

**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, AUGUST 26, 2004

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The City Council convened in an informal "B" Session at 10:00 A.M., Municipal Plaza Building "B" Room, to consider the following items(s):

Budget Work Session (Presented by Peter Zanoni, Acting Director, Management & Budget; Erik J. Walsh, Assistant to the City Manager)

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

The "B" Session adjourned at 12:43 P.M.

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

Invocation by Dr. Steven Branson, District 6, Village Parkway Baptist Church.

Pledge of Allegiance to the flag of the United States.

CONSENT AGENDA – CITIZENS COMMENTS

Consent Agenda Items 9, 11, and 18 were addressed individually from the consent agenda. The remaining items 8 through 18 were approved under the consent agenda upon motion made by Councilmember Perez and seconded by Councilmember Segovia.

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

AN ORDINANCE 99609

AN ORDINANCE ACCEPTING A PROPOSAL SUBMITTED BY ROUTE MATCH SOFTWARE, INC. TO PROVIDE THE CITY OF SAN ANTONIO COMMUNITY INITIATIVES DEPARTMENT WITH PARATRANSIT DISPATCH SOFTWARE FOR A TOTAL AMOUNT OF \$43,795.00.

AN ORDINANCE 99610

AN ORDINANCE 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 FY2004-2005 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$712,135.00 TO INCLUDE CONTRACTS FOR AUTOMOTIVE BEARINGS, OIL & GREASE SEALS, HUB CAPS, GASKETS AND VENT PLUGS, INTRAVENOUS CATHETER PLACEMENT UNITS, INDUSTRIAL GASOLINE AND DIESEL ENGINE PARTS AND SERVICE, AUTOMOTIVE IGNITION PARTS, WIRE, CABLE PARTS AND ACCESSORIES, AUTOMOTIVE AND INDUSTRIAL LIGHT ASSEMBLIES, LENS AND MIRRORS, RECYCLING OF AUTOMOTIVE AND HEAVY EQUIPMENT OIL FILTERS, AUTOMOTIVE SWITCHES AND CIRCUIT BREAKERS, CITRIX SOFTWARE AND SUPPORT, LED/HALOGEN LIGHT BARS FOR SAPD VEHICLES AND ENDOTRACHEAL TUBES.

AN ORDINANCE 99611

AN ORDINANCE AMENDING ORDINANCE NO. 97239, PASSED AND APPROVED ON FEBRUARY 27, 2003, BY REVISING THE OFFICIAL CITY STORE TICKET CONSIGNMENT POLICY TO AUTHORIZE THE DIRECTOR OF THE CONVENTION AND VISITORS BUREAU, OR HIS DESIGNEE, TO NEGOTIATE AND EXECUTE AGREEMENTS, UPON CONSULTATION WITH THE CITY ATTORNEY, FOR THE RESALE OF LOCAL ATTRACTION CONSIGNMENT TICKETS IN THE OFFICIAL CITY STORE, IN LIEU OF THE DIRECTOR OF ASSET MANAGEMENT, AND MODIFYING THE OFFICIAL CITY STORE TICKET CONSIGNMENT AGREEMENT TO REFLECT THIS REVISION.

AN ORDINANCE 99612

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$135,200.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW SUPPORT FOR THE BREAST AND CERVICAL CANCER CONTROL PROGRAM OF THE SAN

ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JULY 1, 2004 THROUGH JUNE 30, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT WITH TDH; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 99613

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD TOTALING \$95,000.00 FROM THE CANCER THERAPY AND RESEARCH CENTER TO RENEW SUPPORT FOR THE BREAST CANCER SCREENING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; ESTABLISHING A FUND; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 99614

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$340,375.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO RENEW SUPPORT FOR THE TITLE XX FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2004 THROUGH AUGUST 31, 2005; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDH; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

AN ORDINANCE 99615

AN ORDINANCE AUTHORIZING PAYMENT OF \$160,000.00 AS FULL AND FINAL SETTLEMENT IN THE LAWSUIT STYLED NIKI C. HUNT V. JESSE PATINO, JR. AND CITY OF SAN ANTONIO.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 99616

AN ORDINANCE ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY STORAGE TECHNOLOGY CORPORATION UTILIZING THE TEXAS DEPARTMENT OF INFORMATION RESOURCES TO PROVIDE THE CITY OF SAN ANTONIO INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH STORAGETEK BACKUP AND AUTHORIZING THE EXECUTION OF A LEASE PURCHASE AGREEMENT WITH KEY MUNICIPAL FINANCE FOR A TERM OF SIXTY (60) MONTHS, FOR A TOTAL AMOUNT OF \$541,315.76.

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

The City Clerk read the following ordinance:

AN ORDINANCE 99617

AN ORDINANCE AUTHORIZING THE PURCHASE OF A 0.1856 ACRE LOT LOCATED AT 644 FUNSTON STREET IN COUNCIL DISTRICT 9 FROM THE MANAGEMENT TRUST FOR MARY LOUISE CAZARES FOR THE AMOUNT OF \$75,000.00 WITH THE COST TO BE EQUALLY DIVIDED BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO BOTANICAL SOCIETY; AUTHORIZING \$37,500.00 FOR THE PURCHASE OF THE PROPERTY; AUTHORIZING \$12,500.00 FOR DEMOLITION EXPENSES, FOR A TOTAL AMOUNT OF \$50,000.00 FROM 1994-1999 PARK BOND FUNDS; AMENDING THE PROJECT BUDGET; AND PROVIDING FOR PAYMENT.

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

Item 17 being a proposed Ordinance amending Ordinance Nos. 94006 and 98568 to revise the projects listed in the Final Project Plan for Reinvestment Zone Number Eleven, City of San Antonio, Texas (known as the Inner City TIRZ located in Council Districts 1, 2 and 5), to remove all listed projects except the Eastside Sports Complex, and to revise the Final Financing Plan to reflect changes to the Final Project Plan was pulled from the agenda.

The City Clerk read the following ordinance:

AN ORDINANCE 99618

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A CONTRACT IN THE AMOUNT OF \$129,500.00 ANNUALLY WITH MCGRUFF, SEIBELS & WILLIAMS OF TEXAS, INC., TO SERVE AS THE CITY'S INSURANCE BROKER OF RECORD FOR A THREE YEAR TERM BEGINNING SEPTEMBER 1, 2004 AND ENDING ON AUGUST 31, 2007; AUTHORIZING TWO (2) ADDITIONAL ONE (1) YEAR RENEWAL PERIODS, SUBJECT TO AND CONTINGENT UPON FUNDING BY THE CITY COUNCIL.

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

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 99619

AN ORDINANCE ADOPTING THE CAMELOT I NEIGHBORHOOD PLAN UPDATE AS A COMPONENT OF THE MASTER PLAN OF THE CITY FOR AN AREA BOUNDED BY WALZEM ROAD TO THE NORTH AND EAST, EISENHauer ROAD TO THE SOUTH AND INTERSTATE 35 TO THE WEST IN COUNCIL DISTRICT 2, AND SUPERSEDING THE PREFERRED LAND USE MAP OF CAMELOT I NEIGHBORHOOD PLAN ADOPTED ON SEPTEMBER 23, 1999.

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

Mr. Emil Moncivais, Director of Planning narrated a slide presentation on the Camelot I Neighborhood Plan, a copy of which is on file with the papers of this meeting. He explained Section 35-420 (g)(2) regarding the process of review by the Planning Commission, the planning area location and size, noting the boundaries and demographic information of the subject area. He further cited the plan update process, community outreach efforts, existing land use and future land use update, and significance of the plan adoption.

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

Item 4.1A being a proposed Ordinance amending the land use plan contained in the Northwest Community Plan, a component of the Master Plan of the City, by changing the use of approximately 48.33 acres, located in NCB 18560, P-66A, near the northwest quadrant of the intersection of Bandera Road and Eckhert Road in Council District 7, from Industrial Land Use to Community Commercial, High Density Residential, and Single-Family Residential Land Uses was recommended for continuance.

Mr. Emil Moncivais, Director of Planning explained the proposed amendment to the Northwest Community Plan.

The following citizen(s) appeared to speak:

Mr. Emmett Mikolatcayh

Mr. Larry Bradford

Mr. Russell Freiling

Mr. Don Freiling

Mr. Jerry Arredondo

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

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

ZONING

4A) ZONING CASE NUMBER Z2004020: The request of Bilmar Construction, LP, Applicant, for Rosin-Johnson, Inc., Owner(s), for a change in zoning on 44.6 acres out of NCB 18560 from "I-1" General Industrial District to "R-5" Residential Single-Family District on 32.7 acres, "C-2" Commercial District on 6.7 acres, and "MF-25" Multi-Family District on 5.2 acres, west of the intersection of Bandera and Eckhert Road. Staff's recommendation was for denial. Zoning Commission has recommended denial. (Council District 7)

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

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

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

Zoning case Z2004020 was continued for two weeks.

4B) ZONING CASE NUMBER Z2004082: The request of Downery Partners, LTD, Applicant, for Downery Partners, LTD, Owner(s), for a change in zoning from "RM-4" Residential Mixed District to "RM-4 C" Residential Mixed District with conditional use authorization for a noncommercial parking lot on Lots 14, 15, and 16, Block 61, NCB 1652, 102 Essex Street. Staff's recommendation was for denial. Zoning Commission has recommended approval with conditions: 1) The parking lot will have no more than 15 parking spaces. 2) A six feet solid fence will be erected along the eastern property line of subject property. 3) All on-site lighting is directed onto the site using 90 degree or less cut-off fixtures. (Council District 2)

Zoning case Z2004082 was pulled from the agenda.

4C) ZONING CASE NUMBER Z2004001: The request of Mission Park, Applicant, for Robert Tips, Owner(s), for a change in zoning from "R-6 H RIO-6" Single Family Residential Historic River Improvement Overlay District to "C-3 H RIO-6" General Commercial Historic River Improvement Overlay District on 3.037 acres out of NCB 11175, 1700 Military Drive. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 3)

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

Councilmember Segovia made a motion to continue the proposed rezoning case for two weeks. Councilmember Perez seconded the motion.

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

Zoning case Z2004001 was continued for two weeks.

4D) **ZONING CASE NUMBER Z2004137:** The request of Juan I. Alonso, Applicant, for Juan I. Alonso, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "C-2 NA C" Commercial District Nonalcoholic Sales with a conditional use for automobile sales on Lots 52 and 53, Block 4, NCB 7645, 1142 Kendalia Avenue. Staff's recommendation was for denial. Zoning Commission has recommended approval of "C2 NA C". (Council District 4)

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

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

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

AN ORDINANCE 99620

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 52 AND 53, BLOCK 4, NCB 7645 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA C" COMMERCIAL DISTRICT NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR AUTOMOBILE SALES.

4E) **ZONING CASE NUMBER Z2004005:** The request of City of San Antonio, Historic Preservation Office, Applicant, for Josephine A. Guerrero, Owner(s),

for a change in zoning to designate Historic Significance on Lot 9B, NCB 2431, 2113 Guadalupe Street. Staff's recommendation was for approval. Zoning Commission has recommended denial. (Council District 5)

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

Councilmember Radle made a motion to approve the proposed rezoning case. Councilmember Schubert 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 99621

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 9B, NCB 2431 TO DESIGNATE HISTORIC SIGNIFICANCE.

4F) ZONING CASE NUMBER Z2004146 C: The request of Hamid Reza Shams, Applicant, for Hamid Reza Shams, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2 C" Commercial District with a conditional use for used auto sales on Lot 26, Block 4, NCB 15597, 6902 West Military Drive. Staff's recommendation was for denial. Zoning Commission has recommended approval with the following conditions: 1) Exterior lighting fixtures shall not emit a significant amount of fixture total output above a vertical cut-off angle of ninety degrees. 2) A six (6) foot solid screen fence shall be constructed in accordance with City of San Antonio standards and maintained along the east property line. 3) Ingress and egress shall be restricted to Military Drive only. (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 with conditions. Councilmember Castro seconded the motion.

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

AN ORDINANCE 99622

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 26, BLOCK 4, NCB 15597 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR USED AUTO SALES.

4G) ZONING CASE NUMBER Z2004149: The request of Jack in the Box, LLP, Applicant, for City of San Antonio (Department of Asset Management), Owner(s), for a change in zoning from "C-3R" Commercial District, Restrictive Alcoholic Sales (1.40 acres) and "I-1" General Industrial District (1.56 acres) to "C-2" Commercial District on 2.96 acres out of Block 7, NCB 13940, south side of Old U.S. Highway 90 West. 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 Schubert seconded the motion.

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

AN ORDINANCE 99623

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 2.96 ACRES OUT OF BLOCK 7, NCB 13940 FROM "C-3R" COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES (1.40 ACRES) AND "I-1" GENERAL INDUSTRIAL DISTRICT (1.56 ACRES) TO "C-2" COMMERCIAL DISTRICT.

4H) ZONING CASE NUMBER Z2004110: The request of Brown, P.C., Applicant, for F. C. Properties One, Ltd., Owner(s), for a change in zoning from "I-1" General Industrial District to "RM-4" Residential Mixed District on 96.95 acres out of NCB 4479, 10743 Leslie Road. Staff's recommendation was for approval. Zoning

Commission has recommended approval. (Council District 7)

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

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

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

AN ORDINANCE 99624

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 96.95 ACRES OUT OF NCB 4479 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "RM-4" RESIDENTIAL MIXED DISTRICT.

4I) ZONING CASE NUMBER Z2004161 C: The request of The Center for Health Care Service, Applicant, for the Center for Health Care Service, Bexar County Mental Health Mental Retardation (MHMR), Owner(s), for a change in zoning from "C-1" Light Commercial District to "C-2NA C" Commercial Nonalcoholic Sales District with a conditional use for a homeless shelter on Lots 1 through 8, Block 1, NCB 9645, 3551 Culebra Road. Staff's recommendation was for denial. Zoning Commission has recommended approval of "C-2 NA C" Commercial Nonalcoholic Sales District with a conditional use for a residential treatment facility with the following conditions: 1) Curfew for residents shall be 9:30 P.M. Monday through Thursday and 10:30 P.M. Friday through Sunday 2) Maintain the natural buffer and fence along the north property line 3) Outside lighting shall be directed down on the subject property not to emit any lighting on nearby residences. (Council District 7)

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

The following citizens appeared to speak:

Ms. Terri Kilmer

Mr. Leon Evans

Councilmember Castro made a motion to continue the proposed rezoning case to September 9, 2004. Councilmember Perez seconded the motion.

After consideration, the motion to continue the proposed rezoning case to September 9, 2004 prevailed by the following vote: **AYES:** Flores, Williams, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** None.

Zoning case Z2004161 C was continued to September 9, 2004.

4J) ZONING CASE NUMBER Z2004174: The request of The Salvation Army, a Georgia Corporation, Applicant, for The Salvation Army, a Georgia Corporation, Owner(s), for a change in zoning from "MF-33" Multi-Family District (Lots 1 through 6) and "R-4" Residential Single-Family District (Lots 7 through 12) to "MF-40" Multi-Family District on Lots 1 through 12, Block 49, NCB 2011, 2806 West Ashby Place. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

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

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

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

AN ORDINANCE 99625

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 1 THROUGH 12, BLOCK 49, NCB 2011 FROM "MF-33" MULTI-FAMILY DISTRICT (LOTS 1 THROUGH 6) AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT (LOTS 7 THROUGH 12) TO "MF-40" MULTI-FAMILY DISTRICT.

4K) ZONING CASE NUMBER Z20266: The request of Roy Horn, III, Applicant, for LB Horn Jr., Owner(s), for a change in zoning from "O-2" Office District to "C-2" Commercial District on Lots 3 and 4, Block S, NCB 14667, 6300 Block of Babcock Road. Staff's recommendation was for approval. Zoning Commission has recommended approval. (Council District 7)

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

The following citizen appeared to speak:

Mr. Joe Howard

Councilmember Castro made a motion to continue the proposed rezoning case to September 9, 2004. Councilmember Perez seconded the motion.

After consideration, the motion to continue the proposed rezoning case to September 9, 2004 prevailed by the following vote: **AYES:** Segovia, Perez, Radle, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Barrera, Hall, Haass.

Zoning case Z20266 was continued to September 9, 2004.

4L) **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, 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 Radle made a motion to continue the proposed rezoning case for 60 days. Councilmember Perez seconded the motion.

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

Zoning case Z2004099 was continued for 60 days.

4M) **ZONING CASE NUMBER Z2004167:** The request of Ken Brown, P.C., Applicant, for Educational Development Company of America, L. L. C., Owner(s), for a change in zoning from "C-3 ERZD" Commercial Edwards Recharge Zone District to "MF-25 ERZD" Multi Family Edwards Recharge Zone District on P-200B, NCB 14859, 15502 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 Radle made a motion to continue the proposed rezoning case for 120 days. Councilmember Perez seconded the motion.

After consideration, the motion to continue the proposed rezoning case for 120 days prevailed by the following vote: **AYES:** Segovia, Perez, Radle, Barrera, Castro, Schubert, Garza. **NAYS:** None. **ABSENT:** Flores, Williams, Hall, Haass.

Zoning case Z2004167 was continued for 120 days.

4N) ZONING CASE NUMBER Z2004151: The request of Details Development Group, LLC, Applicant, for Inwood Heights Holdings, Ltd., Owner(s), for a change in zoning from "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District to "PUD RM-4 ERZD" Planned Unit Development Residential Mixed Edwards Recharge Zone District on 7.8700 acres out of NCB 15671, Redland Road and Gold Canyon 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 Segovia seconded the motion.

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

4O) ZONING CASE NUMBER Z2004156: The request of Alamo Park, Inc., Applicant, for Alamo Park, Inc., Owner(s), for a change in zoning from "C-3" Commercial District to "MXD" Mixed Use District on 13.72 acres out of NCB 8702 and NCB 18918, 304 Basse 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.

The following citizen appeared to speak:

Mr. Robert Hart

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

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

AN ORDINANCE 99626

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 13.72 ACRES OUT OF NCB 8702 AND NCB 18918 FROM "C-3" COMMERCIAL DISTRICT TO "MXD" MIXED USE DISTRICT.

3:00 P.M. LIBRARY BOARD PRESENTATION – FY 2005 LIBRARY PROPOSED BUDGET

Mr. Erik Walsh, Assistant to City Manager introduced Mr. John Nicholas, Chair of the Library Board who presented the San Antonio Public Library Board of Trustees Report, a copy of which is on file with the papers of this meeting. He outlined the Library's mission and vision, contributions to the community, goals and objectives, plans and projects such as the new branch libraries, renovation projects, and automation projects. He further addressed basic service metrics, trends in service and budget, operating expenditures, other initiatives such as the library district, maintenance fund, the library director search, the history center at the old Hertzberg Circus, and the Latino Resource Center.

Mr. Aubrey George, Acting Library Director, presented the Library Department Budget overview, a copy of which is on file with the papers of this meeting. He presented the budget comparison from FY 2004 to 2005, performance measures, current service programs, proposed improvements and mandates.

The following citizen appeared to speak:

Mr. Nazarite Ruben Flores Perez

EXECUTIVE SESSION

The City Council recessed its regular session at 4:24 pm in order to convene in Executive Session for the purpose of:

Discussion of Item 6 being a proposed ordinance of the City Council of San Antonio, Texas, ordaining the City's participation in the Texas Enterprise Zone Program.

Discussion of Item 20 being a proposed ordinance authorizing the execution of a contract with Parent/Child Incorporated (PCI) in the amount of \$44,666,896.00 for the San Antonio/Bexar County Head Start-Early Child Care Program.

The City Council adjourned the Executive Session at 6:07 pm and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

4:00 P.M. PUBLIC HEARING AND ORDINANCE

Mayor opened the public hearing.

Mr. Ramiro Cavazos, Director of Economic Development Department, narrated a slide presentation on the City's participation in the Texas Enterprise Zone Program, a copy of which is on file with the papers of this meeting. He spoke to the purpose of the ordinance, noting that the ordinance nominates Toyota Motor Manufacturing of Texas, Inc. as a State Enterprise Zone Project to the Office of the Governor, Economic Development and Tourism. He outlined background information on the enterprise zone, the areas encompassing the enterprise zones, the state enterprise zone nomination process and incentives. He delineated the current active enterprise zone projects in the three Council districts, the revisions to the program, the current enterprise zone criteria and benefits. He further expounded on the purpose of the public hearing in accordance to state law, the local incentives of the state enterprise zone, the project background on the nomination of Toyota for the State enterprise zone designation and site area. He cited the conceptual design of the Toyota plant, policy analysis and fiscal impact.

No citizens were signed to speak.

Mayor closed the public hearing.

The City Clerk read the following ordinance:

AN ORDINANCE 99627

AN ORDINANCE OF THE CITY COUNCIL OF SAN ANTONIO, TEXAS, ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE, ("ACT"), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED

PARTIES, AND NOMINATING TOYOTA MOTOR MANUFACTURING TEXAS, INC. TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM (“EDT”), THROUGH THE ECONOMIC DEVELOPMENT BANK (“BANK”) AS A TRIPLE JUMBO ENTERPRISE PROJECT (“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, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

Councilmember Haass then made a motion to reconsider Item 4N, Zoning case Z2004151. Councilmember Hall seconded the motion.

After consideration, the motion to reconsider Item 4N prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** Radle. **ABSENT:** Williams.

Mr. John Jacks briefly reiterated the proposed rezoning case.

Councilmember Schubert 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:** Segovia, Perez, Barrera, Schubert, Hall, Haass, Garza. **NAYS:** Radle, Castro. **ABSENT:** Williams. **ABSTAINED:** Flores.

AN ORDINANCE 99628

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 7.8700 ACRES OUT OF NCB 15671 FROM “RM-4 ERZD” RESIDENTIAL MIXED EDWARDS RECHARGE ZONE DISTRICT TO “PUD RM-4 ERZD” PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED EDWARDS RECHARGE ZONE DISTRICT.

CITIZENS TO BE HEARD

Mr. Nazarite Ruben Flores Perez

Mr. Louis Mona
Mr. Steve Shamblen

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinance:

AN ORDINANCE 99629

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARENT/CHILD INCORPORATED (PCI) IN THE AMOUNT OF \$44,666,896.00 FOR THE SAN ANTONIO/BEXAR COUNTY HEAD START-EARLY CHILD CARE PROGRAM FOR THE PERIOD OF FEBRUARY 1, 2004 THROUGH JANUARY 31, 2005; RATIFYING THE REIMBURSEMENT OF EXPENDITURES TO PCI SINCE FEBRUARY 1, 2004 FOR CONTINUITY OF SAID PROGRAM; AND ADOPTING A REVISED HEAD START-EARLY CHILD CARE PROGRAM BUDGET.

Mr. Dennis Campa, Director of Community Initiatives narrated a slide presentation on the Head Start Program 2004 Contract Execution, a copy of which is on file with the papers of this meeting. He stated the ordinance would approve the execution of the contract in the amount of \$44,666,896 with Parent/Child Inc. (PCI), ratify reimbursement of expenditures to PCI since February 1, 2004 for continuity of services offered through the Head Start program, and adopt the revised Head Start program budget reflecting those changes. He outlined background information on the program, the current program operations, and status of the contract.

Councilmember Castro 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, Segovia, Radle, Barrera, Schubert, Haass. **NAYS:** Perez. **ABSENT:** Williams, Castro, Garza. **ABSTAINED:** Hall.

The City Clerk read the following ordinance:

AN ORDINANCE 99630

AN ORDINANCE TO ESTABLISH AN EMPLOYEE-MANAGEMENT COMMITTEE TO PROVIDE A CONSULTATION PROCESS FOR MANAGEMENT AND EMPLOYEES TO DISCUSS ISSUES AND CONCERNS RELATING TO EMPLOYMENT CONDITIONS.

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

Ms. Sharon De La Garza, Director of Human Resources, narrated a slide presentation on the proposed Employee-Management Committee, a copy of which is on file with the papers of this meeting. She stated the committee was to provide consultation process for management and employees to discuss issues and concerns relating to employment conditions, noting that this was a result of collaborative discussions between management and association/organization representatives about how to formulate communication process regarding employee issues. She outlined the organizations involved, number of meetings held, primary ordinance components, committee composition, and process of selecting its membership. She outlined the EEO categories, and population for each of the categories, participation of the employee association/organization, topics for discussion by the committee, frequency of meetings, documentation and reporting. She further expounded on the comparison of ordinances and importance of the employee-management process.

After extensive discussion by City Council, Councilmember Radle made a motion for amendment and presented an ordinance for consideration, a copy of which is on file with the Office of the City Clerk. Councilmember Hall seconded the motion.

Councilmember Barrera then made a motion for a second amendment, a copy of which is on file with the Office of the City Clerk. Councilmember Perez seconded the motion.

After consideration, the motion on amendment 2 as presented by Councilmember Barrera, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Barrera, Schubert, Haass. **NAYS:** Radle, Castro, Hall. **ABSENT:** Williams, Garza.

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

EXECUTIVE SESSION

The City Council recessed its regular session at 8:45 pm. in order to convene in Executive Session for the purpose of:

Discuss status of economic development negotiations and incentives offered to business prospects that may locate, stay, or expand in or near the full or limited purpose city limits of San Antonio, pursuant to Texas Government Code Section 551.087 (economic development negotiations and incentives) and related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to a proposed contract with Parent/Child Incorporated (PCI) in the amount of \$44,666,896.00 for the San Antonio/Bexar County Head Start-Early Child Care Program for the period of February 1, 2004 through January 31, 2005, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss the lawsuits styled John M. Schaefer, et al. v. City of San Antonio, Cause No. 2004-CI-07394, in the 45th Judicial District Court for Bexar County (Hausman Road gas station case); Farmco Trust, John Schaefer, Nancy Schaefer, Richard Schaefer, and Mary Schaefer v. City of San Antonio, et al., Cause No. 2003-CI-05122 in the 150th Judicial District Court for Bexar County ("weed liens" claims); Brooks Hardee as Trustee for and on behalf of The Farmco Trust, et al. v. City of San Antonio, Cause No. 2004-CI-05439, in the 225th Judicial District Court for Bexar County (Lakeside vested rights claim); Brooks Hardee as Trustee for and on behalf of The Farmco Trust, et al. v. City of San Antonio, Cause No. 2004-CI-05440, in the 285th Judicial District Court for Bexar County (Villages of Westcreek vested rights claim); Reed S. Lehman Grain, Ltd. v. City of San Antonio, Cause No. 2004-CI-05442, 407th Judicial District Court for Bexar County (Southton Park vested rights claim); Reed S. Lehman Grain, Ltd., formerly known as Reed S. Lehman Grain Co. v. City of San Antonio, Cause No. 2004-CI-00238, in the 37th Judicial District Court for Bexar County (Southton Park flooding claim); and legal issues related to claims raised in one or more of these lawsuits, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 9:32 pm. and reconvened in regular session, at which time Mayor Garza stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

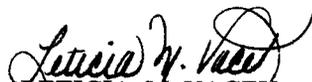
There being no further business to come before the City Council the meeting was adjourned at 9:35 pm

A P P R O V E D



EDWARD D. GARZA
MAYOR

Attest:



LETICIA M. VACEK
City Clerk