the Hyatt Management Agreement, Marathon Equity, annual City revenues, construction risks and construction completion risks, parking spaces, timeline review and final negotiated financial design.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed the Council about the convention industry and the possibility of it falling on its face. He cited the underwriter, UBS and the claims

filed against them. He added that several Councilmembers received campaign contributions from one of the other underwriters.

Mr. Frank Burney, representing San Antonio Hotels addressed the Council with respect to the obligations for the project.

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following ordinance:

AN ORDINANCE 100683

DESIGNATING AND RESERVING UP TO \$130,000,000.00 OF THE CITY'S \$230,000,000.00 CAPACITY TO ISSUE EMPOWERMENT ZONE BONDS FOR THE CONVENTION CENTER HOTEL PROJECT.

Councilmember Perez made a motion to approve the proposed Ordinance. 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, Perez, Radle, Barrera, Castro, Hall, Haass, Garza. **NAYS:** None. **ABSENT:** Castro. **ABSTAINED:** Schubert.

The City Clerk read the following ordinance:

AN ORDINANCE 100684

MODIFYING THE CITY OF SAN ANTONIO'S ECONOMIC DEVELOPMENT PROGRAM, AS REVISED BY ORDINANCE 99308 ON JUNE 3, 2004, TO PERMIT GRANTS AND/OR LOANS FOR ECONOMIC DEVELOPMENT PURPOSES OR PROJECTS PURSUANT TO CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE, WITH THE AUTHORIZATION OF CITY COUNCIL.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100685

REQUESTING AND AUTHORIZING THE *CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER HOTEL FINANCE CORPORATION* (THE "ISSUER") TO ISSUE UP TO \$130,000,000 OF ITS CONTRACT REVENUE EMPOWERMENT ZONE BONDS, SERIES 2005A, AND UP TO \$100,000,000 OF ITS CONTRACT REVENUE BONDS, TAXABLE AND POTENTIAL TAX-EXEMPT BONDS (COLLECTIVELY, THE "BONDS"), THE PROCEEDS OF WHICH WILL BE LOANED TO HOTEL INVESTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP (THE "DEVELOPER"), AND USED TO PROVIDE A PORTION OF THE FUNDS REQUIRED TO DEVELOP, CONSTRUCT, EQUIP, FURNISH AND OPEN A FULL-SERVICE HOTEL AND RELATED PARKING TO BE INITIALLY OWNED BY THE DEVELOPER AND LOCATED ADJACENT TO THE CITY'S CONVENTION CENTER ON LAND OWNED BY THE CITY AND INITIALLY LEASED OR LICENSED FROM THE CITY TO THE DEVELOPER.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100686

APPROVING AND AUTHORIZING THE EXECUTION OF ALL AGREEMENTS AND INSTRUMENTS TO WHICH THE CITY IS A PARTY RELATED TO LEASING OR LICENSING REAL PROPERTY TO HOTEL INVESTMENTS, L.P., A DELAWARE LIMITED PARTNERSHIP (THE "DEVELOPER") AND DEVELOPING, CONSTRUCTING, EQUIPPING, FURNISHING, OPERATING AND FINANCING A CONVENTION CENTER HOTEL PROJECT, INCLUDING BUT NOT LIMITED TO A GROUND LEASE AND LICENSE AGREEMENT, PROJECT AGREEMENT, SITE ACCESS AGREEMENT, ROOM BLOCKING AGREEMENT, ECONOMIC DEVELOPMENT AGREEMENT, EQUITY FUNDING AGREEMENT, AND CONTINUING DISCLOSURE AGREEMENT, APPROVING THE FORM AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT RELATED TO THE ISSUANCE OF CONTRACT REVENUE BONDS BEING ISSUED BY THE *CITY OF*

SAN ANTONIO, TEXAS CONVENTION CENTER HOTEL FINANCE CORPORATION TO FINANCE A PORTION OF THE COSTS OF THE CONVENTION CENTER HOTEL PROJECT, AUTHORIZING THE CLOSURE, VACATION AND ABANDONMENT OF A PORTION OF BOWIE STREET PUBLIC RIGHT OF WAY ADJACENT TO THE PROJECT SUBJECT TO THE DEDICATION BY PLAT AND CONSTRUCTION OF AN APPROVED REALIGNMENT OF BOWIE STREET; AND AUTHORIZING CITY OFFICIALS, CITY STAFF, CO-FINANCIAL ADVISORS AND CO-BOND COUNSEL TO TAKE ALL OTHER ACTIONS DEEMED NECESSARY IN CONNECTION WITH DEVELOPING, CONSTRUCTING, OPERATING AND FINANCING THE CONVENTION CENTER HOTEL PROJECT.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100687

APPROVING THE FORM OF, AND CONSENTING TO THE CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER HOTEL FINANCE CORPORATION (THE "ISSUER") ENTERING INTO, ALL AGREEMENTS AND INSTRUMENTS TO WHICH THE ISSUER IS A PARTY IN CONNECTION WITH THE ISSUANCE OF UP TO \$130,000,000 OF ITS CONTRACT REVENUE EMPOWERMENT ZONE BONDS, SERIES 2005A, AND UP TO \$100,000,000 OF ITS CONTRACT REVENUE BONDS, TAXABLE AND POTENTIAL TAX-EXEMPT BONDS (COLLECTIVELY, THE "BONDS"), INCLUDING BUT NOT LIMITED TO AN INDENTURE OF TRUST, LOAN AGREEMENT, ECONOMIC DEVELOPMENT AGREEMENT, LOCK BOX AND CASH MANAGEMENT AGREEMENT, EQUITY FUNDING AGREEMENT, AND CONTINUING DISCLOSURE AGREEMENT, AND AUTHORIZING THE ISSUER AND ITS PROFESSIONAL ADVISORS TO TAKE ALL OTHER ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE OF THE BONDS.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100688

APPROVING THE SELECTION OF ADDITIONAL UNDERWRITERS TO THE FINANCIAL UNDERWRITING SYNDICATE FOR THE PROPOSED ISSUANCE BY THE CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER HOTEL FINANCE CORPORATION OF UP TO \$130,000,000 OF ITS CONTRACT REVENUE EMPOWERMENT ZONE BONDS, SERIES 2005A, AND UP TO \$100,000,000 OF ITS CONTRACT REVENUE BONDS, TAXABLE AND POTENTIAL TAX-EXEMPT BONDS, FOR THE CONVENTION CENTER HOTEL PROJECT.

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

Mayor Garza recessed the Regular Meeting of the City Council and convened as the Board of Directors of the City of San Antonio, Texas Convention Center Hotel Finance Corporation.

The City Clerk read the following resolution:

A RESOLUTION 2005-12CCHFC

APPROVING THE BYLAWS OF THE CITY OF SAN ANTONIO, TEXAS CONVENTION CENTER HOTEL FINANCE CORPORATION; ELECTING AND APPOINTING CORPORATE OFFICERS AND AGENTS; AND APPROVING OTHER ADMINISTRATIVE PROCEDURES OF THE CORPORATION.

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

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

Councilmember Perez made a motion to nominate Councilmember Segovia to serve as Vice President of the corporation. Councilmember Williams seconded the motion. After consideration, the motion carried unanimously.

The City Clerk read the following resolution:

A RESOLUTION 2005-13-CCHFC

APPROVING THE FORM, CONTENT AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE, SALE AND DELIVERY BY THE CORPORATION OF UP TO \$130,000,000 OF ITS CONTRACT REVENUE EMPOWERMENT ZONE BONDS, SERIES 2005A, AND UP TO \$100,000,000 OF ITS CONTRACT REVENUE BONDS, TAXABLE AND POTENTIAL TAX-EXEMPT BONDS FOR THE CONVENTION CENTER HOTEL PROJECT.

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

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

Mayor Garza adjourned the Board of Directors of the City of San Antonio, Texas Convention Center Hotel Finance Corporation and reconvened the Regular Meeting of the City Council.

ITEMS FOR INDIVIDUAL CONSIDERATION

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed the Council on item 32 relating to rent free days and revenue, suites, net revenue and no access fee. He also noted the advisory board appointments on the agenda.

The City Clerk read the following resolution:

A RESOLUTION 2005-16-14

SUPPORTING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND MAJOR LEAGUE SOCCER FOR THE POTENTIAL RELOCATION OR EXPANSION OF A MAJOR LEAGUE SOCCER TEAM TO SAN ANTONIO IN 2006 WHICH SETS FORTH THE PRIMARY BUSINESS POINTS FOR A LEASE FOR THE USE OF THE ALAMODOME AND CONDITIONS FOR THE PLACEMENT OF AN MAJOR LEAGUE SOCCER TEAM IN THE CITY.

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

Mr. Roland Lozano, Assistant to City Manager, narrated a powerpoint presentation on the establishment of a major league soccer team in San Antonio, a copy of which is on file with the Office of the City Clerk. Mr. Lozano provided a summary and recommendation of the resolution of support. He explained the policy analysis – memorandum of understanding, Alamodome improvements, practice facility, business terms, scheduling, and partnership. He further clarified the financial impact, ownership, and coordination effort.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke about the laws of love and kindness and noted that Mexican Nationals have a love for the sport of soccer.

Mr. Robert Puente spoke to supporting MLS and recognized the young soccer players with him who love to play soccer. He added that this sport would help the hotel industry.

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

2:00 PM PUBLIC HEARING AND LAND USE PLAN AMENDMENTS

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

The following citizen(s) appeared to speak:

Mr. Ken Brown stated he represented the applicant and that staff did send notification and noted support for approval of said item.

(At this point, Mayor Garza was obliged to leave the meeting at 6:30 pm. Mayor Pro Tem Hall presided.)

The City Clerk read the following ordinance:

AN ORDINANCE 100689

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 AN 10 ACRE TRACT OF LAND LOCATED AT 3403 MISSION ROAD, 1115 MILITARY DRIVE AND 3454 ROOSEVELT AVENUE FROM LOW DENSITY RESIDENTIAL LAND USE TO NEIGHBORHOOD COMMERCIAL/MEDIUM-HIGH DENSITY RESIDENTIAL LAND USE

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

The City Clerk read the following ordinance:

AN ORDINANCE 100690

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 A 27.558 ACRE TRACT OF LAND LOCATED AT NORTHWEST CORNER OF 6711 SOUTH NEW BRAUNFELS AVENUE FROM PUBLIC / INSTITUTIONAL LAND USE TO HIGH DENSITY RESIDENTIAL LAND USE.

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

The following citizen(s) appeared to speak:

Mr. Ruben Espronceda addressed the Council and stated that there was no notification on said item and asked that this item be delayed for 30 days. He also asked Councilmember Segovia to abstain from voting on this item. He stated Southwest Housing did donate \$500 to his campaign.

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

ZONING CASES

5B) ZONING CASE NUMBER Z2005054: The request of Brown, P. C., Applicant, for State of Texas, San Antonio State Hospital, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MF-25" Multi-Family District on 27.558 acres out of NCB 10934 (6711 New Braunfels). Staff's recommendation was for denial. Zoning Commission has recommended approval. (Council District 3)

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

The following citizen(s) appeared to speak:

Mr. Ruben Espronceda noted he has lived in District 3 for many years, and noted the names of individuals that have donated monies to Councilmember Segovia's campaign.

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

AN ORDINANCE 100691

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 27.558 ACRES OUT OF NCB 10934 FROM "R-4"

RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

5C) ZONING CASE NUMBER Z2005035 C: The request of Margaret and Nathan James, Applicant, for Margaret and Nathan James, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-1" C Commercial District with a conditional use for a lawnmower sales and service on Lot 6 and Lot 7, Block 10, NCB 12906 (2414 and 2418 Ravina Drive). Staff's recommendation was for denial. Zoning Commission has recommended approval with the following conditions: 1) A fifteen (15) foot buffer with Type B plant materials (as required in the UDC) shall be constructed along the south property line adjoining Lot 8, Block 10, NCB 12906; 2) A ten (10) foot buffer with Type A plant materials (as required in the UDC) shall be constructed along the west property line adjoining Ravina Drive; and 3) A six-foot solid fence shall be maintained along the south property line adjoining Lot 8, Block 10, NCB 12906. (Council District 2)

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

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

AN ORDINANCE 100692

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 AND LOT 7, BLOCK 10, NCB 12906 ZONING FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-1" C COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A LAWNMOWER SALES AND SERVICE.

5D) ZONING CASE NUMBER Z2004222: The request of State of Texas (San Antonio State Hospital), Applicant, for State of Texas, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "MF-33" Multi-Family District on 14.000 acres out of NCB 10934 (6711 South New Braunfels Avenue). Staff's

recommendation was for denial. Zoning Commission has recommended approval. (Council District 3)

Zoning case Z2004222 was postponed.

5E) ZONING CASE NUMBER Z2005048: The request of Mshiful Bhuiyain, Applicant, for Carlos and Rosa Perez, Owner(s), for a change in zoning from "C-2NA" Commercial, Nonalcoholic Sales District to "C-2" Commercial District on Lot 413, Block 55, NCB 11092 (3604 Commercial Avenue). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

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

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

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

AN ORDINANCE 100693

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 413, BLOCK 55, NCB 11092 FROM "C-2NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT TO "C-2" COMMERCIAL DISTRICT.

5F) ZONING CASE NUMBER Z2004210 C: The request of John L. Santikos, Applicant, for John L. Santikos, Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2" C Commercial District with conditional use for home improvement center on 38.344 acres and "C-2" C Commercial District with conditional use for office/warehouse on 42.919 acres out of NCB 34362 on 81.26 acres at the intersection of Potranco Road and Seascape Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

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

The following citizen(s) appeared to speak:

Mr. Bill Kaufman spoke in favor of said item and thanked Councilmember Perez. He cited the meeting held and the cooperation effort with the neighbors.

Ms. Mary Lee Buettner also spoke in favor of the zoning case, and thanked Kaufman and Associates.

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

AN ORDINANCE 100694

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 38.344 ACRES FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR HOME IMPROVEMENT CENTER AND 42.919 ACRES OUT OF NCB 34362, WITH CONDITIONAL USE FOR OFFICE WAREHOUSE.

(At this point Mayor Garza returned at 7:00 pm and presided over the meeting)

5G) ZONING CASE NUMBER Z2005008: The request of Continental Homes, Applicant, for Air Force Village Foundation c/o Leo M. Cutcliff Jr., Owner(s), for a change in zoning from "C-1" Commercial District to "R-5" Residential Single-Family District on 43.48 acres out of NCB 15148 at the intersection of Ray Ellison Drive and Valley Hi Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

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

The following citizen(s) appeared to speak:

Ms. Erika Jucknies thanked Councilmember Perez with regards to working with the neighborhood associations, and indicated her support of said item.

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

AN ORDINANCE 100695

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 43.48 ACRES OUT OF NCB 15148 FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

5H) ZONING CASE NUMBER Z2005045: The request of Ricardo Rodriguez, Applicant, for Ricardo Rodriguez, Owner(s), for a change in zoning from "C-2" Commercial District to "C-3NA" General Commercial District, Non-alcoholic Sales on the east 180.2 feet of Lot 4, NCB 8783 (727 Bynum). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 4)

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

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

AN ORDINANCE 100696

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 4, NCB 8783 FROM "C-2" COMMERCIAL DISTRICT TO "C-3NA" GENERAL COMMERCIAL DISTRICT, NON-ALCOHOLIC SALES.

5I) ZONING CASE NUMBER Z2005049: The request of Debra Guerrero, Applicant, for San Antonio Housing Authority (John Shaver), Owner(s), for a change in zoning from "I-1" General Industrial District, "MF-33" Multi-Family District to "IDZ" Infill Development Zone District on 14.877 acres out of NCB A-62 at the intersection of South Zarzamora Street and Ceralvo 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.

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

AN ORDINANCE 100697

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 14.877 ACRES OUT OF NCB A-62 FROM "I-1" GENERAL INDUSTRIAL DISTRICT, "MF-33" MULTI-FAMILY DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE DISTRICT.

5J) ZONING CASE NUMBER Z2004099: The request of Royal Properties, Applicant, for Roy Barrera, Owner(s), for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "MF-33" ERZD Multi-Family Edwards Recharge Zone District on 4.455 acres out of NCB 14865 on the west side of Babcock Road approximately 215 feet north of West Hausman 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 continue the proposed rezoning case to the meeting of May 12, 2005. Councilmember Perez seconded the motion.

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

Zoning case Z2004099 was continued to the meeting of May 12, 2005.

5K) **ZONING CASE NUMBER Z2004167:** The request of Ken Brown, Inc., Applicant, for Educational Development Co. of America, L. L. C., Owner(s), for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "MF-25" ERZD Multi Family Edwards Recharge Zone District on P-200B, NCB 14859 (15502 Babcock Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8) was withdrawn from consideration.

5L) **ZONING CASE NUMBER Z2004211-A:** The request of City of San Antonio, Applicant, for Boerne Stage Crossing Limited Partnership, Owner(s), for a change in zoning from "MF-25" "GC-1" Multi-Family Hill Country Gateway Corridor District to "C-2" "GC-1" Commercial Hill Country Gateway Corridor District Corridor 1 District on 16.45 acres out of NCB 16390 (14549 IH 10 West). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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

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

AN ORDINANCE 100698

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 16.45 ACRES OUT OF NCB 16390 FROM "MF-25" "GC-1" MULTI-FAMILY HILL COUNTRY GATEWAY CORRIDOR DISTRICT TO "C-2" "GC-1" COMMERCIAL HILL COUNTRY GATEWAY CORRIDOR DISTRICT CORRIDOR 1 DISTRICT.

5M) ZONING CASE NUMBER Z2005036: The request of Dr. Ramon Reyes, Applicant, for Truman and Patricia Hall, Owner(s), for a change in zoning from: C-1 ERZD Commercial Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on Lot 1, Block 5, NCB 14760 in the 7500 Block of Loop 1604. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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

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

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

AN ORDINANCE 100699

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 5, NCB 14760 FROM: C-1 ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

5N) ZONING CASE NUMBER Z2005040 C: The request of Noemi Smithroat, Araceli Trejo & Menetta Lopez, Applicant, for Noemi Smithroat, Araceli Trejo and Menetta Lopez, 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 Lot 1, Block 21, NCB 16810 (7450 Prue Road). Staff's recommendation was for approval. Zoning Commission has recommended approval with the following 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; 3) Business or office hours of operations shall not be permitted before 7:00 a.m. or after 7:30 p.m.; and 4) Left turn lane for ingress and egress. (Council District 8)

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

The following citizen(s) appeared to speak:

Mr. Richard Hasse addressed the Council in support of the item.

Ms. Susan Perry spoke in opposition to said item, citing the public safety issue.

Ms. Wilma Adams also addressed the Council in opposition to the zoning case.

Mr. Stephen Smithroat addressed the Council in favor of the zoning case. He distributed letters of support as well as a map for reference.

Councilmember Hall 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 100700

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 21, NCB 16810 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A DAYCARE CENTER.

50) ZONING CASE NUMBER Z2005044: The request of Joseph Conrad, Applicant, for Joseph Conrad, Owner(s), for a change in zoning from: R-6 Residential Single-Family District to C-3 General Commercial District on Lot 1, Block 3, NCB 14687 and C-3R Commercial District, Restrictive Alcoholic Sales, on Lot 14, Lot 13 and the north 1/2 of Lot 12, Block 3, NCB 14687, (5719 Babcock Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 8)

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

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

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

AN ORDINANCE 100701

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, LOT 14, LOT 13 AND THE NORTH ½ OF LOT 12, BLOCK 3, NCB 14687 FROM: R-6 RESIDENTIAL SINGLE-FAMILY DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT (LOT 1, BLOCK 3, NCB 14687) AND C-3R COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES (LOT 14, LOT 13, AND THE NORTH ½ OF LOT 12, BLOCK 3, NCB 14687).

5P) ZONING CASE NUMBER Z2005053: The request of Charles Martin Wender, Applicant, for Morton Enterprises, Ltd., Owner(s), for a change in zoning from “R-6” Residential Single-Family District to “MF-25” Multi-family District on P-1E and P-100, NCB 17721 (14960 Blanco 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 approve the proposed rezoning case. Councilmember Williams seconded the motion.

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

AN ORDINANCE 100702

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-1E AND P-100, NCB 17721 FROM “R-6” RESIDENTIAL SINGLE-FAMILY DISTRICT TO “MF-25” MULTI-FAMILY DISTRICT.

3:00 P.M. – STAFF PRESENTATION AND PUBLIC HEARING

To consider the proposed designation of a Defense Adjustment Management Authority (DAMA) whose boundaries may be all or any portion of the property generally described as: that land within Loop 410 to the north, I.H. 35 to the west, a line 1,350 feet south of the centerline of the Medina River to the south and including an area to the south generally between State Highway 16 and Pleasanton Road; the southern boundary of the area following and then parallel to S. Loop 1604 for an approximate distance of 4.85 miles to Pleasanton Road and continuing along 1,350 feet south of the Medina River to the east boundary line of I.H. 37, and contains approximately 63 square miles; and to consider the proposed powers of the DAMA, as authorized by the Texas Local Government Code, Chapter 375, Subchapter 0.

Ms. Jelynn LeBlanc Burley, Assistant City Manager, narrated a powerpoint presentation on the Defense Adjustment Management Authority, a copy of which is on file with the Office of the City Clerk. Ms. Burley provided an overview of the DAMA Act and its creation. She also clarified DAMA's size limitation, proposed boundaries and powers, and eligible projects. She then expounded on the revenue sources, master plan, zoning, creation of the Board of Directors, dissolution, and calendar for creation.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Perez, 627 Hearne, spoke in favor of said item.

3:30 PM – PUBLIC HEARING AND CONSIDERATIO OF ORDINANCES

Mayor Garza declared the public hearing to be open.

Mr. Ramiro Cavazos, Economic Development Director, narrated a powerpoint presentation on the Reinvestment Zone and Tax Phase-In Agreement for Karta Technologies, Inc., a copy of which is on file with the Office of the City Clerk. Mr. Cavazos stated the purpose and background of the reinvestment zone. He also provided the benefits, project information, requested incentives, policy analysis, and 12-year fiscal impact. He then outlined the recapture provisions, coordination, and staff recommendation.

Mayor Garza declared the public hearing to be closed.

The City Clerk read the following ordinance:

AN ORDINANCE 100703

DESIGNATING THE KARTA TECHNOLOGIES REINVESTMENT ZONE AT PROPERTY LOCATED AT 5555 NORTHWEST PARKWAY, DESCRIBED AS A 4.0 ACRE TRACT OF LAND KNOWN AS LOT 32, N.C.B. 14862, KARTA TECHNOLOGY SUBDIVISION, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS ACCORDING TO PLAT RECORDED AT VOLUME 9533, PAGE 193, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS

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

The City Clerk read the following ordinance:

AN ORDINANCE 100704

APPROVING THE TERMS AND AUTHORIZING EXECUTION OF A TAX PHASE-IN AGREEMENT WITH LESSEE KARTA TECHNOLOGIES, INC. ("KARTA"), AND ITS LESSOR, GUR PARSAAD, LTD., TO EXEMPT ONE HUNDRED PERCENT (100%) OF AD VALOREM TAXES FOR SIX (6) YEARS ON REAL PROPERTY IMPROVEMENTS IN THE AMOUNT OF \$1,800,000.00.

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

5:00 PM - CITIZENS TO BE HEARD

Ms. Teresa Berlanga spoke to assistance for the name of an attorney that can help her with regards to a dog that did not belong to her. She spoke to the amount of the fines and noted she could not afford same.

Mr. Farris Hodge, 140 Dora, addressed the Council with regards to a police officer story, the CIO, and the amount that was decided to pay the new City Manager. He noted that city employees need a 10 percent pay raise.

EXECUTIVE SESSION

Mayor Garza recessed the Regular Session at 8:12 pm in order to convene in Executive Session for the purpose of:

Discuss legal issues and, upon a good faith determination by City Council that the subject matter relates to competitive activity, competitive matters related to a CPS Energy's ability to implement flexible pricing strategies for certain gas sales, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and 551.086 (certain public power utilities: competitive matters).

Discuss legal issues related to the lawsuit styled *City of San Antonio v. the University of the Incarnate Word*, Cause No. 2003-CI-01943, 408th Judicial District, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to negotiation of service agreements with representatives of areas included in the City's Three Year Annexation Plan, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to a pending request for annexation submitted by the City of Timberwood Park Committee, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Garza reconvened the Regular Session from Executive Session at 10:00 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

INDIVIDUAL ITEMS CONTINUED

Item 29 being an ordinance appointing a City Manager; establishing an effective date to assume the office; and authorizing the execution of an employment agreement; as requested by Mayor Edward D. Garza was pulled from consideration.

The City Clerk read the following ordinance:

AN ORDINANCE 100705

APPOINTING COUNCILMAN CHRISTOPHER "CHIP" HAASS, DISTRICT 10, AS AN ALTERNATE MEMBER, AND COUNCILMAN RICHARD PEREZ, DISTRICT 4, AS A MEMBER OF THE COMMITTEE OF SIX THAT OVERSEES THE ALAMO WORKFORCE DEVELOPMENT BOARD FOR TERMS OF OFFICE EXPIRE WITH THEIR COUNCIL TERMS.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100706

APPOINTING COUNCILMAN ART A. HALL, DISTRICT 8, TO THE COMMUNITY ACTION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE WITH HIS COUNCIL TERM.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100707

APPOINTING TEN (10) MEMBERS TO THE NEW CHARTER-CREATED ETHICS REVIEW BOARD FOR STAGGERED TERMS, WITH SIX MEMBERS TO SERVE AN INITIAL TERM OF TWO YEARS AND FIVE MEMBERS TO SERVE AN INITIAL TERM OF THREE YEARS, DETERMINED AFTER APPOINTMENT BY LOTTERY.

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

STAFF BRIEFING ON THE STATUS OF THE CITY'S STATE LEGISLATIVE PROGRAM FOR THE 79TH LEGISLATIVE SESSION.

Mr. Ray Baray, Intergovernmental Relations Manager, narrated a powerpoint presentation on the City of San Antonio State Initiatives Program 79th Legislature, a copy of which is on file with the Office of the City Clerk. Mr. Baray provided background information and clarified the legislative initiatives, and endorsements. He also presented testimonies – support and against, significant actions, summary, and coordination.

The City Clerk read the following ordinance:

AN ORDINANCE 100708

APPROVING THE FORM, CONTENT, AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE, SALE AND DELIVERY OF APPROXIMATELY \$42,895,000.00 IN PRINCIPAL AMOUNT OF CITY OF SAN ANTONIO, TEXAS PASSENGER FACILITY CHARGE AND SUBORDINATE LIEN AIRPORT SYSTEM REVENUE IMPROVEMENT BONDS, SERIES 2005; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15C2-12; AND AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS AND BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH BONDS.

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

Mr. Milo Nitschke, Finance Department Director, narrated a powerpoint presentation on the Passenger Facility Charge and Subordinate Lien Airport System Revenue Improvement Bonds, Series 2005, a copy of which is on file with the Office of the City Clerk. Mr. Nitschke provided information on the transaction summary, underwriter syndicate, tentative bond sale and delivery schedule, and staff recommendation.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100709

AUTHORIZING A COMPETITIVE MATTER MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND CITY PUBLIC SERVICE TO ALLOW CPS ENERGY TO IMPLEMENT FLEXIBLE PRICING STRATEGIES FOR CERTAIN GAS SALES.

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

Mr. Ben Gorzell, Director of Public Utilities, briefly advised the City Council that this was to authorize the competitive matter Memorandum of Understanding between the City and City Public Service Energy in order to implement flexible pricing strategies for certain gas sales.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100710

AUTHORIZING THE EXECUTION OF AN AGREEMENT TO USE FUNDS WITH RIO PERLA PROPERTIES, L.P., IN AN AMOUNT NOT TO EXCEED \$90,000.00, FOR THE SOLE PURPOSE OF HELPING DEFRAY THE COST OF CONSULTANT SERVICES TO BE PROVIDED BY THE CULINARY INSTITUTE OF AMERICA REGARDING THE POTENTIAL DEVELOPMENT OF A CULINARY SCHOOL AT THE PEARL BREWERY PROPERTIES; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT; AS REQUESTED BY MAYOR EDWARD D. GARZA.

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

Mr. Trey Jacobson, Assistant Director, Economic Development Department, narrated a powerpoint presentation on the Support of Culinary Program Development, a copy of which is on file with the Office of the City Clerk. Mr. Jacobson provided background information of the development culinary program in San Antonio and the Culinary Institute of America (CIA). He then presented the project information, consulting work, policy analysis, fiscal impact, and staff recommendation.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100711

AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE BROOKS DEVELOPMENT AUTHORITY ("BDA") FOR A COMBINATION LOAN AND GRANT FROM THE CITY'S ECONOMIC DEVELOPMENT INCENTIVE FUND (EDIF) IN A TOTAL AMOUNT NOT TO EXCEED \$1,500,000.00 TO HELP FINANCE THE CONSTRUCTION OF TWO FACILITIES AND RELATED ROAD INFRASTRUCTURE IMPROVEMENTS IN CONNECTION WITH THE EXPANSION OF DPT LABORATORIES AT BROOKS CITY-BASE; AND AMENDING THE CITY'S ECONOMIC DEVELOPMENT PROGRAM TO PERMIT LOANS, AS WELL AS GRANTS, UNDER THE ECONOMIC DEVELOPMENT INCENTIVE FUND ("EDIF") GUIDELINES.

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

Mr. Ramiro Cavazos, Economic Development Department Director, narrated a powerpoint presentation on the Economic Development Loan and Grant Agreement with the Brooks Development Authority, a copy of which is on file with the Office of the City Clerk. Mr. Cavazos provided background information on the ordinance, the agreement, and DPT Laboratories, LTD. He further clarified the request, proposed grant and loan terms, the City's economic development program, policy analysis, fiscal impact, coordination, and recommendation.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100712

DIRECTING CITY STAFF TO TAKE NECESSARY STEPS TO SCHEDULE HEARINGS AND TO PRESENT TO CITY COUNCIL SUCH ORDINANCES AS MAY BE NECESSARY TO GRANT THE REQUEST FOR ANNEXATION SUBMITTED BY THE CITY OF TIMBERWOOD PARK COMMITTEE BY ANNEXING THE REQUIRED AREA FOR LIMITED PURPOSES AND ADDING IT TO THE CITY'S THREE YEAR ANNEXATION PLAN.

Mr. Mr. Emil Moncivais, Director, Planning Department, narrated a powerpoint presentation on the Timberwood Park Request for Annexation, a copy of which is on file with the Office of the City Clerk. Mr. Moncivais provided background information of the request. He further explained the annexation goals and policies, limited purpose annexation plan schedule, applicable municipal codes, and staff recommendation.

The following citizen(s) appeared to speak:

Mr. Steven Schaefer asked City Council to deny the request and allow residents to make their decision.

Councilmember Perez made a motion to move forward with staff recommendation. 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, Barrera, Hall, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Radle, Castro, Haass.

CITY MANAGER'S REPORT

Councilmember Perez mentioned the brush/garbage schedule that he had requested staff look into at a previous meeting. He also asked staff to look into prohibiting electric scooters on public streets.

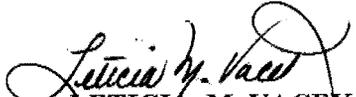
There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 11:15 pm.

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk