

**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, MAY 12, 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:

Boards and Commission Worksession. [Presented by Leticia M. Vacek, City Clerk]

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

Mayor Garza recessed the "B" Session at 11:23 am 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 following business prospects: Texas A&M University System, Faulkner USA, Hanford Development Corporation, and one or more other 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).

Discuss legal issues relating to *Summerglen Property Owner's Assoc., et al v. COSA, 2005-CI-02005*, 131<sup>st</sup> District Court, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and 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).

Mayor Garza reconvened the "B" Session from Executive Session at 12:30 pm, at which time he stated City Council had been briefed on the above-styled matters and had gave staff direction, but had taken no official action.

The "B" Session adjourned at 12:30 pm.

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

The Invocation was delivered by Father Phillip Henning, District 4, Devine Providence Catholic Church.

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

### **CEREMONIAL ITEMS**

Mayor Garza presented the following proclamations: Public Service Month; Just Say No to Drugs, Alcohol, and Gangs Month; and San Antonio Police Memorial Day. He also presented Citations to the Churchill Men's and MacArthur Girls Soccer Teams.

The minutes of the Special City Council meeting of April 11, 2005 and the Regular City Council meeting of April 21, 2005 were approved as presented.

### **CONSENT AGENDA - CITIZEN'S COMMENTS**

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P. O. Box 12048, spoke about the campaign contributions made to several Councilmembers and asked those to abstain from voting on specific items.

### **CONSENT AGENDA**

Consent agenda items 9 and 15 were addressed individually under the consent agenda. The remaining items 8 through 24 were approved upon motion made by Councilmember Williams and seconded by Councilmember Haass.

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

AN ORDINANCE 100828

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$523,560.00 TO INCLUDE CONTRACTS FOR: COLLINS DYNAMICS LIGHTS AND PARTS; REPAIR OF ITERIS VIDEO DETECTION EQUIPMENT; HARRINGTON VALVE REPAIR PARTS; AND HITACHI FIBER DISK DRIVES AND EXPANSION UNITS.

AN ORDINANCE 100829

APPROVING AN AMENDMENT OF THE EARNEST MONEY CONTRACT FOR THE PURCHASE OF THE PROPERTY LOCATED AT 2219 BABCOCK ROAD BY THE CITY OF SAN ANTONIO FROM THE CHILDREN'S SHELTER FOUNDATION; AUTHORIZING THE CITY TO 1) PAY A REDUCED PURCHASE PRICE OF \$1,375,000.00 IN CONSIDERATION FOR THE COSTS ASSOCIATED WITH ADDITIONAL ROOF AND ENVIRONMENTAL CONDITIONS DISCOVERED DURING THE CITY'S DUE DILIGENCE PERIOD; AND 2) REALLOCATING THE \$225,000.00 REDUCTION IN SALES PRICE FOR USE ON OTHER PROJECT RELATED EXPENSES.

AN ORDINANCE 100830

AUTHORIZING THE SAN ANTONIO WATER SYSTEM TO DECLARE AS SURPLUS AND DISPOSE OF TWO (2) TRACTS OF REAL PROPERTY LEGALLY DESCRIBED AS LOTS 15-20, 41-A, AND PART OF 41, NCB 6294; LOTS 47-54, NCB 6295, KNOWN AS THE FORMER BUTTER KRUST BAKERY BUILDING LOCATED AT 2201 BROADWAY STREET AND ALL OF CITY BLOCK A-6, A PORTION OF CITY BLOCK A-47 AND THE REMAINDER OF LOT 33, NCB 6300, KNOWN AS THE FORMER PLAYLAND PARK SITE LOCATED AT 2222 N. ALAMO STREET IN COUNCIL DISTRICT 2.

AN ORDINANCE 100831

AUTHORIZING THE EXECUTION AND DELIVERY OF A FOURTH AMENDMENT TO AGREEMENT FOR TRANSFER OF USE, BENEFIT, AND CONTROL OF PROPERTY BETWEEN THE CITY AND SAWS RELATING TO THE SAWS' HEADQUARTERS BUILDING AND THE HISTORIC YTURRI HOUSE. THE

AMENDMENT (1) DEFERS TO MAY 31, 2005 THE DATE BY WHICH SAWS MUST CLOSE; (2) APPROVES A LEASEBACK AGREEMENT BETWEEN THE CITY AND SAWS; (3) ESTABLISHES A RE-DEFINED PURCHASE PRICE FOR THE PROPERTY, (\$7,363,590) PURSUANT TO THE TERMS OF THE LEASEBACK AGREEMENT; (4) LISTS PERSONAL PROPERTY THAT WILL BE CONVEYED FROM SAWS TO THE CITY AT CLOSING AND (5) APPROVES A TRI-PARTY AGREEMENT AMONG THE CITY OF SAN ANTONIO, SAWS AND CPS PERTAINING TO SEPARATION OF UTILITIES, ALONG WITH AN AMENDMENT TO THE TRI-PARTY AGREEMENT BETWEEN CITY PUBLIC SERVICE AND THE CITY OF SAN ANTONIO REFLECTING NO THIRD PARTY ASSIGNMENT PROVISIONS.

AN ORDINANCE 100832

AUTHORIZING THE EXECUTION OF A UTILITIES SERVICE CONTRACT BETWEEN THE CITY AND SAWS BY WHICH SAWS WILL PROVIDE CHILLED WATER AND STEAM TO THE CITY FOR THE CURRENT SAWS HQ BUILDING.

AN ORDINANCE 100833

AUTHORIZING THE FEE SIMPLE PURCHASE OF SIX (6) PROPERTIES LOCATED ALONG THE SALADO AND LEON CREEKS WITHIN COUNCIL DISTRICTS 2 AND 8 THAT WILL ADD A TOTAL OF 19.596 ACRES OF CREEKWAY LINEAR PARK SPACE FOR A TOTAL AMOUNT OF \$113,183.15, UNDER THE PROPOSITION THREE CREEKWAYS LINEAR PARKS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING \$2,160.00 IN DUE DILIGENCE FEES, FOR A TOTAL AMOUNT OF \$115,343.15; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100834

AUTHORIZING THE PURCHASE OF A 8.264 ACRE TRACT LOCATED ADJACENT TO MARTIN LUTHER KING PARK IN COUNCIL DISTRICT 2 FROM JOHN POUTRA FOR THE AMOUNT OF \$24,940.23; AUTHORIZING \$1,000.00 FOR CLOSING COSTS, FOR A TOTAL AMOUNT OF \$25,940.23 FROM PROPOSITION 3 FUNDS; ESTABLISHING A BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 100835

AUTHORIZING THE SUBMISSION OF AN APPLICATION AND ACCEPTANCE OF A GRANT, IF OFFERED, FROM THE TEXAS DEPARTMENT OF HUMAN SERVICES FOR \$795,690.00 TO FUND THE 2005 SUMMER FOOD SERVICE PROJECT OPERATED BY THE DEPARTMENT OF PARKS AND RECREATION FOR THE PERIOD JUNE 6, 2005 THROUGH JULY 29, 2005.

AN ORDINANCE 100836

AUTHORIZING THE EXECUTION OF A CONTRACT WITH BARRIO COMPREHENSIVE FAMILY HEALTH CENTER, INC., IN ORDER TO PROVIDE \$400,000.00 OF 2003 GENERAL OBLIGATION BOND FUNDS, AND \$600,000.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO PAY CERTAIN CONSTRUCTION COSTS FOR THE DEVELOPMENT OF THE DR. FRANK BRYANT HEALTH CARE CENTER, WHICH IS TO BE LOCATED AT 3066 EAST COMMERCE STREET; AND AUTHORIZING PAYMENTS IN CONNECTION THEREWITH.

AN ORDINANCE 100837

AUTHORIZING THE ACCEPTANCE OF \$23,474.00 FROM THE AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY (ATSDR) FOR SUPPORT OF THE ENVIRONMENTAL HEALTH AND WELLNESS CENTER PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) AND EXTENDING THE GRANT PERIOD OF SAID PROGRAM THROUGH SEPTEMBER 29, 2005; REVISING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 100838

AUTHORIZING THE ACCEPTANCE OF AN AMOUNT NOT TO EXCEED \$56,575.00 FROM ALPHA HOME, INC., IN ORDER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD) TO PARTICIPATE IN THE FAMILY FIRST PROJECT, WHICH IS AN EFFORT TO PROVIDE IN-HOME CASE MANAGEMENT AND HEALTH EDUCATION SERVICES TO AT-RISK WOMEN AND THEIR FAMILIES, FOR THE PERIOD SEPTEMBER 1, 2004 TO AUGUST 31, 2005; EXECUTING A CONTRACT; ADOPTING THE PROJECT BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

AN ORDINANCE 100839

AUTHORIZING THE ASSIGNMENT OF A PROFESSIONAL SERVICES AGREEMENT WITH PUBLIC ENTERPRISE GROUP, INC., TO ACTIVE NETWORK, INC., AND AUTHORIZING ANY REMAINING PAYMENTS TO BE MADE TO ACTIVE NETWORK, INC., UPON ACCEPTANCE BY THE CITY OF CERTAIN DELIVERABLES AS OUTLINED IN THE PROFESSIONAL SERVICES AGREEMENT.

AN ORDINANCE 100840

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR HEMISFAIR PARK FROM 7:00 A.M. UNTIL 9:30 A.M. ON SATURDAY, MAY 21, 2005 FOR THE AUA CONVENTION 5K RUN/2K WALK SPONSORED BY ROGER SOLAR'S SPORTS.

AN ORDINANCE 100841

APPROVING THE PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS FROM 7:00 A.M. UNTIL 11:00 A.M. ON SATURDAY, MAY 28, 2005 FOR THE POLICE OFFICER MEMORIAL RUN SPONSORED BY THE RUN AWAY STORE.

AN ORDINANCE 100842

REAPPOINTING ROXANNE CUEVAS (DISTRICT 5) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON APRIL 3, 2007.

AN ORDINANCE 100843

REAPPOINTING DOUG MCMURRY (DISTRICT 9) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100844

APPOINTING CHERYL SHAW (DISTRICT 9) TO THE TRANSPORTATION ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 31, 2006.

AN ORDINANCE 100845

REAPPOINTING DICK PORTER (DISTRICT 9) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATIONAL FACILITIES CORPORATION FOR A TERM OF OFFICE TO EXPIRE ON DECEMBER 15, 2007.

AN ORDINANCE 100846

APPOINTING RUTH ELLEN BIRD, GIGI F. BOWMAN, TURNER BOWMAN, JOHN A. CAMPBELL, CHARLIE RENE GARZA, JAMES L. JOHNSON, AND VIRGINIA LOUISE SALMONS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER TWENTY-THREE, CITY OF SAN ANTONIO, TEXAS, COMMONLY REFERRED TO AS THE MEADOW WAY PROJECT, FOR TERMS OF OFFICE BEGINNING JANUARY 1, 2005, TO EXPIRE DECEMBER 31, 2006, IN ACCORDANCE WITH THE TEXAS TAX CODE, CHAPTER 311, THE TAX INCREMENT FINANCING ACT, AND THE CITY CODE, CHAPTER 2, ARTICLE VIII, ENTITLED "BOARDS AND COMMISSIONS"; AND PROVIDING FOR THE WAIVER FOR THESE TERMS ONLY OF SECTION 2-402 OF SAID ARTICLE FOR EACH APPOINTEE.

**CONSENT ITEMS CONSIDERED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 100847

AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH BEATY AND PARTNERS ARCHITECTS, INC., FOR PROVISION OF ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH THE OFFICE, CLASSROOM AND ADMINISTRATION BUILDING AT STINSON MUNICIPAL AIRPORT, TO EXPAND THE SCOPE OF SERVICES; AUTHORIZING A BUDGET ADJUSTMENT FOR THE ADDITIONAL SERVICES TO BE PERFORMED, IN AN AMOUNT NOT

TO EXCEED \$154,646.00; AUTHORIZING \$15,465.00 FOR CONTINGENCY EXPENSES; REVISING THE BUDGET; AND PROVIDING FOR PAYMENT.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100848

AUTHORIZING THE TRANSFER OF \$293,543.00 AND APPROPRIATING AN ADDITIONAL \$5,129.00 FOR A TOTAL TRANSFER OF \$298,672.00 FROM THE CAPITAL IMPROVEMENT RESERVE FUND INTO THE CAPITAL PROJECT FOR THE NEW FIRE TRAINING ACADEMY FOR FURNITURE AND OTHER EQUIPMENT.

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

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following ordinance:

AN ORDINANCE 100849

BESTOWING THE NAME OF "THE NORMA S. RODRIGUEZ CITY COUNCIL CHAMBER" UPON THE CITY COUNCIL CHAMBERS FOR THE CITY OF SAN ANTONIO; AS REQUESTED BY MAYOR EDWARD D. GARZA, AND COUNCILMEN ROGER O. FLORES, DISTRICT 1, AND ENRIQUE BARRERA, DISTRICT 6.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed the Council relating to item 25, noting that he did not agree with it. He also pointed out the item on tax abatements.

Ms. Lisa Gonzalez addressed the Council and commended Norma for always being accessible and always working with a smile.

Mr. Bobby Perez, former Councilman spoke and expressed how pleased he was with the honor.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100850

AUTHORIZING EXECUTION AND DELIVERY OF A PROPERTY EXCHANGE AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF TEXAS BOARD OF REGENTS SETTING OUT THE TERMS OF AN EXCHANGE OF CITY PROPERTY AT CATTLEMEN'S SQUARE FOR PROPERTY AT HEMISFAIR PARK OWNED BY THE UNIVERSITY.

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

Ms. Rebecca Waldman, Director of Asset Management made a presentation on the proposed land exchange between the City of San Antonio and the University of Texas Board of Regents (UT), a copy of which is on file with the Office of the City Clerk. She outlined background information regarding the increasing student population at UTSA and the need for expansion to fulfill its mission, the request by the UT Board of Regents for property in the Cattleman's Square for future expansion and the proposed exchange of property at HemisFair Park. She delineated the negotiated agreements, the property exchange agreement, ingress/egress agreement, parking agreement, and the deed without warranty.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100851

AUTHORIZING EXECUTION AND DELIVERY OF AN INGRESS AND EGRESS EASEMENT AGREEMENT RELATING TO THE CITY'S ABILITY TO ACCESS THE HEMISFAIR PARK PROPERTY FROM DURANGO BOULEVARD.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100852

AUTHORIZING EXECUTION AND DELIVERY OF A PARKING AGREEMENT RELATING TO THE CITY PROVIDING PARKING SERVICES TO THE INSTITUTE OF TEXAS CULTURES ON THE HEMISFAIR PARK PROPERTY.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100853

AUTHORIZING THE EXECUTION AND DELIVERY OF A DEED WITHOUT WARRANTY FOR THE PROPERTY EXCHANGE.

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

The City Clerk read the following resolution:

A RESOLUTION 2005-20-21

EXPRESSING THE SUPPORT AND COMMITMENT OF THE CITY OF SAN ANTONIO FOR THE FUNDING NECESSARY TO ACQUIRE AND IMPROVE 400 OR MORE ACRES AND TO PROVIDE UTILITIES NECESSARY FOR THE DEVELOPMENT OF A CAMPUS FOR TEXAS A&M UNIVERSITY - SAN ANTONIO; AND DIRECTING STAFF TO NEGOTIATE TERMS AND BINDING GRANT AND LOAN AGREEMENTS WITH CPS ENERGY FOR USE OF COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT FUND (CIED FUND) MONEYS TO ACQUIRE AND IMPROVE A 400 ACRE SITE FOR THE PROPOSED CAMPUS, CONTINGENT UPON APPROVAL OF STATE FUNDING FOR THE CAMPUS DEVELOPMENT, AS WELL AS FUTURE APPROVALS OF CPS ENERGY AND THE CITY COUNCIL.

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

Ms. Jelynn Burley, Assistant City Manager, narrated a slide presentation on the funding commitment for the Texas A & M – San Antonio campus, a copy of which is on file with the Office of the City Clerk. She outlined the status of the legislation which had not been heard yet by the Senate Finance Committee regarding tuition revenue bonds for the campus, the status of negotiations, and the purpose of the proposed resolution of support. She expounded on the development costs for the campus, and the possible source of funds.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100854

RATIFYING SERVICES AND AUTHORIZING THE EXECUTION OF A CHANGE ORDER WITH DELOITTE CONSULTING FOR IMPLEMENTATION AND STAFF AUGMENTATION SERVICES IN AN AMOUNT NOT TO EXCEED \$1,233,605.00; AUTHORIZING A REDUCTION IN SCOPE FOR PLANT MAINTENANCE, CUSTOMER RELATIONSHIP MANAGEMENT AND EMPLOYEE SELF SERVICE IN THE AMOUNT OF \$2,795,593.00, REPRESENTING A NET RETURN TO THE ERM PROJECT BUDGET AND REDUCTION OF THE AMOUNT PAYABLE TO DELOITTE CONSULTING IN THE AMOUNT OF \$1,561,988.00.

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

Mr. Richard Varn, Chief Information Officer, made a presentation on the Change Order with Deloitte Consulting, a copy of which is on file with the Office of the City Clerk. He stated that this ordinance would authorize a change order to the Phase III Statement of Work with Deloitte for the ERM Project implementation which included modifications of the scope, deliverables, staffing and timelines to Waves C, G, D, E. He denoted the respective modifications to each Wave which ultimately would provide a significant reduction to the amount payable to Deloitte.

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

The City Clerk read the following resolution:

A RESOLUTION 2005-20-22

SUPPORTING THE ALAMO AREA ASSOCIATION FOR THE PREVENTION AND TREATMENT OF ADDICTION BY DESIGNATING VARIOUS CITY DEPARTMENTS AS MEMBERS OF THE SUBSTANCE ABUSE TASK FORCE.

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

Ms. Cindy Schoenmakers, Assistant Director of Community Initiatives, made a presentation on the proposed resolution. She outlined background information on the Alamo Area Association for the Prevention and Treatment of Addiction which is comprised of numerous community health groups, with their goal of formulating a long-

range strategic plan with comprehensive action steps to address the problems of substance abuse and lack of area prevention and treatment resources. She added that the Task Force requested that the City consider designating key departments as members of the group, noting the favorable recommendation by the Economic and Human Development Committee.

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

### LAND USE PLAN AMENDMENTS AND ZONING CASES

The City Clerk read the following ordinance:

#### AN ORDINANCE 100855

AMENDING THE LAND USE PLAN CONTAINED IN THE CITY SOUTH (SOUTHSIDE INITIATIVE) COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 209.221-ACRES LOCATED AT 13545 SOUTHTON ROAD, MORE SPECIFICALLY DESCRIBED AS LEGAL DESCRIPTION CB 4007 P-245 ABS 11 FROM AGRICULTURE LAND USE TO URBAN LIVING LAND USE.

Councilmember Perez made a motion to approve the proposed land use plan amendment. Councilmember Segovia seconded the motion.

The following citizen appeared to speak:

Mr. Larry Karam, 12914 Kings Forest, spoke in favor of the land use amendment.

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.

(Mayor Garza was obliged to leave the meeting at 3:00 pm. Mayor Pro Tem Hall presided.)

4.2B) ZONING CASE NUMBER Z2005076 C: The request of Fernando Vazquez-Padilla, Applicant, for Fernando Vazquez-Padilla, Owner(s), for a change in zoning from "C-2" Commercial District, and "NP-10" Neighborhood Preservation

District to "C-2" C Commercial District with conditional use for semi-truck repair & storage on Tracts 9, 9A and 9B, NCB 17994 (7180 IH 10 East). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 2)

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

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

#### AN ORDINANCE 100856

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 TRACTS 9, 9A AND 9B, NCB 17994 ZONING FROM "C-2" COMMERCIAL DISTRICT, AND "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "C-2" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR SEMI-TRUCK REPAIR & STORAGE.

4.2C) ZONING CASE NUMBER Z2005058 C: The request of Alberto M. Colorado, Applicant, for Alberto M. Colorado, Owner(s), for a change in zoning from "C-1" Commercial District to "C-1" C Commercial District with conditional use for an auto state vehicle inspection Station on East 225 feet of Lot 248, Block 25, NCB 11124 (545 Moursund Boulevard). Staff's recommendation was for approval. Zoning Commission has recommended approval with the following conditions: 1) No outdoor storage; 2) No display of goods; and 3) No auto and light truck repair shall be permitted. (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, Radle, Barrera, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Castro, Garza.

AN ORDINANCE 100857

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 EAST 225 FEET OF LOT 248, BLOCK 25, NCB 11124 FROM "C-1" COMMERCIAL DISTRICT TO "C-1" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR AN AUTO STATE VEHICLE INSPECTION STATION.

4.2D) ZONING CASE NUMBER Z2005059: The request of Power Real Estate Investments, Inc., Applicant, for Power Real Estate Investments, Inc., Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "RM-5" Residential Mixed District on 0.461 acres out of Block 2, NCB 11091 (223 West Petaluma 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:** Williams, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Flores, Castro, Garza.

AN ORDINANCE 100858

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.461 ACRES OUT OF BLOCK 2, NCB 11091 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RM-5" RESIDENTIAL MIXED DISTRICT.

4.2E) ZONING CASE NUMBER Z2005085: The request of Kaufman & Associates, Inc., Applicant, for Lindenmuth Real Estate Partners, Ltd., Owner(s), for a change in zoning from "I-2" H Heavy Industrial Historic District to "C-3" H General

Commercial Historic District (4.337 acres) and “C-2” H Commercial Historic District (10.025 acres) on 14.362 acres out of NCB 7676 (3403 Mission Road, 1115 Military Drive, and 3454 Roosevelt 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:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass. **NAYS:** None. **ABSENT:** Garza.

#### AN ORDINANCE 100859

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 14.362 ACRES OUT OF NCB 7676 ZONING FROM “I-2” H HEAVY INDUSTRIAL HISTORIC DISTRICT TO “C-3” H GENERAL COMMERCIAL HISTORIC DISTRICT (4.337 ACRES) AND “C-2” H COMMERCIAL HISTORIC DISTRICT (10.025 ACRES).

4.2A) ZONING CASE NUMBER Z2005079: The request of Geraud & Anna Gonzales, Applicant, for Geraud & Anna Gonzales, Owner(s), for a change in zoning from “C-2” Commercial District to “C-3” General Commercial District on Lot 9 NCB 14063 (2643 Mossrock). Staff’s recommendation was for denial of “C-3” General Commercial District and approval of “C-2” C Commercial District with conditional use for an office warehouse. Zoning Commission has recommended approval of “C-2” C Commercial District with a conditional use for an office warehouse.

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 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. **NAYS:** None. **ABSENT:** Garza.

AN ORDINANCE 100860

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 9 NCB 14063 ZONING FROM "C-2" COMMERCIAL DISTRICT TO "C-2" C COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN OFFICE WAREHOUSE WITH DISTRIBUTION.

4.2F) ZONING CASE NUMBER Z2005088 C: The request of Jose L. Pinon & Miguel A. Colmenero, Applicant, for Jose L. Pinon, Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" C Commercial District with conditional use for auto repair on Lot 7 and the north 15.3 feet of Lot 8, Block 4, NCB 3069 (3800 South Presa Street). Staff's recommendation was for approval. Zoning Commission has recommended approval with conditions. (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. **NAYS:** None. **ABSENT:** Garza.

AN ORDINANCE 100861

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 7 AND THE NORTH 15.3 FEET OF LOT 8, BLOCK 4, NCB 3069 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR AUTO REPAIR.

4.2G) ZONING CASE NUMBER Z2005064: The request of Corey Parra, Applicant, for Louis Parra, Owner(s), for a change in zoning from “C-2” Commercial District to “MF-25” Multi-Family District on the east 10 feet of Lot 11, and Lots 12 through 14, , Block 38, NCB 8925 (212 Bynum Avenue, 927 and 931 King Avenue). 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 table the proposed rezoning case for one week. Councilmember Segovia seconded the motion.

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

Zoning case Z2005064 was tabled for one week.

4.2H) ZONING CASE NUMBER Z2005063 C: The request of Gabriel Aragon, Applicant, for Gabriel Aragon (Aragon's Garage), Owner(s), for a change in zoning from “R-4” Residential Single Family District to “C-1” C Commercial District with conditional use for auto parking and/or storage-short term for the auto repair shop (Aragon's Garage) located at 1904 Nogalitos Street on Lots 11, 12 and 13, Block 21, NCB 2630 (920 Big Foot). Staff's recommendation was for approval. Zoning Commission has recommended approval with the following conditions: 1) A fifteen (15) foot buffer with Type C plant materials (as required in the UDC) shall be constructed along the south and east property lines; 2) A six-foot solid fence shall be maintained along the south and east property lines; 3) Lighting will be directed so it will not illuminate the residential neighbors (90 degree) full-cutoff. (Council District 5)

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

Councilmember Radle made a motion to approve the proposed rezoning case with Zoning Commission recommendation. Councilmember Perez seconded the motion.

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

AN ORDINANCE 100862

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 11, 12 AND 13, BLOCK 21, NCB 2630 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-1" C COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR AUTO PARKING AND/OR STORAGE-SHORT TERM FOR THE AUTO REPAIR SHOP (ARAGON'S GARAGE).

4.2I) ZONING CASE NUMBER Z2005077 C: The request of Patricia Hsu Payan, Applicant, for State Farm Insurance, Owner(s), for a change in zoning from "O-2" Office District to "C-2NA" C Commercial Nonalcoholic Sales District with conditional use for a contracting facility on Lot 3, Block 5, NCB 17875 (1415 Cable Ranch Road). Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

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

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

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

AN ORDINANCE 100863

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 3, BLOCK 5, NCB 17875 FROM "O-2" OFFICE DISTRICT TO "C-2NA" C COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH CONDITIONAL USE FOR A CONTRACTOR'S FACILITY.

4.2J) ZONING CASE NUMBER Z2005084: The request of Madison Realty & Development Corporation, Applicant, for Madison Realty & Development Corporation, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-3" General Commercial District on P-16, NCB 34361, north of the intersection of Potranco

Road and West Loop 1604 North. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 6)

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

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

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

#### AN ORDINANCE 100864

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-16, NCB 34361 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

4.2K) ZONING CASE NUMBER Z2005062: The request of Shaenfield DG, Ltd., Applicant, for Bobby Tiller, Jr., Owner(s), for a change in zoning from "R-6" Residential Single Family District to "C-2NA" Commercial Nonalcoholic Sales District on P-5C, NCB 16051 (10400 Block of Shaenfield). Staff's recommendation was for approval. Zoning Commission has recommended approval "C-2NA" (Council District 7)

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

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

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

#### AN ORDINANCE 100865

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-5C, NCB 16051 FROM “R-6” RESIDENTIAL SINGLE FAMILY DISTRICT TO “C-2NA” COMMERCIAL NONALCOHOLIC SALES DISTRICT.

4.2L) ZONING CASE NUMBER Z2005080: The request of Jerry R. Musquiz, Applicant, for Jerry R. Musquiz, Owner(s), for a change in zoning from “R-5” Residential Single-Family District to “MF-25” Multi-Family District on Lots 45, 46 and 47, Block 4, NCB 7490 (131 Dolores Avenue). Staff’s recommendation was for denial. Zoning Commission has recommended approval. (Council District 7)

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

The following citizen(s) appeared to speak:

Ms. Terri Kilmer, Loma Park Neighborhood Association spoke in opposition to the zoning request.

Applicant explained issues of the zoning case and the proposed building.

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

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

Zoning case Z2005080 was continued for two weeks.

4.2M) ZONING CASE NUMBER Z2005046 C: The request of Padmasiri Somawardana, Applicant, for Padmasiri Somawardana, 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 courier service on Lot 13, Block 1, NCB 14701 (5975 Babcock 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; and 3) Business or office hours of operations shall not be permitted before 7:00 A.M. or after 6:00 P.M. (Council District 8)

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

(Mayor Garza returned to the meeting at 3:35 pm and presided.)

Councilmember Haass made a motion to approve the proposed rezoning case with the condition to amend the sign area to 3x4 to be allowed to be placed on the fence. Councilmember Williams seconded the motion.

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

#### AN ORDINANCE 100866

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 13, BLOCK 1, NCB 14701 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" C RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A COURIER SERVICE.

4.2N) ZONING CASE NUMBER Z2005070: The request of Brown, P. C., Attorneys at Law, Applicant, for Fourth Quarter Properties, XII, LLC, Owner(s), for a change in zoning from "C-3" ERZD General Commercial Edwards Recharge Zone District to "RP" ERZD Resource Protection Edwards Recharge Zone District on 6.665 acres, from "QD" S ERZD Quarry Edwards Recharge Zone District with specific use authorization for outside storage for a lumber yard to "C-3" ERZD General Commercial Edwards Recharge Zone District on 2.058 acres, from "QD" S ERZD Quarry Edwards Recharge Zone District with specific use authorization for outside storage for a lumber yard to "RP" ERZD Resource Protection Edwards Recharge Zone District on 18.60 acres, from "QD" Quarry District to "RP" Resource Protection District on 28.32 acres, from "QD" S ERZD Quarry Edwards Recharge Zone District with specific use authorization for outside storage for a lumber yard to "C-3" ERZD General Commercial Edwards Recharge Zone District on 26.93 acres, from "QD" Quarry District to "C-3" General Commercial District on 3.41 acres, from "O-2" Office District to "C-3" General Commercial District on 60.64 acres, all on 146.623 acres out of NCB 14747, across from

the intersection of IH 10 West and La Cantera Parkway. 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 Haass made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Ken Brown responded to Councilmember Radle on various issues to the zoning case.

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

#### AN ORDINANCE 100867

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 146.623 ACRES OUT OF NCB 14747 FROM "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "RP" ERZD RESOURCE PROTECTION EDWARDS RECHARGE ZONE DISTRICT ON 6.665 ACRES, FROM "QD" S ERZD QUARRY EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR OUTSIDE STORAGE FOR A LUMBER YARD TO "RP" ERZD RESOURCE PROTECTION EDWARDS RECHARGE ZONE DISTRICT ON 18.60 ACRES, FROM "QD" QUARRY DISTRICT TO "RP" RESOURCE PROTECTION DISTRICT ON 28.32 ACRES, FROM "QD" S ERZD QUARRY EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR OUTSIDE STORAGE FOR A LUMBER YARD TO "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON 28.998 ACRES.

4.20) ZONING CASE NUMBER Z2005083: The request of Unitech Consulting Engineers, Inc., Applicant, for Hawk Ventures, Inc., Owner(s), for a change in zoning from "C-2" Commercial District and "C-3" General Commercial District to "MF-33" Multi Family District on Parcel 22, NCB 13667 (8103 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, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Flores, Segovia, Castro.

#### AN ORDINANCE 100868

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 PARCEL 22, NCB 13667 FROM "C-2" COMMERCIAL DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI FAMILY DISTRICT.

#### **3:00 PM PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE**

Mr. Ramiro Cavazos, Director of Economic Development, made a presentation on the Tax Phase-In Agreement and Training Grant Agreement for Washington Mutual, a copy of which is on file with the Office of the City Clerk. He outlined background information on the Reinvestment Zone, the area involved, noting that Washington Mutual was the nation's 3<sup>rd</sup> largest mortgage lender and the 6<sup>th</sup> largest financial services holding company with more than 2,300 offices nationwide and employing more than 55,000 people. He spoke to the investment and tax phase-in, the training grant agreement, and other non-City incentives. He amplified on the City's 20-Year fiscal impact, the financial impact to other taxing entities, and recapture provision of abated taxes.

Mr. Scott Halty, San Antonio Water System System addressed the Edwards Protective Measures, citing the Water Pollution Abatement Plan (WPAP), and the Company's agreement to the water quality protection efforts, noting that SAWS would prefer to limit the impervious cover to 40%, and further recommending that the Best Management Practices should be evaluated to ensure sufficient capacity to treat any additional runoff from new construction.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, 140 Dora, addressed the City Council with regards to said item and noted his parents and grandparents all had to pay taxes thus the city should not allow any tax abatements.

Mr. Joe Krier, Greater San Antonio Chamber of Commerce, stated the Chamber is 100% behind this proposal. He thanked Mayor Garza and the Council for going after Washington Mutual.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke in opposition of the project.

Mr. Ed Kelly, San Antonio Economic Development Foundation, also spoke in favor of the Washington Mutual project and thanked the Mayor and Council and asked their support for said item's approval.

Mr. Jack M. Finger, PO Box 12048, stated his concern for the tax abatement and noted his objection.

Ms. Annalisa Peace asked the Council to call all legislators for the area and to ask them to oppose HB2833. With regards to said item, she expressed her opposition to the tax abatement proposed.

Mr. Jon Thompson, Aquifer Guardians in Urban Areas, stated his opposition of tax incentives over the Aquifer and added the Council would go against the will of the people if approved.

The City Clerk read the following ordinance:

AN ORDINANCE 100869

DESIGNATING THE WASHINGTON MUTUAL REINVESTMENT ZONE, CONSISTING OF 75 ACRES LOCATED AT 20855 STONE OAK PARKWAY, PROVIDED THAT WASHINGTON MUTUAL BANK LOCATES IN REGIONAL OPERATIONS CENTER ON THE PROPERTY.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 100870

AUTHORIZING THE NEGOTIATION OF TERMS AND CONDITIONS OF A TAX PHASE-IN AGREEMENT WITH WASHINGTON MUTUAL BANK TO EXEMPT ONE HUNDRED PERCENT (100%) OF AD VALOREM TAXATION FOR TEN (10) YEARS ON PERSONAL PROPERTY IMPROVEMENTS OF APPROXIMATELY \$7,200,000.00; APPROVING EXCEPTIONS TO THE TAX PHASE-IN GUIDELINES TO ALLOW FOR THE LOCATION OF THE PROPERTY TO BE ON THE EDWARDS AQUIFER RECHARGE ZONE AND TO ALLOW FOR A TEN (10) YEAR TERM VERSUS A SIX (6) YEAR TERM; AUTHORIZING THE EXECUTION OF SAID AGREEMENT PROVIDED WASHINGTON MUTUAL BANK LOCATES ITS REGIONAL OPERATIONS CENTER IN THE WASHINGTON MUTUAL REINVESTMENT ZONE.

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, Schubert, Haass, Garza. **NAYS:** Radle, Hall. **ABSENT:** Flores, Castro.

The City Clerk read the following ordinance:

AN ORDINANCE 100871

AUTHORIZING THE NEGOTIATION OF TERMS AND CONDITIONS OF AN INCENTIVE FUND GRANT AGREEMENT WITH WASHINGTON MUTUAL BANK PROVIDING UP TO \$3,000,000.00 FROM THE ECONOMIC DEVELOPMENT INCENTIVE FUND FOR CUSTOMIZED JOB TRAINING; APPROVING EXCEPTIONS; AUTHORIZING EXECUTION OF SAID AGREEMENT PROVIDED THAT WASHINGTON MUTUAL BANK LOCATES ITS REGIONAL OPERATIONS CENTER IN THE WASHINGTON MUTUAL REINVESTMENT ZONE; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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, Schubert, Haass, Garza. **NAYS:** Radle. **ABSENT:** Flores, Castro.

### **CITIZENS TO BE HEARD**

Mr. Faris Hodge, 140 Dora, mentioned that the city needs a policy whereby everyone is treated the same and made note of several incidents involving city employees.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, congratulated those Councilmembers that won in the May 7, 2005 election, and encouraged those that lost to keep fighting.

Ms. Susan Blackwood, San Antonio Soccer Association, spoke in favor of the MLS and the economic benefits of MLS.

Mr. Carlos Rodriguez also addressed the Council and expressed his interest in soccer, noting that he has played all over the world.

Mr. Mike Jefferies also noted that he was very excited to be here and cited his involvement in soccer. He added that they go from school to school and show kids that there are sports as soccer to get involved in.

Ms. Blanca Duran, 715 W. Rosewood, spoke with regards to the round-about proposed by District 1 and expressed her concern and opposition.

Ms. Bertha Ovalle, 754 Fulton, also spoke in opposition to the round-about proposed in District 1.

Ms. Lucy Eller, 831 W. Lynwood, addressed the Mayor and Council with regards to her opposition to the round-a-bout proposed at Blanco Road and Fulton.

Ms. Rosie Gonzalez, 202 E. Park, addressed the Council with regards to the proposed round-about and stated that they are a threat to children.

Ms. Cindy Loreda, 715 W. Gramercy, also expressed her opposition to the proposed round-a-bout in District 1.

Mr. Louis Raiborn Jr., 12305 Gran Vista, addressed the Council relating to soccer facilities and noted his opposition to the MLS.

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

Mr. Ray Baray, Intergovernmental Relations Manager, presented an update on the 79<sup>th</sup> Legislature state initiatives, a copy of which is on file with the Office of the City Clerk. He presented data on the number of bills filed and approved in the past compared to the current legislature. He highlighted on the public school finance bills that were approved in the House and Senate with the major issue of there being no statewide property tax. He then addressed the City of San Antonio's initiatives and related bills, as well as the municipally-related bills, reiterating the key deadlines.

**STAFF BRIEFING CONVENTION CENTER HOTEL**

On the sale of approximately \$130,000,000.00 in principal amount of "City of San Antonio, Texas Convention Center Hotel Finance Corporation Contract Revenue Empowerment Zone Bonds, Series 2005A", and approximately \$80,000,000.00 in principal amount of "City of San Antonio, Texas Convention Center Hotel Finance Corporation Contract Revenue Bonds, Taxable Series 2005B" for the purpose of providing a portion of the funds required to finance the design, development, construction, equipping, furnishing and opening of a Convention Center Hotel.

Mr. Chris Brady, Assistant City Manager, narrated a slide presentation on the Convention Center Hotel, citing the history of events occurred thus far, overview of the project highlighting the number of rooms for the hotel; square footage for meeting space, as well as for the grand and junior ballrooms; and underground parking.

Mr. Milo Nitschke, Director of finance spoke to the hotel financing sources, estimated revenues to the City in years 1-10, transaction summary, underwriter syndicate and bond ratings.

The City Clerk read the following resolution:

**A RESOLUTION 2005-20-23**

**SUPPORTING SPECIAL LEGISLATION FOR THE CREATION OF THE ESPADA DEVELOPMENT DISTRICT.**

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

Ms. Jelynn Burley, Assistant to the City Manager, presented the resolution of support for the passage of legislation in the 79<sup>th</sup> Texas Legislature to create the Espada Development District in order to provide a financing vehicle for public infrastructure improvements to be constructed in the developer's master-planned community. She outlined terms for the statement of support, and the status of the legislation.

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

**6:00 PM – FIRST PUBLIC HEARING REGARDING THE PROPOSED LIMITED PURPOSE ANNEXATION OF AN AREA IN AND ADJACENT TO THE TIMBERWOOD PARK AREA.**

Mayor Garza declared the public hearing to be open.

Mr. Emil Moncivais, Planning Director made a presentation on the limited purpose annexation for Timberwood Park, a copy of which is on file with the Office of the City Clerk. He presented background information on the request for incorporation and the subsequent petition requesting for the annexation. He addressed the regulations with respect to planning, zoning and health and safety for the subject area, elections process, the required regulatory plan, and continuation of land use. He further expounded on the Unified Development Code regulations and the procedures for full purpose annexation for the limited purpose areas, citing the annexation plan schedule.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, 140 Dora, addressed the Council relating to City services provided to the area once annexed. He thanked the Mayor for conducting the hearing at 6 pm.

Mr. Nazarite Ruben Flores Perez, 627 Hearme, spoke on the ADA requirements for sidewalks and talked about the services that would be necessary for the area.

Mr. Billy Carter stated he did not sign the petition for annexation, did not support the annexation, or choose to be incorporated.

Dr. Glenn Gross, 345 W. Oak Estates, expressed opposition to place Timberwood under limited purpose annexation. He added that city staff stated they would be allowed to have an election.

Mr. Joe Pfeiffer, 24904 Rock Bend, addressed the Council relating to the City protecting their interest. He added their actions have always been to vote for or against incorporation.

Mr. William Wauker spoke relating to voting for or against incorporation.

Mr. Jimmie George, 529 High Country Ridge, also spoke with regards to being able to vote for incorporation.

Ms. Agnes Franklin, 25835 White Eagle Dr., stated she had a right to vote for or against the incorporation.

Ms. Jeanne Keller, 26402 Bubbling Brook, also spoke with regards to the right to vote.

Ms. Destiny Schaefer, 25939 Timberline, also asked for the right to vote.

Mr. Steve Schaefer, 25939 Timberline, also spoke on the right to vote and allow the opportunity to vote.

Mr. Mike Quinn, 1302 Midnight, expressed concern for the right to vote and noted they requested separation from the City's ETJ and were denied.

Mr. Robert Lister, 120 Deer Cross, spoke to being strong supporters for the growth of San Antonio and mentioned the businesses they have had contact with to build up San Antonio's economic development. He added they should have the right to vote.

Ms. Sylvia Barker, 27014 Trill Hill, stated the issue of incorporation and felt their community should have the right of self determination.

Mr. Bill Motley, 25605 Mt. Rhapsody, addressed the Council and stated he served on the Timberwood Committee for months and resigned due to frustration.

Ms. Robin Nowak, 506 Spacious Sky, stated the Timberwood Committee does not represent her or others in the area.

Mr. Danny Booth, 27022 Harmony Hills, addressed the City Council and thanked them for annexing the area.

Mr. Douglas Haddock, 1322 Rain Song, stated the self-determination is practiced by the committee due to the proposed legislation. He noted he would rather be part of the City of San Antonio than part of a newly incorporated city.

Ms. Virginia Quinn asked to reflect on democracy and noted that this is all she is asking for – the right to vote.

Ms. Laurie Rothman, 619 High Country Ridge, noted she was in favor of incorporation and asked the Council to allow the vote to take place.

Ms. Denise Spain, 26120 White Eagle, stated she would like to vote and felt all groups present should be allowed to vote.

Ms. Judy Current, 25915 Timberline, expressed support for the City of San Antonio to approve a limited purpose annexation. She stated the Timberwood Committee did not represent her and asked that the Council disregard this representation.

Mayor Garza declared the public hearing to be closed.

#### **INDIVIDUAL ITEMS CONTINUED**

The City Clerk read the following ordinance:

#### **AN ORDINANCE 100872**

**AUTHORIZING THE CO-ACCEPTANCE OF A GRANT WITH THE SAN ANTONIO WATER SYSTEM IN THE AMOUNT OF \$1,800,000.00 FROM THE U.S. ECONOMIC DEVELOPMENT ADMINISTRATION FOR THE INSTALLATION OF WATER AND SEWER INFRASTRUCTURE FOR THE TOYOTA MANUFACTURING FACILITY, ON-SITE SUPPLIER PARK ACTIVITIES, AND NEARBY COMMERCIAL DEVELOPMENT, FOR THE GRANT PERIOD OF JANUARY 1, 2005 THROUGH DECEMBER 31, 2009.**

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

Mr. Ramiro Cavazos, Director of Economic Development, made a presentation on the San Antonio Water System (SAWS) Grant, a copy of which is on file with the Office of the City Clerk. He stated this was to accept the grant from the U.S. Economic Development Administration (EDA) with SAWS for an infrastructure project, noting that \$6.7 million was being provided by SAWS and the \$1.8 million from EDA. He outlined the scope of the project and the related budget.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100873

AMENDING THE CITY'S SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY PROGRAM POLICY ORDINANCE NO. 100182 BY SPECIFYING PERFORMANCE STANDARDS FOR DESIGN-BUILD CONSTRUCTION PROJECTS, IN ORDER TO PROVIDE CONTRACTING OPPORTUNITIES FOR LOCAL SMALL, MINORITY, WOMEN, AND AFRICAN-AMERICAN OWNED BUSINESSES ON DESIGN-BUILD CONSTRUCTION PROJECTS.

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

Mr. Mark Webb, Director of Contract Services, made a presentation on the City's Small Business Ordinance to specify performance standards for Design-Build construction projects, a copy of which is on file with the Office of the City Clerk. He presented the recommendations for performance standards for the design-build construction solicitations.

Mr. Manuel Longoria, Assistant Director of Economic Development further amplified on the point evaluation process and recommendations.

The following citizen(s) appeared to speak:

A representative for the Hispanic Chamber of Commerce spoke in support of said item.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100874

AMENDING SECTION 35-503 OF THE UNIFIED DEVELOPMENT CODE RELATED TO PARKS/OPEN SPACE STANDARDS TO MODIFY SPECIFICATIONS FOR PARK LAND DEDICATION AND FOR THE FEE IN-LIEU-OF PARK LAND DEDICATION AND TO SECTION 35-344 RELATED TO PLANNED UNIT DEVELOPMENT DISTRICT TO REQUIRE A MINIMUM AMOUNT OF PARKS/OPEN SPACE.

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

Mr. Malcolm Matthews, Director of Parks and Recreation, cited the amendments to the Unified Development Code (UDC) which addressed the fee in-lieu-of park land dedication and the parks/open space. He presented background information and history leading to the proposed changes, the current fee in-lieu-of park land provisions, the intent of the amendment, the proposed amendments, and fiscal impact.

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

The City Clerk read the following ordinance:

AN ORDINANCE 100875

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A "STANDARD GROSS LEASE AND OPERATIONAL MAINTENANCE AGREEMENT" WITH THE BROOKS DEVELOPMENT AUTHORITY FOR THE LEASE OF 27,003 SQUARE FEET OF OFFICE SPACE AND OUTSIDE AREA WITHIN AND AROUND BUILDINGS NO. 1156 AND 1164 AND AN EXCLUSIVE RIGHT TO USE THE LARGE-EQUIPMENT WASH BAY LOCATED IN BUILDING NO. 1107 TO BE UTILIZED BY THE STORM WATER OPERATIONS DIVISION OF THE DEPARTMENT OF PUBLIC WORKS, FOR A FIVE (5) YEAR PERIOD, WITH TWO ADDITIONAL FIVE (5) YEAR RENEWAL OPTIONS.

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

Mr. Tom Wendorf, Director of Public Works made a presentation on the Standard Gross Lease and Operational Maintenance Agreement with the Brooks Development Authority

for the lease of 27,003 square feet of office space. He provided background information on the current Storm Water Operations, terms of the lease, benefits of the relocation, and associated fiscal impact.

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

### EXECUTIVE SESSION

Mayor Garza recessed the Regular Session at 8:05 pm in order to convene in Executive Session for the purpose of:

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

Mayor Garza reconvened the Regular Session from Executive Session at 8:18, at which time he stated City Council had been briefed on the above-styled matters and had gave staff direction, but had taken no official action.

There being no further business to come before the City Council, Mayor Garza adjourned the meeting at 8:19 pm.

A P P R O V E D



EDWARD D. GARZA  
M A Y O R

Attest:



LETICIA M. VACEK  
City Clerk