

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 10, 2002.

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2002-38 The regular meeting was called to order at 1:00 P.M. by the Presiding Officer, Mayor Ed Garza, with the following members present: Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. ABSENT: Sanders, Martin, Conner.

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2002-38 Invocation by Rev. Steve Branson, Village Parkway Baptist Church.

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2002-38 Pledge of Allegiance to the flag of the United States.

2002-38 **RECOGNITION OF PUBLIC WORKS ACADEMY PARTICIPANTS**

Mayor Garza spoke of the new Academy program, and asked Mr. Tom Wendorf, Director of Public Works to address this issue. Mr. Wendorf, spoke of the pilot program designed to educate citizens on the various functions of the Public Works Department such as street maintenance, storm water, and traffic engineering. He stated that the goal of the objective was to have interactive sessions to create a better understanding of the citizens' questions and their concerns. Mr. Wendorf further introduced this year's participants.

Members of the City Council recognized the outstanding program, noting that the Public Works Department provided a wide range of services to the community, yet affirmed how this program would provide an excellent opportunity for the neighborhood representatives to learn the nuts and bolts of the department and the services provided. They further congratulated members of the staff, in addition to the academy participants.

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2002-38 PRESENTATION OF PROCLAMATION FOR "INTERNATIONAL ACCORDION FESTIVAL WEEK"

Mayor Garza invited Mr. Felix Padron, Director of Cultural Affairs Office, to come forward and address this week's activities. Mayor Garza read a Proclamation and presented it to Mr. Padron who then elaborated on the week's activities, and introduced, Ms. Irma Guerra, Witte Museum representative, Ms. Maria Elena Torralva, Guadalupe Cultural Arts Center representative, and Mr. Eduardo Diaz, Curator of the Festival. Each of the members spoke of the programs associated with the week's events, and invited members of the Council to attend the events. Ms. Torralva introduced Mr. Flaco Jimenez, who had recently won a Grammy Award. Mr. Jimenez played a selection as a means to kick off the week's festivities.

Members of the Council congratulated Mr. Jimenez whose outstanding musical talent serves as a means of promoting worldwide language through music, and invited the community to partake in the great festivity. They acknowledged the sharing of his talent with the community, and further recognized all sponsors and organizations involved with this event.

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2002-38 PRESENTATION OF PROCLAMATION FOR "NATIONAL BREAST CANCER AWARENESS MONTH"

Mayor Garza spoke of the number of women diagnosed with breast cancer on a yearly basis, and then invited Ms. Jeannie Frieden, Vice President of External Affairs of the Cancer Therapy Research Center (CTRC), Dr. Fernando Guerra, Director of Health and Ms. Deborah Daniels, WOAI-TV for the reading of a proclamation in honor of National Breast Cancer Awareness Month. He then presented the proclamation to Ms. Frieden.

Ms. Frieden spoke of her personal experience as a cancer survivor. She then spoke to the Bosom Buddies program sponsored by WOAI-TV, and the work of the Cancer Research Center. She further acknowledged the importance of community awareness in order to increase the survival rate in the community and throughout the nation.

On behalf of WOAI, Ms. Daniels stated that she was honored to be a part of something so significant in the community to save lives. She spoke in favor of the encouragement and support offered by the program, and the means by which women would now be able to

take charge of their own health. She added that lives have been saved through the Bosom Buddies program, and that this recognition would have an even more significant impact for women as well as the community.

Dr. Guerra, spoke of the CTRC program which truly has portrayed San Antonio as one of the leading communities for screening and treating cancer victims. He noted that it serves as a link to community based programs, which promote screening and early detection.

Members of the City Council recognized the many excellent programs, which help hundreds of women and other individuals, especially citing Dr. Guerra for being in the forefront of such vital health initiatives, which also raise awareness in the community.

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2002-38 POINT OF PERSONAL PRIVILEGE

On a point of personal privilege, Mayor Garza addressed the recent development with two members of the City Council. He addressed the Council and citizens of San Antonio on events which occurred in the last few days, noting that there was not one person or organization that is not going to be affected by the events that transpired. He stated that he, along with other citizens of the community is concerned for the future of the City Council, the body and the integrity of public service and the results for the future. He stated that while there was much emotional debate and divisiveness, there were still serious issues to be addressed, and added his hope that justice would move swiftly. As Mayor, he emphasized that he has the responsibility of assuring that business is conducted accordingly, and that it was important to move on with the business on the agenda. He noted that there were many important issues, such as annexation, executive session for the City's economic future, public safety and basic issues involving this great City. He stressed his commitment to ensure that City government move forward every step of the way. He also stated that he was concerned with the Council's ability to function on this day and for that reason, he asked both members not to be at the Council meeting today, however noted that the Council members wanted to be at the meeting for their personal reasons and to represent their constituents. He stated that he had asked the City Attorney on any implications with the contract in question, and noted he would work with the City Attorney to review options. He then stated that he would support the investigations of both the FBI and the District Attorney's office and mentioned the jobs that the City offices will do in the coming days and weeks. He reemphasized his commitment to do everything in his power to restore

the confidence that the community expects from elected officials, adding that San Antonio was a proud City that has met many challenges in the past, and with its great resolve will continue to meet these challenges.

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2002-38 CONSENT AGENDA – CITIZENS COMMENTS

Mr. Faris Hodge, Jr., 140 Dora, spoke to the events taking place, and urged that business continue as usual. He spoke of the deficit, and the expenditures associated with items 5-7, and urged that they be held off for another year. He also addressed the expenditure for the life insurance.

Mr. Jack M. Finger, P.O. Box 12048, spoke to certain items on the agenda, which did not have the backup material for citizens' review.

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2002-38 CONSENT AGENDA

Councilwoman Moorhouse made a motion to approve Agenda Items 5 through 19B constituting the Consent Agenda, except for items 5, 6, 7, and 12, which were pulled for individual consideration. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Perez, Sanders, Moorhouse, Martin, Garcia, Barrera, Castro, Conner, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

AN ORDINANCE 96516

SELECTING PLACE COLLABORATIVE, INC. TO PROVIDE PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH DISTRICT 4 PARK IMPROVEMENT PROJECTS IN ARNOLD PARK, FLORES PARK AND MILLER'S POND PARK; APPROPRIATING \$110,769.00 IN 1999 PARK BOND FUNDS; AUTHORIZING THE NEGOTIATION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$88,185.00;

ESTABLISHING PROJECT BUDGETS; AND ALLOCATING FUNDS FOR ASSOCIATED PROJECT COSTS.

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AN ORDINANCE 96517

AUTHORIZING THE CITY MANAGER OR HER DESIGNATED REPRESENTATIVE TO EXECUTE A DEVELOPMENT AGREEMENT FOR UPPER HUEBNER CREEK WITH DE ZAVALA CAPITAL ASSOCIATES 1992-1 LTD. IN CONNECTION WITH A REGIONAL STORM WATER FACILITY AND RELATED DRAINAGE IMPROVEMENTS AT PRUE ROAD AND HUEBNER CREEK LOCATED IN COUNCIL DISTRICT 8, AND APPROPRIATING FUNDS AND APPROVING PAYMENT TO DE ZAVALA CAPITAL ASSOCIATES 1992-1 LTD. IN AN AMOUNT NOT TO EXCEED \$99,000.00 IN CONNECTION THEREWITH.

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AN ORDINANCE 96518

AUTHORIZING THE ACQUISITION BY DONATION FROM PULTE HOMES OF APPROXIMATELY 12.023 ACRES IN THE LEON CREEK GREENWAY NEAR OLD PRUE ROAD AND LEON CREEK IN CITY COUNCIL DISTRICT 8 FOR USE AS PARK LAND.

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AN ORDINANCE 96519

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH AVANTE PLAZA VENTURE I, LTD. FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT OF 2,198 SQUARE FEET OF OFFICE AND CLINIC SPACE IN SUITE 326 OF THE SANTA ROSA STREET PROFESSIONAL BUILDING LOCATED AT 401 WEST COMMERCE STREET IN CONNECTION WITH THE OCCUPATIONAL HEALTH AND WELLNESS PROGRAM AT A MONTHLY COST OF \$2,747.50 FOR THE PERIOD OCTOBER 1, 2002 TO SEPTEMBER 30, 2005, AND

AT A MONTHLY COST OF \$2,866.56 FOR THE PERIOD OCTOBER 1, 2005 TO SEPTEMBER 30, 2007; AND APPROVING PAYMENTS TO THE LESSOR IN CONNECTION THEREWITH.

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AN ORDINANCE 96520

REAFFIRMING AND DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S MOUNTAIN CLIMB LIFT STATION PROJECT IS A NECESSARY PUBLIC PROJECT; FURTHER REAFFIRMING AND DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE MOUNTAIN CLIMB LIFT STATION; AUTHORIZING THE SAN ANTONIO WATER SYSTEM TO ACQUIRE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED REAL PROPERTIES DESCRIBED BELOW, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE MOUNTAIN CLIMB LIFT STATION PROJECT, TO WIT: A 0.116 ACRE (5076 SQUARE FEET) TRACT AND A 0.018 ACRE (780 SQUARE FEET) TRACT BOTH OUT OF THE MRS. M.A. SHARP SURVEY ABSTRACT NO. 1143, BEXAR COUNTY, TEXAS, SITUATED IN LOT 1, BLOCK 6 OF THE SAN ANTONIO RANCH - NEW COMMUNITY UNIT 1, A SUBDIVISION OF RECORD IN VOLUME 7900, PAGES 131-152 OF THE PLAT RECORDS OF BEXAR COUNTY, TEXAS FOR A PUBLIC PURPOSE AS PART OF THE MOUNTAIN CLIMB LIFT STATION PROJECT AUTHORIZING THE SYSTEM, ITS EMPLOYEES, AGENTS AND/OR THEIR AUTHORIZED INDEPENDENT NEGOTIATORS TO NEGOTIATE AND EXECUTE ALL SALES AND OTHER AGREEMENTS, EASEMENTS AND OTHER NECESSARY DOCUMENTS WITH THE OWNERS OF CERTAIN PRIVATELY OWNED PROPERTIES DESCRIBED ABOVE AND TO TAKE ALL OTHER LAWFUL ACTIONS NECESSARY OR INCIDENTAL TO SURVEY, SPECIFY, CLARIFY, DEFINE AND ACQUIRE THE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; FURTHER AUTHORIZING THE SYSTEM AND ITS ATTORNEYS TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY, AND PROSECUTE ALL SUCH CONDEMNATION PROCEEDINGS THROUGH CONCLUSION

(INCLUDING FINAL JUDGMENT AND ALL NECESSARY APPEALS) FOR THE CONDEMNATION OF THE PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; APPROVING, RATIFYING AND DECLARING VALID ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEY, AGENTS AND EMPLOYEES AND/OR ACTING FOR THE SYSTEM TO ACQUIRE SUCH PERMANENT EASEMENT INTERESTS ACROSS, OVER, UPON AND UNDER CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE; DECLARING THAT THE CONVEYANCE OF ALL SUCH PERMANENT EASEMENT INTERESTS IN CERTAIN PRIVATELY OWNED PROPERTIES AS DESCRIBED ABOVE SHALL BE TO THE CITY OF SAN ANTONIO FOR THE USE AND BENEFIT OF THE SAN ANTONIO WATER SYSTEM; FINDING THE ORDINANCE TO HAVE BEEN CONSIDERED PURSUANT TO THE LAWS GOVERNING OPEN MEETINGS; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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AN ORDINANCE 96521

AUTHORIZING THE ACCEPTANCE OF A CASH GRANT AWARD OF \$27,456.00 FROM THE HOGG FOUNDATION FOR MENTAL HEALTH TO FUND THE PERINATAL DEPRESSION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2002 THROUGH AUGUST 31, 2003; AUTHORIZING THE EXECUTION OF A STATEMENT OF AGREEMENT WITH THE HOGG FOUNDATION FOR MENTAL HEALTH; ESTABLISHING THE PROJECT FUND; ADOPTING THE PROJECT BUDGET; AND AUTHORIZING PAYMENTS FOR CONTRACTUAL SERVICES.

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AN ORDINANCE 96522

RATIFYING THE SUBMISSION OF A GRANT APPLICATION BY THE CITY ATTORNEY'S OFFICE TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (C.J.D.) FOR FUNDS IN THE AMOUNT OF \$182,662.00 AVAILABLE UNDER THE VIOLENCE AGAINST WOMEN ACT FOR THE EARLY

INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM
FOR THE PERIOD SEPTEMBER 1, 2003, THROUGH AUGUST 31, 2004.

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AN ORDINANCE 96523

AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO EXECUTE A CONTRACT WITH AETNA LIFE INSURANCE COMPANY, IN AN ESTIMATED ANNUAL AMOUNT OF \$1,126,320.00, TO PROVIDE GROUP TERM LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT, AND SUPPLEMENT LIFE INSURANCE COVERAGE UNDER THE CITY'S SELF-FUNDED HEALTH BENEFITS PROGRAM, FOR A THREE (3) YEAR TERM, BEGINNING JANUARY 1, 2003 AND ENDING DECEMBER 31, 2005, WITH AN OPTION TO EXTEND THE CONTRACT UP TO TWO (2) ADDITIONAL ONE (1) YEAR PERIODS, SUBJECT TO CITY COUNCIL APPROVAL.

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AN ORDINANCE 96524

AUTHORIZING THE ACCEPTANCE OF REIMBURSEMENT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR JULY 2002 FLOOD DAMAGES; AND ESTABLISHING A FUND.

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AN ORDINANCE 96525

AUTHORIZING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS IN THE BRACKENRIDGE PARK AREA ON SATURDAY, OCTOBER 19, 2002 FROM 7:30 A.M. UNTIL 10:30 A.M. IN CONNECTION WITH THE LA FAMILIA 5K RUN/WALK SPONSORED BY THE CITY OF SAN ANTONIO.

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AN ORDINANCE 96526

REAPPOINTING ENRIQUE GUTIERREZ (DISTRICT 4) TO THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON NOVEMBER 20, 2004.

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AN ORDINANCE 96527

APPOINTING ANNIE URIBE TURNER AS DIRECTOR/TRUSTEE TO THE SAN ANTONIO LOCAL DEVELOPMENT COMPANY (MAYOR) FOR TERMS OF OFFICE TO EXPIRE ON MAY 9, 2005 AND MAY 9, 2004, RESPECTIVELY.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96528

ACCEPTING THE LOW, QUALIFIED BID SUBMITTED BY LAWRENCE MARSHALL FORD-MERCURY, L.P., BID NO. 2, TO PROVIDE THE CITY OF SAN ANTONIO POLICE DEPARTMENT WITH TEN REPLACEMENT SPORT UTILITY VEHICLES FOR A TOTAL SUM OF \$207,430.00.

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Councilman Garcia made a motion to approve the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

Ms. Janie Cantu, Director of Purchasing Department, explained the competitive bid process, a copy of which is on file with the papers of this meeting.

In response to Councilwoman Moorhouse, Ms. Cantu spoke to the number of vehicles in the evidence unit, and the process utilized for the vehicle replacement after reaching a certain mileage.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Castro, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96529

ACCEPTING THE LOW BID SUBMITTED BY ANCIRA-WINTON CHEVROLET (MBE) TO PROVIDE THE CITY OF SAN ANTONIO WITH FIFTY-TWO (52) REPLACEMENT SEDANS FOR A TOTAL SUM OF \$654,656.00.

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

Ms. Janie Cantu, Director of Purchasing Department, explained the vehicle replacement, and the revenues derived from the auction being directed to a specific fund to purchase new vehicles, a copy of which is on file with the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Castro, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96530

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH TRANSMISSION PARTS & SERVICE, AUTOMOTIVE WHEELS & RIMS, ELECTRICAL PARTS AND FIXTURES, AND SHEETROCK & METAL STUDS ON AN ANNUAL CONTRACT BASIS FOR THE FY 2002-2003 FOR A TOTAL OF APPROXIMATELY \$487,000.00.

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

Ms. Janie Cantu, Director of Purchasing Department explained the process for acquiring the various annual contracts, the services that each were to provide such as automotive parts and services, equipment and materials, in addition to noting that each were results of competitive bidding process, a copy of which is on file with the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96531

APPROVING A CLARIFICATION OF THE SECOND CONDITION REQUIRED BY THE CITY PLANNING DEPARTMENT IN THE LETTER OF AGREEMENT DATED SEPTEMBER 28, 2001 FOR SPECIAL PROJECT (S.P.) NO. 2001-28-"REQUEST THAT THE CITY OF SAN ANTONIO CLOSE, VACATE AND ABANDON IMPROVED PORTIONS OF WEST AVENUE, WEST LULLWOOD AVENUE, WEST HOLLYWOOD AVENUE AND A PORTION OF AN UNIMPROVED 12 FOOT-WIDE ALLEY IN CONNECTION WITH THE CONSTRUCTION OF A NEW H.E.B. GROCERY STORE AT FREDERICKSBURG ROAD AND WEST HILDEBRAND AVENUE" TO PROVIDE THAT A PORTION OF THE WALL, NEAR THE PEDESTRIAN PATH OFF WEST HOLLYWOOD AVENUE, BE CONSTRUCTED OF STEEL.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Mr. Emil Moncivais, Director of Planning, explained the proposed closure, and the second condition required by the Planning Department in order to finalize the construction of the new H.E.B. Grocery Store, a copy of which is on file with the papers of this meeting.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **ABSTAIN:** Perez. **NAYS:** None. **ABSENT:** Sanders, Martin, Castro, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96532

AMENDING THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 1.8 ACRE TRACT OF LAND LOCATED AT THE NORTHEAST CORNER OF MOBERLY DRIVE AND LOUISE STREET, NEAR THE INTERSECTION OF FREDERICKSBURG ROAD AND INTERSTATE HIGHWAY 10, FROM URBAN LOW-DENSITY RESIDENTIAL USE TO LIGHT INDUSTRIAL USE.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation on the master plan amendment for the near Northwest Community Plan, a copy of which presentation is on file with the papers of this meeting. He outlined the planning area, noting the boundaries, population and size of the subject area, significance of the master plan component plans, and the master plan amendment 02006. He expounded on the evaluation criteria, and the consistency in regard to the City Master Plan policies.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to the Lumbermen's tract, and the other areas being annexed, and expressed concern on the back-up documents not being readily available for the citizens to view. He also addressed the expenditures from the contingency funds.

Mr. Jim Koch, spoke to Items 21 and 26J, regarding the development of the Lumbermen's property, noting he was opposed to it.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 **ZONING HEARINGS – CITIZEN COMMENTS**

Mr. Faris Hodge, Jr., 140 Dora, spoke to each of the zoning cases.

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2002-38 **ZONING HEARINGS**

3A.) CASE NUMBER #Z2001223-2A - The request of City of San Antonio , Applicant, for Borden Park LP, Owner(s), for a change in zoning to designate those properties as part of River Overlay District 2 on LOT 11, 12, 12A, 12B, 12C, 13, 14, NCB 3053.815, 825, 835, 837, 841, 875 East Ashby Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Julie Iris Oldham, expressed concern on the lack of attention to her area of town.

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Councilman Perez made a motion to continue this rezoning case until the City Council meeting of December 12, 2002. Councilman Carpenter seconded the motion.

After consideration, the motion to continue this case until December 12, 2002, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Castro, Conner.

Zoning Case #Z2001223-2A was continued to the Council meeting of December 12, 2002.

3B.) CASE NUMBER #Z2002108 C S - The request of Jerry Arredondo, Applicant, for Dean Foods/Southern Foods Group L.P. (aka Oak Farms)- Hugo Andrade, Owner(s), for a change in zoning from "R-4" Residential Single Family District and "C-3R" Commercial District Restrictive Alcoholic Sales to "R-4 C" Residential Single Family District with a conditional use permit for a non-commercial parking lot on the north 30 feet of Lots 4, 14, 15, 16, 17, 18, 19 and the north and west 30 feet of Lots 5 and 13, and the north 30 feet of the west 30 feet of Lot 20, Block 1, NCB 32432, "I-1 S" General Industrial District with a specific use authorization for bottling and processing of milk and cream products on Lots 4, 5, and 13 through 21, save and except the north 30 feet of Lots 4, 14, 15, 16, 17, 18, 19 and the north and west 30 feet of Lots 5 and 13, and the north 30 feet of the west 30 feet of Lot 21, Block 1, NCB 3243 on Lots 4, 5, 13, 14, 15, 16, 17, 18, 19, 20, and 21, Block 1, NCB 3243. 211, 219, & 225 Moberly and 1418 & 1424 West Summit Avenue. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 1)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Charlotte Kahl, extended her appreciation to the City Council, adding that the company of Oak Farms worked with the residents in resolving this issue.

Ms. Maria Metzger, 143 Louise, stated that she lived across from where the new parking will be situated, and expressed concern on the noise in the area. She added that their house was built in 1952, at which time the Oak Farms creamery was small, however the company had now expanded quite a bit, and was now very close to her area.

Mr. Jerry Arredondo, representing Oak Farms, spoke of the long term of the business, and stressed that Oak Farms has been trying to resolve issues and concerns presented by the neighbors. He clarified issues on the zoning case, and stated that a buffer was located around the perimeter of the property in order to maintain the integrity of the property. He also spoke of the measures being taken to alleviate the traffic problems and address citizens' concerns.

Councilman Perez spoke of the associations signing off on the agreement, and inquired on whether the Jefferson Neighborhood Association and the Monticello Association had agreed, and if so why the signatures were not reflected on the agreement. He further addressed issues such as the design of the buffer and who would be responsible for assuring that it was built as specified.

Ms. Kahl stated that the agreement had not been signed originally due to their concerns, but noted that since then, these issues had been addressed and that the agreement had later been signed.

Mr. Norbert Hart, City Attorney's Office stated that when the applicants come in for the building permit, it would be one of the attachments to the permit and that it would have to be in conformance to the Ordinance.

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Councilman Perez cited a number of other issues which still needed to be resolved which included the landscaping issues, the primary ingress/egress, and the plan for the façade renovation. He recognized the efforts of all parties involved commending the neighborhood residents, Oak Farms representatives for their contributions to the community and also for working with the neighborhood associations to resolve all of the citizens' concerns. He then made a motion to continue to October 24, 2002 in order to assure that all issues were addressed. Councilman Castro seconded the motion.

After consideration, the motion to continue this case until October 24, 2002, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Castro, Conner.

Zoning Case #Z2002108CS was continued to the Council meeting of October 24, 2002.

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3C.) CASE NUMBER #Z2002076 A - The request of City of San Antonio, Applicant, for Theissen Family LTD Partnership, Rosillo Creek Inc., Owner(s), for a change in zoning from "I-1" General Industrial District to "C-2" Commercial District on Lot 6 save and except the northwest 100 feet, Block 1, NCB 17322 and P-32, NCB 17322, P-34, P-32D, P-32B save and except the northwest 100 feet, NCB 17322, P-33, NCB 17992, P-32A, save and except the northwest 100 feet, NCB 17992, P-32C, P-

34, P-34B, P-34C, P-63 save and except the northwest 100 feet, NCB 17993, from "I-1" General Industrial District to "R-6" Residential Single Family District, P-38, P-38B and P-36B, NCB 12867 on I.H. 10 East Expressway Corridor. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Carpenter made a motion to continue this rezoning case until the City Council meeting of October 24, 2002 approves the proposed Ordinance. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to continue this case until October 24, 2002, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

Zoning Case #Z2002076A was continued to the Council meeting of October 24, 2002.

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3D.) CASE NUMBER #Z2002158 S - The request of Viola Morris, Applicant, for A. Bernard Devers I, Owner(s), for a change in zoning from "RM-4 HD" Residential Mixed Historic District to "RM-4 HD S" Residential Mixed Historic District with a specific use authorization for a group day care home. on Lot 8 and the west 4 feet of Lot 7, Block L, NCB 1668, 1110 Nolan Street. Staff's recommendation was for denial.

Zoning Commission has recommended denial. (Council District 2)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Carpenter made a motion to continue this rezoning case until the City Council meeting of October 24, 2002 approves the proposed Ordinance. Councilman Garcia seconded the motion.

After consideration, the motion to continue this case until October 24, 2002, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Castro, Conner.

Zoning Case #Z2002158S was continued to the Council meeting of October 24, 2002.

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3E.) CASE NUMBER #Z2001244 - The request of Barrett Construction Co., c/o Denton Development Co., Applicant, for Barrett Construction Co., Owner(s), for a change in zoning from "I-1" Light Industry District to "R-5" Residential Single-Family District on 58.38 acres out of NCB 11186, Hutchins Place at Marek Street. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Moorhouse made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96533

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 ON 58.38 ACRES OUT OF NCB 11186, HUTCHINS PLACE AT MAREK STREET, FROM "I-1" LIGHT INDUSTRY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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3F.) CASE NUMBER #Z2002165 - The request of Earl & Brown, P.C., Applicant, for Barrett Construction Co., c/o Mr. John Whitesett, Owner(s), for a change in zoning from "C-3" Commercial District to "I-1" General Industrial District on 5.446 acres of the NCB 12501, 2651 and 2627 Southwest Military Drive and 922 Mallard

Street. Staff's recommendation was for denial of "I-1" General Industrial District and approval of a "L S" Light Industrial District with a specific use authorization for outside storage.

Zoning Commission has recommended approval of I-1. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Garcia made a motion to approve the proposed rezoning. Councilman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96534

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 5.446 ACRES OF THE NCB 12501, 2651 AND 2627 SOUTHWEST MILITARY DRIVE AND 922 MALLARD STREET, FROM "C-3" COMMERCIAL DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

* * * *

Staff Recommendation:

Denial of "I-1" General Industrial District and approval of a "L S" Light Industrial District with a specific use authorization for outside storage with the following conditions:

- ◇ Any outside storage shall be screened including dumpsters and loading/unloading docks,
- ◇ Lighting shall be erected and pointed downward away from any residential zoning or uses,
- ◇ A type D buffer is required along Mallard Street, and
- ◇ Ingress and egress along Mallard Street shall be limited to one driveway located south of the alley south of Rayburn Drive.

Any "I-1" General Industrial District is not appropriate in this location. The subject property is in close proximity to a residential neighborhood to the north and northwest.

Uses allowed in an "I-1" General Industrial District would be detrimental to the residential neighborhood.

* * * *

3G.) CASE NUMBER #Z2002175 - The request of Primrose SA East Housing, L.P., Applicant, for Rudy Gonzalez, Owner(s), for a change in zoning from "MH" Manufactured Housing District and "R-5" Residential Single Family District to "MF-25" Multi Family District on 16.6804 acres out of NCB 15069, on S. Hwy 16, south of SW Loop 410. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 4)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Moorhouse made a motion to approve the proposed rezoning. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96535

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 16.6804 ACRES OUT OF NCB 15069, ON S. HWY 16, SOUTH OF SW LOOP 410, FROM "MH" MANUFACTURED HOUSING DISTRICT AND "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MF-25" MULTI FAMILY DISTRICT.

* * * *

3H.) CASE NUMBER #Z2002167 - The request of Haroon Haifa, Applicant, for Haroon Haifa, Owner(s), for a change in zoning from "R-4" Residential Single-Family District to "O-1" Office District on Lots 41 and 42, Block 24, NCB 3507, 105 Barrett Place. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 5)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Garcia made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96536

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 41 AND 42 ON BLOCK 24 IN NCB 3507, 105 BARRETT PLACE, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

* * * *

3I.) CASE NUMBER #Z2002176 - The request of City of San Antonio, Applicant, for Charles Martin Wender, Owner(s), for a change in zoning from "C-3" Commercial District and "PUD R-6" Planned Unit Development Single Family Residential District to "R-5" Residential Single-Family District on 48.56 acres out of NCB 17642, Potranco Road at Hunt Lane. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 6)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

The following citizen(s) appeared to speak:

Ms. Nancy Englebert, 10486 Pine Glade, stated that she was a proud member of District 4, and recognized that while Items E through G had been approved, she urged that for future cases in this area, the small type of homes with small lots were not the best way to proceed.

* * * *

Councilwoman Barrera made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Castro, Conner.

AN ORDINANCE 96537

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 48.56 ACRES OUT OF NCB 17642, NORTHSIDE OF POTRANCO ROAD APPROXIMATELY 1800 FEET WEST OF S.H. 151 AT HUNT LANE, FROM "C-3" COMMERCIAL DISTRICT AND "PUD R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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3J.) CASE NUMBER #Z2002164 C - The request of Earl & Brown, P.C., Applicant, for Ms. Sharon A. Draker, Owner(s), for a change in zoning from "R-20" Residential Single Family District to "C-2 C" Commercial District with a conditional use for a Mini Warehouse on a maximum of 2.5 acres on Parcel 15A and Parcel 15C, NCB 17635, 7355 Leslie Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilwoman Schubert made a motion to approve the proposed rezoning with deed restrictions. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Castro, Conner.

AN ORDINANCE 96538

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 15A AND PARCEL 15C, NCB 17635, 7355 LESLIE ROAD, FROM "R-20" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 C" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A MINI WAREHOUSE ON A MAXIMUM OF 2.5 ACRES.

* * * *

Deed Restrictions:

SECTION 2: The City Council finds as follows: (1). Such use will not be contrary to the public interest. (2). Such use will not substantially nor permanently injure the appropriate use of adjacent conforming property in the same district. (3). Such use will be in harmony with the spirit and purpose as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (4). The use will not substantially weaken the general purposes or the regulations as set forth in Section 35-422, "Conditional Zoning" of the Unified Development Code. (5). The use will not adversely affect the public health, safety and welfare.

SECTION 3: The City Council approves this Special Use Permit so long as the following conditions are met:

1. Lighting shall be directional so as not to affect the nearby residences, a six foot solid screen fence shall be built along the north, west and south property lines and a Type "B" landscape buffer along Leslie Road.

SECTION 4: All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 – 491.

SECTION 5: The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 6: This ordinance is not severable.

* * * *

3K.) CASE NUMBER #Z2002174 - The request of Greg Shue c/o DHR Architects, Inc., Applicant, for San Antonio RPFIV Office Associates Limited Partnership, Owner(s), for a change in zoning from "C-3 PUD" Commercial Planned Unit Development District to "MF-33" Multi Family District on 2.04 acre tract of land out of NCB 15017, Huebner Road and Expo Blvd. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 8)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

AN ORDINANCE 96539

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 2.04 ACRE TRACT OF LAND OUT OF NCB 15017, HUEBNER ROAD AND EXPO BLVD., FROM "C-3 PUD" COMMERCIAL

PLANNED UNIT DEVELOPMENT DISTRICT TO "MF-33" MULTI FAMILY DISTRICT.

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3L.) CASE NUMBER #Z2002173 - The request of Travis Commercial Real Estate Services, Ltd., Applicant, for Richard W. Lowder, Owner(s), for a change in zoning from "R-5" Residential Single-Family District to "C-3" Commercial District on north irregular 121.5 feet of Lot 49 & Lot 50 except the southeast irregular 12.59 feet, Block 3, NCB 11967, 338 Wolfe Road. Staff's recommendation was for approval.

Zoning Commission has recommended approval. (Council District 9)

Mr. Ray Lozano, Land Development Services, explained the proposed rezoning case.

Councilman Schubert made a motion to approve the proposed rezoning. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

AN ORDINANCE 96540

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 NORTH IRREGULAR 121.5 FEET OF LOT 49 & LOT 50 EXCEPT THE SOUTHEAST IRREGULAR 12.59 FEET, BLOCK 3, NCB 11967, 338 WOLFE ROAD, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" COMMERCIAL DISTRICT.

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2002-38

NOMINATIONS FOR THE ADVISORY BOARD OF HEALTH

City Clerk Norma Rodriguez presented the nominations for the Advisory Board of Health of the San Antonio Metropolitan Health District, noting that the nominees had been interviewed at the "B" Session held on October 3, 2002.

Councilman Garcia made a motion to nominate Ms. Gail Long for the Hospital Services representative and Dr. J.J. Gaspard for the physician slot.

Councilman Castro made a motion to nominate Ms. Gwen Reyes for the Hospital Services slot and Dr. J. J. Gaspard for the physician slot.

The majority of votes were for Ms. Reyes representing Hospital Services, and Dr. Gaspard for the physician slot.

Councilman Carpenter made a motion to approve the proposed Ordinance with Ms. Reyes and Dr. Gaspard. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Moorhouse, Martin, Conner.

AN ORDINANCE 96541

APPOINTING GWEN M. STEWART REYES (HOSPITAL ADMIN/SVCS CATEGORY - MAYOR) AND DR. J.J. GASPARD (PHYSICIAN CATEGORY - DISTRICT 8) TO THE ADVISORY BOARD OF HEALTH OF SAN ANTONIO METROPOLITAN DISTRICT FOR TERMS OF OFFICE TO COMMENCE ON JANUARY 1, 2003 AND EXPIRE ON DECEMBER 31, 2005.

2002-38

NOMINATIONS FOR THE BOARD OF ADJUSTMENT

City Clerk Norma Rodriguez explained that the nominees had been interviewed at the "B" Session and were brought forward for Council consideration.

Councilman Garcia made a motion to approve the proposed Ordinance appointing Mr. George Alejos and Ms. Christina De La Cruz to serve on the Board of Adjustment. Councilwoman Moorhouse seconded the motion.

2002-38

October 10, 2002

yl/vj

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96542

APPOINTING GEORGE ALEJOS (DISTRICT 6) AND CHRISTINA DE LA CRUZ (MAYOR) TO THE BOARD OF ADJUSTMENT (ALTERNATE MEMBERS) FOR TERMS OF OFFICE TO EXPIRE ON FEBRUARY 22, 2004.

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2002-38 NOMINATIONS FOR THE CONVENTION & VISITORS COMMISSION

City Clerk Norma Rodriguez presented the nomination for the Convention & Visitors Commission, noting that the nominee had been interviewed at the "B" Session held on October 3, 2002.

Councilman Garcia made a motion to approve the proposed Ordinance appointing Mr. James Berg to serve on the Convention & Visitors Commission. Councilman Moorhouse seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96543

APPOINTING JAMES BERG (GENERAL COMMUNITY, NORTH WEST SECTOR CATEGORY - DISTRICT 8) TO THE CONVENTION AND VISITORS COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON JUNE 30, 2004.

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AN ORDINANCE 96545

APPOINTING RUBEN L. CORTEZ (MARKET SQUARE MERCHANT CATEGORY - DISTRICT 8) TO THE MARKET SQUARE COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 11, 2004.

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2002-38 NOMINATIONS FOR THE NOISE ABATEMENT ADVISORY COMMITTEE

City Clerk Norma Rodriguez presented the nominations for the Noise Abatement Advisory Committee brought forward from October 3, 2002 Work Session, which included Mr. Manuel Fuentes, District 3; Mr. Philip Salemi, District 10.

Councilwoman Moorhouse made a motion to approve the proposed Ordinance appointing Mr. Manuel Fuentes, and Mr. Philip Salemi to serve on the Noise Abatement Advisory Committee. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

AN ORDINANCE 96546

APPOINTING MANUEL FUENTES (NEIGHBORHOOD ASSOCIATION CATEGORY - DISTRICT 3) AND REAPPOINTING PHILIP SALEMI (NEIGHBORHOOD ASSOCIATION - DISTRICT 10) TO THE NOISE ABATEMENT ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE ON DECEMBER 15, 2004.

— — —
2002-38 Item 20G being a proposed Ordinance to appoint one member to the San Antonio Water System (Southeast Sector) for a term of office to expire on May 31, 2006. [Nominee: Willie Mitchell (District 2)]

Councilman Carpenter made a motion to postpone the appointment to a later date. Councilwoman Moorhouse seconded the motion.

After consideration, the motion to postpone to a later date, prevailed by the following vote: **AYES:** Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Perez, Sanders, Martin, Conner.

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2002-38 ANNEXATION

Mr. Jesus Garza, Planning Manager of Planning Department, narrated a slide presentation on the 2002 annexation, a copy of which presentation is on file with the papers of this meeting. He outlined the background, annexation schedule, 2002 area data, map of the proposed annexations, denoting the full purpose and limited purpose annexations.

The following citizen(s) appeared to speak:

Mr. Harold Oliver, Chair of South San Antonio Chamber of Commerce, stated that this proposed annexation was in compliance with state law, and that the South San Antonio Chamber was in support of development in a controlled way. He stated that he would like a regulated growth for businesses, neighborhoods, and churches, to be built in an integrated form and plan.

Mr. Marty Wender, Chairman of Greater San Antonio Chamber of Commerce, stated that he believed a planned development growth is important for San Antonio, and that members of the Chamber are strongly recommending endorsement of the annexation. He added that this would be key to bringing Toyota to San Antonio, which is important to the Southside, San Antonio, and the state. He stated that the next three years would serve to look and evaluate what needs to be done, and reiterated that the Greater Chamber strongly endorses the limited annexation.

Mr. Anthony Garcia, Vice President of Government Affairs, Hispanic Chamber, commended the leadership and vision of the City Council, noting that this was a hope for investment in San Antonio's future. He stated that growth leads to prosperity, adding that the South Side initiative was important for the community.

Mr. Mark Herrera, President of Bridgewood Subdivision, spoke in opposition to the annexation of 26A, noting that the Police Association and Firefighters Association supported them. He further commended Councilman Castro for his time and work in

meeting with members of the community and to hear the citizens' concerns, unselfishly giving of his time.

Mr. Richard Cosner, Bridgewood Subdivision, reiterated his opposition to the proposed annexation plan.

Mr. Philip Ross, Attorney representing property owners opposed to the annexation, stated that the annexation plan is not a plan, noting that he attended every public meeting, and that there was unanimous opposition. (Submitted prepared statement, a copy of which is on file with the papers of this meeting.) He noted that the Planning Commission had voted to disapprove the proposed annexation plan, adding that the Planning Department was not allowing adequate time to properly plan for this annexation. He cited the notification requirements, and the lack of funds needed to be able to provide the services required by Senate Bill 89 in five years when the proposed annexation takes place.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the publication issue of the annexation, and cited the vote of the Planning Commission which was in opposition to the annexation.

Mr. William Manuel, stated that he attended all of the meetings held on the Southside, adding that area residents were also opposed to the annexation. He stated that he raised horses, and expressed concern on his business not being able to continue. He stated that if annexation is approved, his livelihood would not be able to continue, while also noting that many neighbors were not aware of this annexation plan. He urged the City Council to delay this issue.

Mr. Brandon Moore, stated that not many residents were aware of the plan, and expressed his concern and opposition to the annexation plan.

Mr. Mike Pena, resident of Cielo Vista, spoke in opposition to the proposed annexation plan, noting that this would only place a tax burden for those affected citizens, without the necessary services being added.

Ms. Michelle Vaughan, spoke of the issues that evolved with the annexation and expressed concern on the taxes to be imposed.

Ms. Andrea Barlow, stated that they were located in farmland and ranchland, and were opposed to the annexation. He cited environmental issues, concerns on residential development, transportation and commerce.

Ms. Susan Perez, urged the City Council to listen to the citizens and the Planning Commission, and vote against the annexation.

Mr. David Benavides, resident of Council District 6, spoke of the drainage problems in District 6, lack of sidewalks, curbs, and stated that this area was close to 6 miles of the downtown area.

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2002-38 EXECUTIVE SESSION

The City Council recessed its regular session at 4:50 P.M. in order to convene in Executive Session for the purpose of:

- A.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.
- B.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code regarding Save Our Aquifer, et al, v. City of San Antonio, et al, Cause No. SA-02-CA-618, United States District Court, Western District, San Antonio Division.
- C.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code regarding Finger et al. v. Ed Garza, Mayor, City of San Antonio and the City of San Antonio, Cause No. SA-02-CA-956IV, United States District Court, Western District, San Antonio Division.
- D.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to annexation and economic development proposals in areas proposed for annexation.
- E.) Discuss economic development negotiations and incentives offered to business prospects that may locate in areas proposed for annexation, pursuant to §551.087 of the Texas Gov't Code.
- F.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code regarding TPLP Office Park Systems et.al. v City of San Antonio, 99 CI 12469, 150th District Court of Bexar County, Texas.

The City Council adjourned the Executive Session at 5:33 P.M. 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.

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2002-38 FIRST READING AND CONSIDERATION OF ANNEXATION ORDINANCES:

AN ORDINANCE 96547

PROPERTY FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 6,025 ACRES OF LAND KNOWN AS THE GALM ROAD/LOOP 1604 AREA PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96548

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 10,283 ACRES OF LAND KNOWN AS THE GOVERNMENT CANYON/CITY PROPERTIES; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Castro seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

— — —
2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96549

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 244 ACRES OF LAND KNOWN AS THE SHELDON TRACT; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Castro seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96550

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 73 ACRES OF LAND KNOWN AS THE STANTON RUN SUBDIVISION AREA PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Barrera seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

— — —
2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96551

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 146 ACRES OF LAND KNOWN AS THE HELOTES PARK TERRACE & THE PARK AT FRENCH CREEK AREA PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

— — —
2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96552

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 1,312 ACRES OF LAND KNOWN AS THE KYLE SEALE/LOOP 1604 AREA PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96553

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 1,279 ACRES OF LAND KNOWN AS THE THRIFT TRACT/CITY PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

— — —
2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96554

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 1,473 ACRES OF LAND KNOWN AS THE CIELO VISTA AREA PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96555

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 142 ACRES KNOWN AS THE STAGE RUN AREA PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

— — —
2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96556

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE ANNEXATION OF APPROXIMATELY 2,694 ACRES OF LAND KNOWN AS THE LUMBERMAN TRACTS; ESTABLISHING AN EFFECTIVE DATE AND APPROVING A SERVICE PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96557

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 8,358 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 1 PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

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

In response to Mayor Garza regarding the limited purpose annexation and certain prohibitions, City Attorney Andrew Martin clarified the permitted uses, such as for agricultural, and for keeping of livestock.

Mayor Garza expressed concern on the effective date for the limited purpose annexation, and urged that it be clear on the effective date on the items pertaining to the Southside initiative in order to be in compliance, and recommended that it be part of the final reading. He stated that many hearings had been held, and many questions and concerns had been posed in connection to the limited purpose annexation. He urged that all efforts be made to convey information to the citizens.

Councilwoman Moorhouse stated she appreciated the clarification, noting that many citizens in the area of limited annexation were concerned as well as those inside Loop 410. She then read an excerpt from a letter addressed to Lanelle Burkette of San Antonio Express from Congressman Ciro Rodriguez. She added that she wanted to make sure that

everyone had a clear understanding of the proposed plan, adding that the Council was committed to make the best decision for the City and all affected residents. She further read a message from Commissioner Tejeda, and stated that Commissioner Tejeda was opposed to the annexation, however emphasized the importance of this project to the County and City. She stated that both entities were working hard for the Southside initiative. She noted that he was against full purpose annexation, however with exception of economic development that brings good wage jobs. She reiterated that the limited purpose annexation would preclude taxes for three years and require to negotiate the service agreement and allowed uses. She stated that the Mayor and Council were committed to serve and listen to the residents and look for the interests of the agricultural, hunting and livestock interests. She added that the Council was respecting the wishes of those affected interests, and would work to bring economic growth and positive change to San Antonio and outlying areas.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96558

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 3,762 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 2 PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96559

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 9,796 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 3 PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96560

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 2,936 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 4 PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96561

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 3,104 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 5 PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96562

PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE LIMITED PURPOSE ANNEXATION OF APPROXIMATELY 8,502 ACRES OF LAND KNOWN AS THE SOUTHSIDE STUDY AREA 6 PROPERTY; ESTABLISHING AN EFFECTIVE DATE AND ADOPTING A REGULATORY PLAN FOR SUCH AREA.

* * * *

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 STAFF BRIEFING ON THE PROPOSED ANNEXATION OF THE LUMBERMEN'S TRACT

Mr. Chris Brady, Assistant City Manager presented a staff briefing regarding the Lumbermen's Investment Corporation (LIC) Annexation. He outlined the events taking place. He further outlined the proposal of LIC to propose the City approve a service agreement in lieu of annexation, the negotiations with the County. He further denoted the five representatives by the County to represent landowners, annexation schedule, environmental protection issues, availability of geologic assessment Committee, development regulation, the not less than 800 acres for golf course or open space requirements, fire protection services. He further addressed the conservation easements, and the prohibition of any political subdivision with power to tax or issue debt, major thoroughfare plan, and commitment to provide quarterly reports by Lumbermen's until golf courses and hotel are operational, and the causes for termination. Mr. Brady noted that final consideration would take place on October 24, 2002.

Mr. Leonard Young, San Antonio Water System, addressed the water quantity, the purveyor role, water demand, infrastructure and resource, water service proposal, noting that SAWS will own the Trinity Wells.

Mr. Scott Halty, Resource Protection and Compliance Department, addressed the environmental management plan, its purpose, key elements of the design, main revisions to the plan which included change on impervious cover; stormwater construction plan; materials management which addressed storage tanks and on-site septic facilities; integrated pest management plan; nutrient management plan; irrigation prioritization of areas, monitoring plan, corrective action requirements if trigger levels are exceeded, adding that the most effective and restricted practices have been adopted.

The following citizen(s) appeared to speak:

Mr. Robert Ritterbach, stated that he was a citizen and voter of San Antonio, and stated that the citizens should be allowed to vote on this issue. He cited the costs associated to verify the petition. He stated he has wanted to meet with the Mayor, but has been unsuccessful.

Mr. Joel Karen, stated he had the constitutional right to vote and spoke in opposition of the PGA development. He further expressed the need of providing services to the citizens of San Antonio.

Ms. Leticia Vela, spoke to the annexation procedures, submitted a PowerPoint presentation, and stated that the citizens had a right to vote because of the petition drive. She added that a lawsuit has been filed in federal court, noting that democracy will be best served by placing this item to a public vote.

Ms. Leonore Gonzales, spoke of the number of signatures collected in order to provide the right to vote for the citizens. She spoke of the pesticides utilized at the golf courses which is a greater danger to the drinking water.

Ms. Margaret Shew, spoke in opposition to the annexation and lack of an adequate plan.

Ms. Margaret Greco, spoke in opposition to the plan, noting it was not an annexation plan.

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Mayor Garza stated the briefing held today was to discuss annexation agreement that will be brought forward. He reiterated on the delay of annexation for 15 years being contingent upon the service agreement, noting this had evolved from the letter of intent. He stated the plan was addressing the most basic issues, including the environmental policies, golf course management plan, a critical document to be used, the financial support to SAWS, noting that SAWS will play a major role in the water management, monitoring of the surface water. He stated that the Edwards Aquifer Authority is beginning to address some issues that have been brought up with PGA, due to the strong message from the community. He further commented that the geologic assessment committee is also critical, and will allow geologists selected to identify sensitive features, also a critical component to assure the protection for environmentally sensitive features on the area. He stated there were so many critical pieces identified, such as impervious cover, the environmental protection have been identified and are clear, and are significantly better to anything presently in place. He cited the petition process, and that the petition was clear either to vote or rescind the agreement, noting the taxing district was dead. He reiterated that one of the options given by the petition process was to rescind, and that the Charter was very clear on the two choices, and that was the action taken by the City Council. He stated he looked forward to address those two basic objectives, which are common in the City and looked forward to bringing PGA to San Antonio and have a new environmental model for San Antonio.

In response to Mr. Carpenter regarding any commitment from the County on infrastructure requirements, Mr. Brady stated there was nothing in writing yet from the County. He stated there has been discussion on road improvements, and as far as the County is concerned, they can certainly go back to the County to address this issue.

In response to Mr. Carpenter, Mr. Young further clarified the issue with the Trinity wells, and the financial responsibility.

In response to Mr. Schubert, Mr. Brady, addressed the conservation easements and the 800 acres to be dedicated as open space. Mr. Brady stated that if no golf courses are built, the 800 acres will include golf course and open space, it would still remain as open space. He stated there is a restriction that remains as undeveloped property, and that on the 700 acres there will not be any development as it is not part of the 800 acres. He further added that LIC will determine on the 700 acres, restrictions on improvements and protection to preserve the area for recharge purposes, and that the City will have veto power over this.

Mr. Wayne Choate, stated that the City has the ability to approve the title, to assure no title issues, with no minimum of acreage.

Mr. Brady stated the effective date would be within five years of approval of the service agreement.

Councilman Castro addressed one of the slides on the subject of septic tanks, noting they were prohibited in first agreement. He expressed concern for the potential danger to the recharge zone, stating that on this plan septic tanks are not prohibited on certain land.

Mr. Halty, stated that the costs of the lines were prohibitive noting that extra provisions were included for the two septic tanks being allowed, especially where the major fault is located, they are prohibited.

Mr. Brady reiterated that the non-annexation would terminate if provisions were not met during any period of time.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96563

AMENDING CHAPTER 5, ARTICLE I, SECTION 5-12 OF THE CITY CODE TO MAKE CHANGES NECESSARY TO PROVIDE MORE COMPREHENSIVE PROTECTION OF ANIMALS IN CONJUNCTION WITH THE TEXAS PENAL CODE; AND AMENDING CHAPTER 5, ARTICLE I, SECTION 5-20 IN ORDER TO PROVIDE EFFECTIVE PENALTIES FOR THE PROSECUTION OF ARTICLE I.

* * * *

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

Dr. Fernando Guerra, Director of Metropolitan Health District, narrated a slide presentation on the Animal Code revision. He outlined the background, the animal cruelty investigation process, the code revision process, the proposed revision and recommended penalties and remedies, noting that the effort was coordinated with the Animal Services Advisory Board and approved by the two major animal humane shelters in San Antonio.

Councilman Castro stated that some of the citizens had concerns with the lack of input from the committee, and inquired if there were any concerns expressed that are not in the ordinance presently.

The following citizen(s) appeared to speak:

Dr. Sherry Youngblood, Chair of Board explained the process in reviewing the proposed revisions, stating that there were many issues raised at the first meeting. She stated that after reviewing, a second meeting was held to allow time for members to look over the issues, and that some of the legal issues that were brought up were such as preemption issues.

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Councilman Castro expressed concern on the number of animal cruelty cases, and stated he was pleased to see the addition of an officer in the new budget, which will assist in enforcing this new ordinance.

In response to Councilman Schubert regarding the non-profit organizations and sale of animals at their fund raising functions, Dr. Lammers stated that a permit process would have to be developed, as it is not in place right now.

Ms. Elizabeth Viesca, City Attorney's Office stated there was an exception for those that attain a permit, and that it could be changed to require the permit. She stated that currently there is nothing in place, but can be changed.

Councilman Schubert stated that there were some very worthy organizations, and would like to see something included in the ordinance. He added he would like to have some kind of permitting requirement to allow organizations, and made a motion to have this included in the ordinance. Councilwoman Moorhouse seconded the motion.

Councilman Garcia, concurred with Councilman Schubert, on Section E and how it is being proposed. Councilman Garcia cited some of the festivals where chicks are allowed as prizes.

Dr. Lammers stated that they wanted to make this illegal, and noted that the Animal Defense League, and the Humane Society also requested to have this made illegal.

The amendment to the motion as presented by Councilman Schubert was approved by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner, Garza.

The main motion, as amended, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96564

AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY CORRECTING 13 GROUPS OF ERRORS OF OMISSION AND INCLUSION, CROSS REFERENCE ERRORS, AND SECTION NUMBERING ERRORS, REVISING NINE ITEMS FOR CLARIFICATION WITHOUT SUBSTANTIVE CHANGE, AND REVISING 12 ITEMS FOR CLARIFICATION WITH SUBSTANTIVE CHANGE, AND PROVIDING FOR SEVERANCE.

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

Mr. Rod Sanchez, Assistant Director of Development Services, narrated a slide presentation on the Unified Development Code amendments. He presented the background, noted the process utilized and outlined each of the proposed amendments.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner, Garza.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96565

AUTHORIZING THE TRANSFER OF \$1,200,000.00 IN CITY GENERAL FUNDS TO THE DEPARTMENT OF COMMUNITY INITIATIVES, CHILDREN'S RESOURCES DIVISION GRANT FUND ACCOUNT TO BE USED AS MATCHING FUNDS; AUTHORIZING THE EXECUTION OF A CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT WITH ALAMO WORKFORCE DEVELOPMENT, INC. (AWD) WHICH PLEDGES CERTIFICATION OF LOCAL EXPENDITURES UP TO THE AMOUNT OF \$1,200,000.00 TO BE USED AS MATCH TO GENERATE ADDITIONAL FEDERAL FUNDS UP TO THE AMOUNT OF \$1,799,250.00 IN THE CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM; AUTHORIZING CERTIFICATION OF SAID EXPENDITURES IN CONNECTION THEREWITH; AUTHORIZING THE ACCEPTANCE OF SAID ADDITIONAL FUNDS UP TO THE AMOUNT OF \$1,799,250.00 FOR THE PROVISION OF CHILD CARE SERVICES AND QUALITY INITIATIVES; AND ADOPTING A REVISED CHILD CARE DELIVERY SYSTEM (CCDS) PROGRAM BUDGET AND PERSONNEL COMPLEMENT.

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Councilwoman Moorhouse made a motion to approve the proposed Ordinance. Councilman Garcia seconded the motion.

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on Items 25A and 25B which addressed the Child Care Delivery Services (CCDS) general fund transfer and delegate agency recommendations, and the execution of delegate agency contracts for the provision of program services, a copy of which presentation is on file with the papers of this meeting. He presented the purpose of the ordinances, background, local initiatives-federal match history, FY 2003 delegate agencies assumptions, outlining each of the agencies and corresponding funding amounts. He expounded on the accountability system, site visit schedule, kindergarten readiness project and implementation, including its accountability measures.

Ms. Susanne Winter, University of Texas at San Antonio, stated she addressed the kindergarten readiness evaluation, recommendations, and the media campaign efforts to enhance outreach efforts.

Representative from KLRN, spoke of the media campaign efforts to enhance outreach efforts and community's will to invest for the future.

Councilman Garcia, commended KLRN, Bromley, and all involved in this effort.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner, Garza.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96566

AUTHORIZING THE EXECUTION OF DELEGATE AGENCY CONTRACTS FOR THE PROVISION OF PROGRAM SERVICES IN SUPPORT OF THE FAMILY STRENGTHENING, BETTER JOBS AND HUMAN DEVELOPMENT INITIATIVES FOR FY 2002-2003; ALLOCATING FUNDS FROM THE CHILD CARE DELIVERY SYSTEM GRANT TRANSFER ACCOUNT, FEDERAL CHILD CARE LOCAL INITIATIVES FUND, AND GENERAL FUND - DIRECTOR'S OFFICE IN AN AGGREGATE AMOUNT OF \$1,447,651.00 IN CONJUNCTION WITH SAID DELEGATE AGENCIES CONTRACTS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner, Garza.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96567

APPROVING ONE OR MORE AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO, BEXAR COUNTY, AND COMMUNITY ARENA MANAGEMENT, LTD. WHEREBY THE SAN ANTONIO POLICE DEPARTMENT AND PUBLIC WORKS WILL PROVIDE OFF-SITE TRAFFIC MANAGEMENT SERVICES FOR THE SBC CENTER ARENA, SUBJECT TO LIMITATIONS SET OUT IN THE AGREEMENTS, IN EXCHANGE FOR REVENUES RECEIVED FROM A TRAFFIC MANAGEMENT FEE OF \$.35 ON ALL TICKETED EVENTS SPONSORED OR MANAGED BY COMMUNITY ARENA MANAGEMENT, LTD. AT THE ARENA, WITH THE CONSENT OF BEXAR COUNTY.

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

Mr. Roland Lozano, Assistant to City Manager, narrated a slide presentation on the SBC Center Arena Traffic Management Plan, a copy of which presentation is on file with the papers of this meeting. He outlined the background noting that SBC Center has requested the City to provide traffic management services at the SBC Center. He stated that the City of San Antonio Police Department and Public Works along with SBC Center staff had developed the plan, the provisions to be made by each entity, infrastructure improvements. He expounded on the traffic management plan.

Deputy Chief Rudy Gonzales, delineated the traffic management 90 day assessment period, and financial impact

Mr. Lozano continued the presentation on the assessment period, noting a report to City Council would be made within 90 days where the plan for future traffic management services at the SBC Center will be provided.

Councilwoman Moorhouse, stated that since it is during the trial period, she would like to propose that the fee be reduced from fee from .35 to .25 cents, during the 90 day period. Councilman Perez seconded the motion.

Councilman Perez offered a friendly amendment to make it as a 90-day term. He stated that as the plan is proposed, SBC is requiring servicing for the events, the 90-day interim period would serve to determine if it is needed. He noted the 25 cents is to cover the level of service, and if additional monies are required it can be addressed after the 90-day period, and if necessary go back to the .35 cents.

Councilman Barrera inquired if the .35 cents was based on an estimate of people attending the functions, and added he was concerned with the costs and the perception by the public that an increase would take place in just 90 days.

Mr. Lozano stated the .25 cents would be for the 90 days, and if necessary at the end of the 90 days could go back to the .35 cents, the higher amount.

Mayor Garza encouraged that staff look at the policy as it is in regard to non-profits, look at some structure, and also how it relates to the City.

Councilman Castro inquired if this was going to be a .35 cent fee tagged to ticket prices. He stated these costs are to cover the costs for deploying police officers, managing it, and the barricading. He expressed concern that if the costs were higher, who would be absorbing the additional costs. He concurred with Councilman Barrera on the public perception on the quick increase at the end of 90 days.

Mr. Lozano stated that he was anticipating that in month 4, negotiations would be made to obtain and recover the costs. He stated that the services will be provided with the understanding that the costs need to be provided, noting that the issue would need to be reviewed, and if it was higher, the costs would need to be reimbursed to the City.

Councilman Perez asked Mr. Leo Gomez, Spurs representative, what was his position on this issue, and how it will be addressed if there are shortfalls.

Mr. Leo Gomez, San Antonio Spurs, noted the work and plan, and stated this was a conservative approach, while it was started at .35 cent fee, that the limit is made to a 90 day term, with a .25 cent fee until numbers are sorted and a uniform set of policies are

established for addressing this service, and levy the appropriate fees. He urged Council to consider this proposal, adding that if there would not be a long term agreement with the City, negotiations will be made to cover the costs.

The amendment to the motion as presented by Councilwoman Moorhouse failed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Carpenter, Garza. **NAYS:** Barrera, Castro, Schubert. **ABSENT:** Sanders, Martin, Conner.

The main motion, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96568

AUTHORIZING THE EXPENDITURE OF \$200.00 FROM THE DISTRICT 1 CONTINGENCY ACCOUNT FUND AND AN EXPENDITURE OF \$200.00 FROM THE DISTRICT 5 CONTINGENCY ACCOUNT FUND PAYABLE TO THE SAN ANTONIO AREA DISABILITY ADVOCATES ORGANIZATION, TO BE USED TO DEFRAY COSTS ASSOCIATED WITH THE COALITION FOR TEXANS WITH DISABILITIES CONFERENCE HELD ON SEPTEMBER 20, 2002; AS REQUESTED BY COUNCILMAN BOBBY PEREZ.

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Councilman Perez made a motion to approve the proposed Ordinance with additional funds added by the following districts: District 5 - \$200. Councilman Garcia seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 The Clerk read the following Ordinance:

AN ORDINANCE 96569

AUTHORIZING THE TRANSFER OF \$105.00 FROM THE DISTRICT 10 CONTINGENCY ACCOUNT FUND TO THE PARKS AND RECREATION DEPARTMENT TO COVER THE COST OF THE RENTAL OF THE WOODRIDGE ELEMENTARY AUDITORIUM FOR THE DISTRICT 10 OUR PART OF TOWN TALENT SHOW; AS REQUESTED BY COUNCILMAN DAVID CARPENTER.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38 TRAVEL AUTHORIZATION - Granted:

Travel Authorization for Councilmembers Bobby Perez, District 1, Antoniette Moorhouse, District 3, Enrique "Kike" Martin, District 4, David A. Garcia, District 5, Enrique M. Barrera, District 6 and Julian Castro, District 7, who will travel to Fort Worth, Texas, to participate in the Texas Municipal League Conference during the week of October 15 to October 19, 2002.

Councilman Perez made a motion to approve the proposed Travel Authorization. Councilman Carpenter seconded the motion.

After consideration, the motion, carrying with it the passage of the Travel Authorization, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Perez, Moorhouse, Garcia, Barrera, Castro, Schubert, Carpenter, Garza. **NAYS:** None. **ABSENT:** Sanders, Martin, Conner.

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2002-38

CITIZENS TO BE HEARD

MR. NAZARITE RUBEN FLORES PEREZ

Mr. Nazarite Ruben Flores Perez, stated that the City employees including legal staff and Management did not get a raise, and expressed concern on the City going bankrupt.

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MR. JOE PEREZ

Mr. Joe Perez, read a letter, spoke to the corruption issues and bribery issues, stated he had presented a number of complaints but nothing was being done to address his issues, and also addressed the bidding process.

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2002-38

EXECUTIVE SESSION

The City Council recessed its regular session at 8:14 P.M. in order to convene in Executive Session for the purpose of:

- G.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to collective bargaining negotiations with the San Antonio Police Officers Association.
- H.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code regarding Save Our Aquifer, et al, v. City of San Antonio, et al, Cause No. SA-02-CA-618, United States District Court, Western District, San Antonio Division.
- I.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code regarding Finger et al. v. Ed Garza, Mayor, City of San Antonio and the City

of San Antonio, Cause No. SA-02-CA-956IV, United States District Court, Western District, San Antonio Division.

- J.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code to discuss legal issues related to annexation and economic development proposals in areas proposed for annexation.
- K.) Discuss economic development negotiations and incentives offered to business prospects that may locate in areas proposed for annexation, pursuant to §551.087 of the Texas Gov't Code.
- L.) Attorney-client consultation pursuant to §551.071 of the Texas Gov't Code regarding TPLP Office Park Systems et.al. v City of San Antonio, 99 CI 12469, 150th District Court of Bexar County, Texas.

The City Council adjourned the Executive Session at 9:26 P.M. 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.

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2002-38 There being no further business to come before the City Council, the meeting was adjourned at 9:27 P.M.

A P P R O V E D



EDWARD D. GARZA
M A Y O R

Attest:



YOLANDA L. LEDESMA
Acting City Clerk