



Mr. Hector Flores, President of LULAC, thanked the Mayor and Council for the proclamation. He informed the Council that this was the kick-off of a month-long celebration. He spoke to the work of LULAC, and expounded on the history of the organization.

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2004-03      PRESENTATION OF 2003 GREEN TEAM CHALLENGE  
FINALISTS

Mayor Garza called forward Mr. Dean Bundrick, Community Relations Committee Chairman for the Real Estate Council.

Mr. Bundrick spoke to the history of the Green Team Competition, and indicated its focus was on the environment. He stated that since the inception of the competition in 1996, winning schools have been awarded close to \$100,000 in landscaping packages to beautify their campuses.

Mr. Bud Little, President of Keep San Antonio Beautiful, thanked the sponsors of this year's competition.

Mr. Bundrick then invited the Mayor and Council to help in congratulating the 2003 Green Team Challenge winners.

Mr. Daniel Cardenas, Director of Environmental Services, expressed congratulations to each of the winning schools, and commended all participants for their efforts in improving San Antonio's environment.

2004-03      CONSENT AGENDA

Councilman Perez made a motion to approve Agenda Items 5 through 11A, constituting the Consent Agenda, except for items 5, 6, and 8 which were pulled for individual consideration. Councilman Hall seconded the motion.

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

AN ORDINANCE 98714

DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF FOUR (4) TRACTS OF CITY-OWNED REAL PROPERTIES LEGALLY DESCRIBED AS (1) LOT 6, BLOCK 5, NEW CITY BLOCK 6567 TO ERASMO DIAZ, A SINGLE MAN, FOR \$7,694.00; (2) EAST 63 FEET OF THE WEST 68 FEET OF LOT 20, BLOCK 17, NEW CITY BLOCK 7264 TO VICTOR ALEMAN AND WIFE, LETICIA R. ALEMAN, FOR \$10,000.00; (3) EAST 60 FEET OF WEST 65 FT. OF LOT 5, BLOCK 24, NEW CITY BLOCK 7265 TO VICTOR ALEMAN AND WIFE, LETICIA R. ALEMAN, FOR \$10,000.00; AND (4) 1.535 ACRES OF LAND, BEING THE REMAINING PORTION OF TRACT 2, NCB 11211, TO SOUTHWAY FORD, INC. FOR \$11,000.00, AS ADVERTISED AND OFFERED THROUGH THE SEALED BID PROCESS, FOR THE TOTAL CONSIDERATION OF \$38,694.00.

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AN ORDINANCE 98715

AUTHORIZING THE EXECUTION OF MEMORANDUMS OF UNDERSTANDING WITH CITY PUBLIC SERVICE, SAN ANTONIO WATER SYSTEM AND THE BEXAR METROPOLITAN WATER DISTRICT FOR USE OF OFFICE SPACE AT THE DEVELOPMENT AND BUSINESS SERVICES CENTER.

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AN ORDINANCE 98716

AUTHORIZING THE ACCEPTANCE OF A CONTRACT CHANGE TOTALING \$215,116.00 FROM THE TEXAS DEPARTMENT OF HEALTH (TDH) TO SUPPORT THE ONGOING SEXUALLY TRANSMITTED DISEASE STAFF SUPPORT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004; AUTHORIZING THE EXECUTION OF THE CONTRACT CHANGE WITH TDH; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

\* \* \* \*

AN ORDINANCE 98717

REAPPOINTING PATRICIA CAVAZOS (PATRON CATEGORY – DISTRICT 7) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 15, 2005.

\* \* \* \*

2004-03 The Clerk read the following Ordinance:

AN ORDINANCE 98718

ACCEPTING THE LOW RESPONSIVE BID SUBMITTED BY PETROLEUM POWER EQUIPMENT TO PROVIDE THE CITY OF SAN ANTONIO PURCHASING & GENERAL SERVICES DEPARTMENT WITH REPLACEMENT OF REFUELING DISPENSERS AT THE NORTH PATROL SUBSTATION AND THE DOWNTOWN POLICE HEADQUARTERS FOR A TOTAL AMOUNT OF \$33,657.68.

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

In response to Councilman Perez, Ms. Janie Cantu, Director of Purchasing, expounded on the internal services fund, which she stated operated independently and separately from the general fund. She noted this was a service, and outlined the components.

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.

— — —  
2004-03 The Clerk read the following Ordinance:

AN ORDINANCE 98719

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 2003-2004 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$410,488.00 TO INCLUDE CONTRACTS FOR: SPOKEN WORD COMPACT DISCS AND AUDIOCASSETTES, PERSONAL COMPUTERS, SERVERS, PRINTERS AND SCANNERS, COMPUTER HARDWARE, DEVICES AND COMPONENTS.

\* \* \* \*

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

In response to Councilman Castro, Ms. Janie Cantu, Director of Purchasing, described the single source contract, noting it was split into different categories.

In response to Councilman Castro, Mr. Gary Moeller, Director of Information Technology Services Department, explained what they did with old computers, and stated they were being replaced with leased computers.

Councilman Castro spoke to the distinction between what the City thought were “old” machines in comparison to how other organizations may view them.

Mr. Moeller acknowledged that some of the machines were marginal, and the City did actually allow other organizations to use them, pending their ability to deal with the software side of it.

Councilman Castro encouraged the use of partnering with other organizations for use of the old machines.

In response to Councilman Flores, Mr. Moeller discussed the life of the technology and how long the computers would last, noting the expectancy was getting shorter. He addressed the constant upgrades, and added that the machines included on the list did not encumber any funding. He then spoke to the lease program, and acknowledged that the prices were competitive. He then expounded on the GIS software.

In response to Councilman Perez, Mr. Moeller discussed the difference in purchasing the computers on this contract as opposed through the lease program. He stated grant funds didn't allow leasing of machines. He spoke of upgrading the hardware, but acknowledged that grant funds were the exception.

Councilman Perez questioned the donation of equipment to not-for-profits, expressing concern on the information that could potentially be left on the hard drive because of not being able to completely erase the material.

Mr. Moeller addressed the safeguard issues, and confirmed that they had utilities that could override data in a hard drive.

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.

— — —  
2004-03      The Clerk read the following Ordinance:

AN ORDINANCE 98720

AUTHORIZING PAYMENT IN THE AMOUNT OF \$68,678.76 TO THE ALAMO AREA COUNCIL OF GOVERNMENTS FOR THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES FOR CALENDAR YEAR 2004.

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

In response to Councilman Perez, Mr. Al Notzon, representing the Alamo Area Council of Government (AACOG), delineated on specific details of the 2004 AACOG Budget. He described the various services provided and how they benefit the community. He spoke to the various programs, and acknowledged that dues were the same as last year's.

Councilman Perez commented that he wanted to get a feel for the entire budget, and to get an idea of the very things they do, and the many counties they serve.

Mr. Notzon expounded on the City representatives. He confirmed he would provide more information, and offered a tour of the programs.

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

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2004-03      ZONING CASES

3A.)            CASE NUMBER Z2003241:      The request of Shawnee, Ltd. (Edsel Jones, Partners), Applicant, for Whawnee, Ltd. (Edsel Jones, Partners), Owner(s), for a change in zoning from "R-4" Residential Single Family District to "C-1" Commercial District on Lot 6, Block 60, NCB 10589, 223 Tansyl Drive. Staff's recommendation was for denial as requested and approval of "R-4 C" Residential Single-Family District with conditional use for a Real Estate Office.

Zoning Commission has recommended approval of "R-4 C".

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Diane Garibay, representing the applicant, indicated the owners were ready to sell, and for the benefit of the neighborhood, were requesting a change to R-4 C with conditional use of a professional office. However, she noted the agenda stated "conditional use for a real estate office."

Councilman Flores spoke to the concerns of the neighbors, and indicated that because it was residential right now, the idea was to have this placed as a conditional use.

Ms. Garibay expressed concern that there was miscommunication along the way.

Councilman Flores made a motion to continue the zoning case until February 12, 2004. Councilman Hall seconded the motion.

In response to Councilman Flores, Mr. Jacks acknowledged they advertised it for "professional office," and indicated he did not know why the Council's agenda had "real estate office."

Councilman Flores urged staff to have this corrected before it is brought back to Council.

**(This item was reconsidered later in the meeting. Please see page 9 for resumption of this zoning case.)**

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3B.) CASE NUMBER Z2003216: The request of Juan Ignacio Alonso, Applicant, for Juan Ignacio Alonso, Owner, for a change in zoning from "R-4" Residential Single-Family District to "C-2 NA C" Commercial Nonalcoholic sales District, with conditional use for a used car lot on Lots 50 & 51, Block 4, NCB 7645, 1142 Kendalia Avenue. Staff's recommendation was for denial.

Zoning Commission has recommended forwarding the action to City Council without a recommendation.

Mr. John Jacks, Land Development Services, explained the proposed rezoning.

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

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

AN ORDINANCE 98721

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 50 AND 51, BLOCK 4, NCB 7645 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA C " COMMERCIAL NONALCHOHOLIC SALES DISTRICT, WITH CONDITIONAL USE FOR A USED CAR LOT ON THE PROPERTY.

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3C.) CASE NUMBER Z2003234: The request of MG Building Materials, Ltd., Applicant, for Larry Grothues, Owner, for a change in zoning from "C-3R" General Commercial District, Restrictive Alcoholic Sales to "I-1S" General Industrial District with specific use authorization for a wooden truss manufacturing business on Lots P-63, P-64 and P-65, NCB 15613. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

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

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

AN ORDINANCE 98722

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 P-63, P-64 AND P-65, NCB 15613 FROM "C-3R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "I-

1S" GENERAL INDUSTRIAL DISTRICT WITH SPECIFIC USE AUTHORIZATION FOR A WOODEN TRUSS MANUFACTURING BUSINESS ON THE PROPERTY.

\* \* \* \*

2003-04      At this time, a motion was made to reconsider Zoning Case Z2003241 (Zoning case item 3A)

Councilman Flores made a motion to reconsider Zoning Case Z2003241. Councilman Haass seconded the motion.

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

Mr. John Jacks, Land Development Services, explained the proposed rezoning.

Councilman Flores explained what had been worked out with the neighborhood, which was "professional office" and not "real estate office." He acknowledged there was an error on the agenda.

Ms. Diane Garibay confirmed that her understanding of the case was that it would be "professional office."

Councilman Flores made a motion to approve the proposed rezoning with stipulation by staff for conditional use for a "Professional Office." Councilman Perez seconded the motion.

After consideration, the motion along with the stipulation by staff for conditional use for a "Professional Office," carrying with it the passage of the following Ordinance, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

AN ORDINANCE 98723

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 6, BLOCK 60, NCB 10589 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4 C " RESIDENTIAL SINGLE-

FAMILY DISTRICT WITH CONDITIONAL APPROVAL FOR A PROFESSIONAL OFFICE ON THE PROPERTY.

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3D.) CASE NUMBER Z2003215: The request of Jack in the Box, Inc., Applicant, for Multiple, Owners, for a change in zoning from "R-4" Residential Single-Family District to "O-1" Office District on Lots 11 and 12, Block 1, NCB 2427, 2403 El Paso Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Councilwoman Radle made a motion to continue the proposed rezoning until February 12, 2004. Councilman Perez seconded the motion.

The following citizens appeared to speak:

Ms. Nancy Luollehman cited a conversation she had with Avenida Guadalupe Association, and stated the permits were already completed. She stated four homeowners who were all in favor faced this property, and indicated these were the only two lots not zoned commercial.

Mr. David Adelman commented that this was a tremendous addition to the neighborhood. He stated this entity would also generate jobs, and he urged Council to move forward.

Councilwoman Radle acknowledged that they were excited about the jobs, but indicated her commitment was to be sure that she received sufficient input. She cited complaints she received regarding traffic.

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

Zoning case Z2003215 was continued to the February 12, 2004 Council meeting.

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3E.) CASE NUMBER Z2003228 S: The request of Inman Christian Center, Applicant, for Inman Christian Center, Owner, for a change in zoning from "R-4" Residential Single-Family District to "RM-4 S" Residential Mixed District with specific a

use authorization for a residential counseling facility on Lot 44, Block 2, NCB 3992, 1301 Colima Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilwoman Radle made a motion to continue this rezoning case until February 12, 2004. Councilman Perez seconded the motion.

Councilwoman Radle acknowledged that she wanted to allow for an opportunity for the neighborhood to meet with staff. She urged Inman Christian Center to help coordinate a meeting with her office.

The following citizen (s) appeared to speak:

Ms Carol Garcia, representing Inman Christian Center, state she looked forward to working with the community. She then expounded on the history of Inman Christian Center.

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

Zoning Case Z2003228 S was continued to the February 12, 2004 Council meeting.

**(Zoning Case Z2003228 was later reconsidered. Please see page 16 for resumption of this zoning case.)**

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3F.) ZONING CASE NUMBER Z2003217: The request of City of San Antonio, Applicant, for Diana McHazlett, and Robert C. De La Rosa, Owners, for a change in zoning from "R-6 PUD" Residential Single-Family Planned Unit District to "R-6 C" Residential Single-Family District with a conditional use for a multi-family development with a density not to exceed eight units per acre on Lot P-13, NCB 34392, 10581 Potranco. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizen (s) appeared to speak:

Ms. Angela Wright, 467 Bobcat Hollow, spoke against the rezoning of the area in question. She questioned the development, and urged Council to listen to the constituents, and keep the neighborhood as single family dwellings.

Ms. Bianca Palmiini stated her concerns were not addressed. She voiced her opposition to this rezoning case, and spoke to the importance of harmonious neighborhoods. She stated the area of Potranco Road was individual family dwellings. She urged Council to vote against this zoning case.

Mr. Robert Palmiini expressed concern if this zoning case were to pass. He spoke to taxes and easements, and urged the City to be strict. He voiced his opposition to this zoning case.

Councilman Barrera acknowledged this case was brought forward 2 weeks ago. He spoke to the concerns of the homeowners in the area, and stated they were successful in getting groups together to discuss the conditions that could be placed on this zoning case. He then addressed the concerns raised regarding easements and drainage.

In response to Councilman Barrera, Mr. John Jacks indicated easements were requested by the utility company, and therefore, wouldn't be able to tell them today whether or not the applicant would be able to use the easement, and it would be up to City Public Service (CPS). He acknowledged that drainage would be addressed through the platting process.

Councilman Barrera cited the conditions he wanted placed on this zoning case. He then addressed other issues that were raised when they met with the homeowners. He acknowledged that he wanted these conditions entered into the official record.

Councilman Barrera made a motion to approve the proposed rezoning with the following conditions: fencing must be installed on the entire interior of property; plants to be placed along portion of the fence line; and drainage/ easements need to be addressed through the platting process . Councilman Perez seconded the motion.

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

#### AN ORDINANCE 98724

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 P-13, NCB 34392 FROM "R-6 PUD" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A MULTI-FAMILY DEVELOPMENT WITH A DENSITY NOT TO EXCEED 8 UNITS PER ACRE ON THE PROPERTY.

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3G.) ZONING CASE NUMBER Z2003201: The request of Eastway Inc., Applicant, for Marc Ross, Owner, for a change in zoning from "C-2" Commercial District to "C-2 C" Commercial District with conditional use for a self-service car wash facility on Lot 96 save and except a fifty foot by fifty foot portion located at the corner of Callaghan Road and Evers Road, 4900 Evers Road. Staff's recommendation was for denial.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

The following citizens appeared to speak:

Mr. Marc Ross, Owner, confirmed they did have deed restrictions, but not with them. He then informed the Council that they've been trying to move forward with this project, and therefore urged Council to approve this zoning case.

Councilman Castro acknowledged he understood the momentum behind their project, but cited the issue there was regarding the restrictions.

Mr. Ross urged Council to approve this item, and confirmed the deed restrictions would be filed on Tuesday.

The following citizen(s) appeared to speak:

Mr. Jack Finger expressed concern on how Mr. Ross had been handling this zoning case. He urged Council to vote against this zoning case, and cited the traffic accidents that have occurred in the area. He questioned why they had to rush and do it this week.

Councilman Castro made a motion to continue the proposed rezoning until January 29, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue until January 29, 2004, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Castro, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams.

Zoning Case Z2003201 was continued until January 29, 2004.

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3H.) CASE NUMBER Z2003089: The request of Earl & Brown, P.C., Applicant, for Judith N. Morton; Contact: Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District on a portion of the Oakland Estates Subdivision being Lot 15, Block 5, NCB 14705 and a portion of the Gustav Eckhert Estates Subdivision being part of P-37K and P-64 and all of P-65, Block 2, NCB 14864, approximately 5.4 acres, located northwest of Huebner Road near the intersection Huebner Road and USAA Boulevard. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Hall made a motion to continue zoning case Z2003089 until the meeting of February 12, 2004. Councilman Perez seconded the motion.

After consideration, the motion to continue until February 12, 2004, prevailed by the following vote: **AYES:** Flores, Segovia, Perez, Radle, Barrera, Hall, Schubert, Haass, Garza. **NAYS:** None. **ABSENT:** Williams, Castro.

Zoning case Z2003089 was continued until February 12, 2004.

\* \* \* \*

3I.) CASE NUMBER Z2003090: The request of Earl & Brown, P.C., Applicant, for Judith N. Morton; Contact: Sam Parnes, Owner(s), for a change in zoning from "R-6" Residential Single-Family District to "C-2" Commercial District (22.44 acres) and "C-3R" General Commercial District, Restrictive Alcoholic Sales (3.47 acres) on 25.91 acres of land out of Block 2, NCB 14864, north of Huebner Road, south of Prue Road and west of the proposed New Prue Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

Councilman Hall made a motion to continue the proposed rezoning case Z2003090 until the January 29, 2004 Council meeting. Councilman Perez seconded the motion.

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

Zoning Case Z2003090 was continued until February 12, 2004.

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3J.) CASE NUMBER Z2003238: The request of VHS San Antonio Partners, L. P., d/b/a Baptist Health System, Applicant, for VHS San Antonio Partners, L.P., d/b/a Baptist Health System, Owner, for a change in zoning from "O-2" Office District to "C-2 S" Commercial District with specific use authorization for a hospital facility on 20.69 acres out of NCB 13569, Village Drive at Hidden Drive. Staff's recommendation was for approval.

Zoning Commission has recommended approval.

Mr. John Jacks, Land Development Services, explained the proposed rezoning case.

In response to Councilman Haass, Mr. Jacks explained what reasons were cited on the cards that were sent back that indicated they were in opposition to this zoning case.

Councilman Haass spoke to what Northeast Baptist Hospital meant to the community.

In response to Councilman Haass, Mr. Jacks clarified that in order for the hospital to expand, they would have to do the proper zoning.

Councilman Haass indicated a portion of his district fell over the contributing and recharge zones.

Mr. Jacks acknowledged that it would be known if this area was in the recharge zone. He confirmed that it would be brought to his attention before hand.

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

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

AN ORDINANCE 98725

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 20.69 ACRES OUT OF NCB 13569 FROM "O-2" OFFICE DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH SPECIFIC USE AUHORIZATION FOR A HOSPITAL FACILITY ON THE PROPERTY.

\* \* \* \*

2003-04      **At this time, a motion was made to reconsider Zoning Case Z2003228 S (item 3E on the Council Agenda.)**

Councilwoman Radle made a motion to reconsider Zoning Case Z2003228 S. Councilman Hall seconded the motion.

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

Mr. John Jacks explained the proposed rezoning case.

Councilwoman Radle urged staff to advise her if this area was in the recharge zone.

Mr. Jacks acknowledged that it would be part of their packet.

Councilwoman Radle made a motion to continue Zoning Case Z2003228 S to the meeting of January 29, 2004. Councilman Perez seconded the motion.

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

Zoning case Z2003228 S was continued to the January 29, 2004 Council meeting.

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2004-03      EXECUTIVE SESSION

The City Council recessed its regular session at 3:05 P.M. in order to convene in Executive Session for the purpose of:

- A. Discuss legal issues relating to a settlement proposal on a claim filed by Diane MacKeil, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Deliberation and consideration of the annual performance evaluation of City Manager Terry M. Brechtel, pursuant to Texas Government Code Section 551.074 (personnel matters).

The City Council adjourned the Executive Session at 5:58 P.M. and reconvened in regular session, at which time Mayor Pro Tem Patti Radle stated that City Council had been briefed on the above-styled matters and had given staff direction, but had taken no official action.

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2003-04      CITIZENS TO BE HEARD

**MR. ROMAN PENA**

Mr. Roman Pena, LULAC, spoke to the gateway at the Fiesta Del Mercado. He stated the gateway was part of Fiesta Week, and urged Council to consider allowing LULAC to continue under the Gateway event.

\* \* \* \*

**MS. ANGIE GARCIA**

Ms. Angie Garcia spoke to the Fiesta event at the Mercado which was started by LULAC. She requested for Council to reconsider directing this back to LULAC. She spoke to the audit that was held, and indicated they were in compliance. She stated the Parks Foundation did not want to handle the event at the Gateway Plaza, and again urged

Parks Foundation did not want to handle the event at the Gateway Plaza, and again urged Council to reconsider allowing LULAC to take the lead. She then addressed the Civil Service Commission, and suggested to have the alternates to go into the vacant positions.

\* \* \* \*

**MR. EDDIE MASON**

Mr. Eddie Mason thanked Council for their support regarding a City Public Service issue that was brought to their attention. He spoke to the difficulties the handicapped had to endure, and urged Council to ride a wheelchair on the sidewalks for one day to see what it felt like.

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**MS. GRACIA McMICHAEL**

Ms. Gracia McMichael spoke to the importance of recognizing the different forms of disabilities. She expounded on the difficulties they face on a day to day basis.

\* \* \* \*

**WAYNE HATCHELL**

Mr. Wayne Hatchel spoke to the problem of sidewalks in relation to the disabled, and urged them to build more sidewalks. He spoke of the problem in the Medical Center area. He the referenced an incident in which no sidewalks were available. He urged Council to address the issue of sidewalks.

Mr. Eddie Mason added to the comments of Mr. Hatchell, and spoke of an incident downtown, in which a police officer pulled him over and asked him to get on the sidewalk, although there were none visible.

Councilwoman Radle thanked the citizens for attending the meeting and expressing their concerns.

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2004-03 The Clerk read the following resolution:

**RESOLUTION 2004-03-02**

A RESOLUTION SUPPORTING THE CITY COUNTY COOPERATION PLAN TO CREATE AN INTEGRATED STRUCTURE OF LOCAL GOVERNMENT AND THE WORK PROGRAM FOR 2004.

\* \* \* \*

Councilman Flores made a motion to approve the resolution. Councilman Haass seconded the motion.

Mr. Jim Campbell, Director of External Relations, narrated a slide presentation regarding the 2004 City/County Cooperation plan, a copy of which was made part of the official papers of this meeting. He expounded on the background of the plan, noting that historically, the City and County have worked cooperatively in a number of areas.

Councilman Perez spoke to the Ryan White project, indicating it was an epidemic that affected the community.

In response to Councilman Perez, Mr. Campbell confirmed the City did administer the program through an inter-local agreement, and acknowledged that the appropriate subcommittee would be briefed.

Councilman Castro stated this plan stood to benefit all San Antonians who live in Bexar County. He stated there were certain endeavors that the City would have a sharper vision on and vice versa. He acknowledged that for many years, the question has been about consolidation, but indicated they have a system to work together to save money.

Councilman Barrera voiced his approval on the relationship between the City and County. He spoke to the importance of thinking regionally.

In response to Councilman Barrera, Mr. Campbell confirmed they would try to identify things they could move forward within the next calendar year. He stated he would be happy to explore what they could do about Leon Creek.

Councilman Barrera explained that Leon Creek ran into Rodriguez Park, which was a County park.

In response to Councilman Hall, Mr. Campbell noted there were new ideas being presented today. He added there would be a number of things that would come from the citizens as well. He spoke to the timing of the citizens committee, and the information that needed to get processed.

Councilman Haass stated the background proved how important this item was. He stated the plan was ambitious.

In response to Councilman Haass, Mr. Campbell expounded on slide 15 regarding the coordination among various departments, and confirmed they had extensive interviews.

In response to Councilman Haass, Mr. Malcolm Matthews, Director of Parks and Recreation, addressed the Salado Creek Park and how they were working with the County.

In response to Councilman Haass, Mr. Campbell acknowledged that there were problems, and historically, these kinds of agreements have been difficult. He spoke to the joint parks reservation system, and addressed other issues which he stated would continue to be addressed.

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

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2004-03 The Clerk read the following Ordinance:

AN ORDINANCE 98726

AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY FROM MARCH 24, 2004 THROUGH APRIL 6, 2004 IN PREPARATION FOR HOSTING THE 2004 NCAA FINAL FOUR BASKETBALL TOURNAMENT; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND PROVIDING FOR CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Flores seconded the motion.

Mr. Malcolm Matthews, Director of the Parks and Recreation department, narrated a slide presentation regarding the 2004 NCAA Final Four men's basketball tournament clean zone ordinance, a copy of which was made part of the official papers of this meeting. He expounded on what this ordinance would establish, in regards to controlling the sale of NCAA approved goods within public right of ways. He stated the NCAA had to approve all goods and vendors selling final four merchandise. He expounded on the clean zone conditions, and the clean zone map.

Councilman Haass stated he had the opportunity to talk with the NCAA a few months ago, and expounded on why they requested this clean zone.

Mr. Matthews concurred this had been successful in the past, noting it had to do with contracting with particular suppliers to avoid having people come in and set up competition with a contract.

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. **NAYS:** None. **ABSENT:** Williams, Garza.

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2004-03 The Clerk read the following Ordinance:

AN ORDINANCE 98727

APPROVING A BROWNFIELDS REDEVELOPMENT PROGRAM PROJECT WITH THE SAN ANTONIO DEVELOPMENT AGENCY (SADA), UNDER PROVISIONS OF THE CITY'S GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY; AUTHORIZING A PARTICIPATION UNDERSTANDING WITH CONSENT FOR PROMOTIONAL USE AND RIGHT OF ACCESS WITH SADA, HISTORIC GARDENS-UNIT 3 PROJECT; AUTHORIZING A PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES NECESSARY TO ACCOMPLISH AN ENVIRONMENTAL SITE ASSESSMENT IN THE AMOUNT OF \$23,040.00 BY ENGINEERING AND FIRE INVESTIGATIONS, INC., UNDER AN EXISTING ENVIRONMENTAL CONSULTING SERVICES AGREEMENT; AND PROVIDING FOR PAYMENT.

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

Mr. David Garza, Director of Neighborhood Action, narrated a slide presentation regarding two Brownfields Redevelopment Program projects, a copy of which was made part of the official papers of this meeting. He presented an overview on the projects, and expounded on the grant awarded to the City by the Environmental Protection Agency (EPA) to fund the programs. He explained how the program would help to revitalize the project.

In response to Councilwoman Radle, Mr. Garza stated this was a continuation of the project, and expounded on the other phases.

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. **NAYS:** None. **ABSENT:** Williams, Garza.

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2004-03 The Clerk read the following Ordinance:

AN ORDINANCE 98728

RATIFYING ACTIONS TAKEN TO COMPLETE A BROWNFIELDS REDEVELOPMENT PROGRAM PROJECT FOR 824 & 834 SOUTH HACKBERRY STREET WITH COMMUNITY ECONOMIC REVITALIZATION, INC., UNDER PROVISIONS OF THE CITY'S GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY, INCLUDING THE EXECUTION OF A PARTICIPATION UNDERSTANDING WITH CONSENT FOR PROMOTIONAL USE AND RIGHT OF ACCESS, ENABLING AGREEMENT BETWEEN THE CITY AND COMMUNITY ECONOMIC REVITALIZATION AGENCY, INC., THE PROPERTY OWNER, TO PERFORM PHASE I ENVIRONMENTAL SITE ASSESSMENT IN THE AMOUNT OF \$2,600.00; RATIFYING THE WORK PERFORMED BY GEO STRATA ENVIRONMENTAL CONSULTANTS, INC., UNDER THE ENVIRONMENTAL SERVICES DEPARTMENT STANDBY PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES CONTRACT APPROVED BY CITY COUNCIL IN ORDINANCE NO. 95384 ON FEBRUARY 28, 2002.

Councilman Perez made a motion to approve the proposed Ordinance. Councilman Haass 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. **NAYS:** None. **ABSENT:** Williams, Garza.

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