

**STATE OF TEXAS
COUNTY OF BEXAR
CITY OF SAN ANTONIO**

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN
ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA
BUILDING, WEDNESDAY, APRIL 12, 2006 AND THURSDAY,
APRIL 13, 2006**

* * *

The City Council convened in an informal "B" Session at 3:00 p.m., on Wednesday, April 12, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Briefing on SAP Project Update. [Presented by Michael Armstrong, Assistant City Manager/Chief Information Officer]

Briefing on the Parks and Recreation System Strategic Plan. [Presented by Malcolm Matthews, Director, Parks]

The Council members present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. Absent: Haass

The "B" Session adjourned at 4:54 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, April 13, 2006 at 9:00 a.m.

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum with the following Council members present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger.

The Invocation was led by Rev. Bradley DeHaven, Pastor, St. Andrew's United Methodist Church, Guest of Councilmember Chip Haass, District 10.

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

The minutes of the March 30, 2006 City Council meeting were approved as presented.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

A Resolution of Appreciation to Mr. Albert Ortiz, Chief of Police, for his many years of service to the City:

**A RESOLUTION
EXPRESSING APPRECIATION TO ALBERT ORTIZ
FOR HIS DEDICATED SERVICE TO SAN ANTONIO.**

WHEREAS, MR. ALBERT ORTIZ HAS SERVED THE CITY OF SAN ANTONIO WITH DISTINCTION AND DEDICATION AS CHIEF OF POLICE SINCE MARCH 2002; AND

WHEREAS, CHIEF ORTIZ JOINED THE SAN ANTONIO POLICE DEPARTMENT IN 1972 AND SERVED IN VARIOUS RANKS WITHIN THE DEPARTMENT; A FEW OF HIS DUTY ASSIGNMENTS INCLUDED PATROLMAN, VICE UNIT DETECTIVE, HOMICIDE UNIT LIEUTENANT, PROPERTY CRIMES CAPTAIN, ASSISTANT CHIEF OF POLICE, AND ULTIMATELY THE FIRST HISPANIC TO RISE THROUGH THE RANKS TO ATTAIN THE POSITION OF CHIEF OF POLICE; AND

WHEREAS, AS CHIEF OF POLICE, MR. ALBERT ORTIZ DIRECTED HIS EFFORTS TO MAKING SAN ANTONIO THE SAFEST CITY IN THE NATION BY: FORMING A COMMUNITY ORIENTED PARTNERSHIP WITH ALL SEGMENTS OF THE POPULATION; BRINGING DIVERSITY TO THE DEPARTMENT; GARNERING TRUST AND CONFIDENCE IN THE COMMUNITY; AND CREATING INNOVATIVE PROGRAMS AND STRATEGIES THAT HAVE IMPROVED THE QUALITY OF LIFE AND SAFETY FOR ALL RESIDENTS AND VISITORS; AND

WHEREAS, IN ADDITION TO OVERSEEING THE POLICE DEPARTMENT, CHIEF ORTIZ REMAINED INVOLVED IN MANY PROFESSIONAL ORGANIZATIONS, INCLUDING: MAJOR CITIES CHIEFS ASSOCIATION; INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE; FEDERAL BUREAU OF INVESTIGATION, NATIONAL ACADEMY ASSOCIATES; SAN ANTONIO HISPANIC POLICE

OFFICERS ORGANIZATION; AND THE HISPANIC AMERICAN POLICE COMMAND OFFICERS' ASSOCIATION; AND

WHEREAS, THROUGHOUT THE YEARS, CHIEF ORTIZ HAS RECEIVED NUMEROUS AWARDS AND HONORS, SUCH AS MASTER POLICE OFFICER CERTIFICATION; B'NAI B'RITH "OFFICER OF THE YEAR" AWARD; ALAMO AREA RAPE CRISIS CENTER "DISTINGUISHED COMMUNITY SERVICE" AWARD; TEXAS DEPARTMENT OF HUMAN SERVICES "CONTRIBUTIONS TO CHILD ABUSE ISSUES" AWARD; AND THE ALAMO AREA RAPE CRISIS CENTER "OUTSTANDING VOLUNTARY SERVICE" AWARD; AND

WHEREAS, THE CITY COUNCIL IS PROUD OF CHIEF ORTIZ' DISTINGUISHED TENURE AND RECOGNIZES HIS PROFESSIONAL ACUMEN, LEADERSHIP, EXPERTISE, AND DEEP SENSE OF COMMITMENT TO PUBLIC SERVICE HAVE GREATLY BENEFITED THE CITY OF SAN ANTONIO; **NOW THEREFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

THAT THE CITY COUNCIL HEREBY COMMENDS CHIEF ALBERT ORTIZ FOR HIS OUTSTANDING RECORD OF EXCELLENCE, AND DEVOTED SERVICE TO SAN ANTONIO AND ITS CITIZENS, AND PRESENTS THIS RESOLUTION AS A TOKEN OF ITS APPRECIATION.

PASSED AND APPROVED THIS 13TH DAY OF APRIL 2006.

PHIL HARDBERGER
MAYOR

ATTEST:
CITY CLERK

CONSENT AGENDA

Consent agenda items 3, 4, 5, 8, 12A-C, and 14 were pulled for individual consideration. The remaining items 6 through 15D were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, complimented former Police Chief Albert Ortiz on his performance and wished him well in future endeavors. Regarding Item 5, he stated concern for the nominal amount being paid for downtown space. He also noted the applicant gave campaign contributions to several City Council members.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, related to Item 12B, which stated that citizens are being overcharged by San Antonio Water System.

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

2006-04-13-0460

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR'S U.S. GEOLOGICAL SURVEY FOR \$57,490.00 TO PROVIDE WATER DATA COLLECTION AND MONITORING ACTIVITIES OF LEON CREEK FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC CENTER FOR ENVIRONMENTAL HEALTH FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006.

2006-04-13-0461

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$50,000.00 TO AUGMENT SUPPORT FOR TRAINING FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PUBLIC HEALTH EMERGENCY

PREPAREDNESS LABORATORY PROGRAM FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2006; AND REVISING THE PROGRAM BUDGET.

2006-04-13-0462

AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING AN ADDITIONAL \$80,000.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S FAMILIES PREVENTING DIABETES PROGRAM FOR THE PERIOD MARCH 30, 2006 THROUGH MARCH 29, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-04-13-0463

AN ORDINANCE AUTHORIZING THE EXECUTION OF A TWO YEAR CONTRACT RENEWAL AGREEMENT THROUGH APRIL 30, 2008 IN AN ANNUAL AMOUNT NOT TO EXCEED \$93,500.00 WITH BOOTH RESEARCH GROUP, INC. TO PREPARE VALIDATED WRITTEN PROMOTIONAL EXAMINATIONS FOR VARIOUS FIRE DEPARTMENT POSITIONS.

2006-04-13-0464

AN ORDINANCE AUTHORIZING THE CITY OF SAN ANTONIO TO ACT AS THE LOCAL REDEVELOPMENT AUTHORITY AS ALLOWED UNDER FEDERAL LAW FOR THE PURPOSE OF APPLYING FOR AND ACCEPTING A FEDERAL PLANNING GRANT FROM THE DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENT (OEA) IN AN AMOUNT NOT TO EXCEED \$916,195.00 FOR THE FUNDING OF STAFF AND PROFESSIONAL SERVICES IN SUPPORT OF THE COMMUNITY'S EFFORTS IN PARTNERING WITH THE MILITARY TO IMPLEMENT THE RESULTS OF THE 2005 MILITARY BASE CLOSURE AND REALIGNMENT COMMISSION (BRAC).

2006-04-13-0465

AN ORDINANCE AMENDING THE SUPPLEMENTAL CONTRACT FOR COLLECTION OF TAXES WITH BEXAR COUNTY, TO REFLECT THE COUNTY'S CHANGE IN DEPOSITORY.

2006-04-13-0466

AN ORDINANCE APPOINTING GEORGE L. BRITTON, JR. (DISTRICT 4) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2006.

2006-04-13-0467

AN ORDINANCE APPOINTING PEDRO A. RODRIGUEZ (DISTRICT 5) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE (CATEGORY: PERFORMING ARTS/THEATRE) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

2006-04-13-0468

AN ORDINANCE APPOINTING ANALISA RODRIGUEZ (DISTRICT 5) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

2006-04-13-0469

AN ORDINANCE APPOINTING WILLIAM WHITE (DISTRICT 3) AND MARY ABBOTT (DISTRICT 7) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE APRIL 3, 2008.

[CONSENT ITEMS CONCLUDED]

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following Ordinance:

2006-04-13-0470

AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY BIO-RAD LABORATORIES IN CONNECTION WITH THE PUBLIC HEALTH PREPAREDNESS LABORATORY PROGRAM, TO PROVIDE THE HEALTH

DEPARTMENT'S BIO SAFETY LEVEL 3 LABORATORY, LOCATED AT BROOKS CITY BASE, WITH A PATHOGEN ANALYZER TO RAPIDLY DETECT MULTIPLE SIGNIFICANT PATHOGENS AND OTHER INFECTIOUS DISEASES, FOR A TOTAL COST OF \$46,000.00 FROM PUBLIC HEALTH PREPAREDNESS LABORATORY PROGRAM GRANT FUNDS.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-04-13-0471

AN ORDINANCE RELEASING ALL INTERESTS THE CITY OF SAN ANTONIO MAY HAVE WITH THE SAN ANTONIO DEVELOPMENT AGENCY (SADA) ARISING FROM SADA'S SALE OF LOTS 15, 16, 21, AND 22, BLOCK 10, NCB 306 AND LOTS 12 THROUGH 16, BOTH INCLUSIVE, BLOCK 7, NCB 307, VISTA VERDE SOUTH, UNIT 8 IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, TO THE SAN ANTONIO COMMUNITY DEVELOPMENT COUNCIL, INC.

Councilmember Wolff made a motion to table the proposed Ordinance for one week. Councilmember Perez seconded the motion.

After discussion, Councilmember Wolff withdrew his motion to table.

Councilmember Gutierrez then made a motion to approve the proposed Ordinance with staff recommendations. Councilmember Flores seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** Perez. **ABSTAIN:** Radle, Herrera. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-04-13-0472

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH FAULKNERUSA FOR ~~1,000~~ SQUARE FEET OF SPACE AT THE HENRY B. GONZALEZ CONVENTION CENTER FOR A TERM OF TWO YEARS, COMMENCING MAY 1, 2006 THROUGH APRIL 30, 2008 AT A MONTHLY RENTAL RATE OF \$500.00.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Haass.

The City Clerk read the following Ordinance:

2006-04-13-0473

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SERVICE CONTRACT WITH PARENT/CHILD INCORPORATED PROVIDING UP TO \$323,326.00 IN ORDER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE PHYSICAL EXAMINATIONS AND DENTAL EVALUATIONS FOR HEAD START CHILDREN FOR THE PERIOD FEBRUARY 1, 2006 THROUGH JANUARY 31, 2007; ADOPTING THE PROJECT BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Radle.

The City Clerk read the following Ordinances:

2006-04-13-0474

AN ORDINANCE AUTHORIZING A FIRST AMENDMENT TO ORDINANCE NO. 101687 AUTHORIZING THE CITY OF SAN ANTONIO, TEXAS WATER SYSTEM COMMERCIAL PAPER NOTES, SERIES A; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

2006-04-13-0475

AN ORDINANCE AUTHORIZING THE REDEMPTION AND DEFEASANCE OF CERTAIN CITY OF SAN ANTONIO, TEXAS WATER SYSTEM REVENUE IMPROVEMENT AND REFUNDING BONDS, SERIES 1996; AND PROVIDING FOR AN EFFECTIVE DATE.

2006-04-13-0476

AN ORDINANCE AUTHORIZING CERTAIN ACTIONS RELATING TO OUTSTANDING OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS WATER SYSTEM SUBORDINATE LIEN REVENUE AND REFUNDING BONDS, SERIES 2003-A AND 2003-B; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Perez made a motion to approve the proposed Ordinances. Councilmember Wolff seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinances, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Herrera.

The City Clerk read the following Ordinance:

2006-04-13-0477

AN ORDINANCE AUTHORIZING AMENDMENTS TO THE CENTRAL BOOKING AND MAGISTRATION OPERATIONS AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY TO INCREASE EFFICIENCY OF PRISONER MAGISTRATION WITH EXPEDITED PROCESSING, RESULTING IN MORE COST EFFECTIVE MEASURES TO MANAGE JAIL POPULATION.

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

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Herrera.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 11:15 a.m. in order to convene in Executive Session for the purpose of:

Discuss personnel matters related to disciplinary action, pursuant to Texas Government Code Section 551.071 (consultation with attorney) and Texas Government Code Section 551.074 (personnel matter).

Mayor Pro Tem Radle reconvened the Regular Session at 4:10 p.m.

PLAN AMENDMENTS AND ZONING CASES

P-1. PLAN AMENDMENT CASE #06003 (District 2): An Ordinance amending the land use plan contained in the IH 10 East Corridor Perimeter Plan, a component of the Master Plan of the City, by changing the use of 0.67-acres located at the southwest corner of Summer Fest Road and Foster Road, more specifically described by legal descriptions NCB 16612 BLK 7 LOT 78 (SUNRISE UT-15) "SUNRISE" ANNEXATION, from Single Family Residential land use to Community Commercial land use. Staff and Planning Commission recommend approval.

Z-1. ZONING CASE #Z2006040 CD (District 2): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-2" (CD-Car Care Center) Commercial District with a Conditional Use for a Car Care Center on Lot 78, Block 7, NCB 16612, 4000 Block of North Foster Road as requested by Tariq Y. Khan, Applicant, for Tariq Y. Khan, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

Councilmember McNeil stated that Items P-1 and Z-1 will be continued to May 4, 2006. Councilmember Flores seconded the motion.

Through a voice-vote, City Council members concurred with Councilmember McNeil's motion.

Items P-1 and Z-1 were tabled to May 4, 2006.

ZONING CONSENT AGENDA

Zoning consent agenda items P-1, Z-1, P-2, Z-2, Z-3, Z-6, Z-7 and Z-12 were pulled for individual consideration. The remaining items Z-4 through Z-11 were approved upon motion made by Councilmember Hall and seconded by Councilmember Perez

After consideration, the motion, carrying with it the passage of the following Ordinances, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Hardberger.

Z-4. ZONING CASE #Z2006051 CD (District 3): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-4" (CD-Duplex) Residential Single-Family District with a Conditional Use for a Duplex on the South 58.1 Feet of Lot 4 and the North 83.4 Feet of Lot 5, Block 12, NCB 7827, 133 Handley as requested by Abbey Restoration Inc., Applicant, for Abbey Restoration Inc., Owner(s). Staff and Zoning Commission recommend Approval.

2006-04-13-0478

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 58.1 FEET OF LOT 4 AND THE NORTH 83.4 FEET OF LOT 5, BLOCK 12, NCB 7827 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" (CD-DUPLEX)

RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX.

Z-5. ZONING CASE #Z2006036 CD (District 5): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "R-5" (CD - Non-Commercial Parking Lot) Residential Single-Family District with a Conditional Use for a Parking Lot on Lots 11 and 12, NCB 6932, 3110 Nogalitos Street as requested by John Duncan, Applicant, for John Duncan, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

2006-04-13-0479

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 11 AND 12, NCB 6932 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" (CD- NON-COMMERCIAL PARKING LOT) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A PARKING LOT.

Z-8. ZONING CASE #Z2006054 CD (District 7): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "RE" (CD-Retail Nursery) Residential Estate District with a Conditional Use for a Retail Nursery on Lot 14 A, Block A, NCB 11530, 285 West Quill Drive as requested by Linda Gamble, Applicant, for Linda Gamble, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

2006-04-13-0480

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 14 A, BLOCK A, NCB 11530 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RE" (CD-RETAIL NURSERY) RESIDENTIAL ESTATE DISTRICT WITH A CONDITIONAL USE FOR A RETAIL NURSERY.

Z-9. ZONING CASE #Z2006057 (District 7): An Ordinance amending the zoning district boundary from "C-2NA" NCD-3 Commercial Nonalcoholic Sales Neighborhood Conservation District-3 to "C-1" NCD-3 Light Commercial Neighborhood Conservation District-3 on The South 150 feet of Lot 283, Block 1, NCB 11552, 4602 Callaghan Road as requested by Joey Prado, Applicant, for Joey Prado (Chunky's Burgers), Owner(s). Staff and Zoning Commission recommend Approval.

2006-04-13-0481

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE SOUTH 150 FEET OF LOT 283, BLOCK 1, NCB 11552 FROM "C-2NA" NCD-3 COMMERCIAL NONALCOHOLIC SALES DISTRICT NEIGHBORHOOD CONSERVATION DISTRICT-3 TO "C-1" NCD-3 LIGHT COMMERCIAL DISTRICT NEIGHBORHOOD CONSERVATION DISTRICT-3.

Z-10. ZONING CASE #Z2006068 (District 7): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 1, Block 1, NCB 18307, 9094 Guilbeau Road as requested by Kostantinos & Cesarina Kastis, Applicant, for Kastis Enterprises, Inc., Owner(s). Staff and Zoning Commission recommend Approval.

2006-04-13-0482

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 1, NCB 18307 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-11. ZONING CASE #Z2006064 (District 8): An Ordinance amending the zoning district boundary from "R-20" GC-1 Residential Single Family Gateway Corridor District-1 to "C-3" GC-1 General Commercial Gateway Corridor District-1 on 3.357 acres out of NCB 18338, 21683 and 21691 Milsa Drive as requested by Brown, P. C.,

Applicant, for Sunrise Fellowship of San Antonio, Inc., Owner(s). Staff and Zoning Commission recommend Approval of C-2.

2006-04-13-0483

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 3.357 ACRES OUT OF NCB 18338 FROM "R-20" GC-1 RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR DISTRICT-1 TO "C-3" GC-1 GENERAL COMMERCIAL GATEWAY CORRIDOR DISTRICT-1.

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

P-2. PLAN AMENDMENT CASE #06002 (District 7): An Ordinance amending the Land Use Plan contained in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of approximately 1.49 acres located at 8288 Eckhert Road, more specifically described by legal description NCB 14618 P-37D & 37F ABS664, from Medium Density Residential land use to High Density Residential land use. Staff recommends Denial. Planning Commission recommends Approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed plan amendment.

Councilmember Guajardo made a motion to table Item P-2 to April 20, 2006. Councilmember Hall seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated that Items P-1 and Z-2 should be denied because there is not enough of a buffer between high and low land use area. He also suggested that Mayor Pro Tem Radle record her votes from her normal seat as her electronic votes register as though they were made by Mayor Hardberger.

After consideration, the motion to table Item P-2 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Perez , Hardberger.

Items P-2 was tabled to April 20, 2006.

Z-2. ZONING CASE #Z2006046 (District 7): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on 1.466 acres out of NCB 14618, 8288 Eckert Road as requested by Brown, P. C., Applicant, for Myrtha Gersdorff, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Councilmember Guajardo made a motion to table Item Z-2 to April 20, 2006. Councilmember Hall seconded the motion.

After consideration, the motion to table Item Z-2 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Perez , Hardberger.

Items Z-2 was tabled to April 20, 2006.

Z-3. ZONING CASE #Z2006037 CD (District 1): An Ordinance amending the zoning district boundary from (H) "RM-4" Historic Residential-Mixed District to (H) "R-6" (CD-Multi-Family Dwellings) Historic Residential Single-Family District with a Conditional use for multi-family dwellings not to exceed a total of 3 units on Lot 17, Block 5, NCB 723, 115 Devine Street as requested by Ellsworth and George Sullivan, Applicant, for Ellsworth and George Sullivan, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

The following citizen(s) appeared to speak:

Mr. Ellsworth Sullivan, 115 Devine, applicant, stated that the structure will not be demolished, and that it is only being moved until a permanent neighborhood location is found.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Hardberger.

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 17, BLOCK 5, NCB 723 FROM (H) "RM-4" HISTORIC RESIDENTIAL-MIXED DISTRICT TO (H) "R-6 CD" HISTORIC RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY NOT TO EXCEED 3 UNITS.

Mayor Hardberger returned to the meeting and presided.

Z-6. ZONING CASE #Z2006060 (District 5): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "O-1" Office District on the South 35 Feet of Lot 13, the North 90 Feet of the East 14 Feet of Lot 13, the South 35 Feet of the West 22 Feet of Lot 14 and the North 90 Feet of the West 22 Feet of Lot 14, Block 29, NCB 3434, 2719 Nogalitos and 110 Linares as requested by Southside Credit Union, Applicant, for Southside Credit Union and Edward Flores, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Radle made a motion to table Item Z-6 to May 4, 2006. Councilmember Guajardo seconded the motion.

After consideration, the motion to table Item Z-6 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** McNeil, Perez.

Items Z-6 was tabled to May 4, 2006.

Z-7. ZONING CASE #Z2006019 (District 7): An Ordinance amending the zoning district boundary from "O-2" Office District to "C-1" Light Commercial District on Lot 17, Block 2, NCB 17176, 5900 Block of Babcock Road as requested by Padmasiri Somawardana, Applicant, for Padmasiri and Prabha Somawardana, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Guajardo made a motion to table Item Z-7 to May 18, 2006. Councilmember Hall seconded the motion.

After consideration, the motion to table Items Z-7 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** McNeil, Perez.

Items Z-7 was tabled to May 18, 2006.

Z-12. ZONING CASE #Z2006001 S (District 9): An Ordinance amending the zoning district boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-3 ERZD S" General Commercial Edwards Recharge Zone District with a Specific Use Permit for a Car Wash on 0.637 acres out of Lot 2 and Lot 3, Block 10, NCB 16329, 18150 Blanco Road as requested by Texas Shine Express, LLC., Applicant, for FC Properties One, LTD., Owner(s). Staff and Zoning Commission recommend Approval with SAWS site specific recommendations.

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

The following citizen(s) appeared to speak:

Ms. Carol Mendoza, AGUA, stated that AGUA withdrew its opposition to the rezoning case after having spoken with the applicant, though they are requesting minor conditions.

Mr. Jerry Arredondo, representing the applicant, reported on the environmental and conservational benefits of a carwash on this site.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, stating his opposition to development over the Edwards Aquifer.

Councilmember Wolff made a motion to approve the proposed rezoning case. Councilmember Gutierrez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** Radle, Guajardo. **ABSENT:** Perez.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.637 ACRES OUT OF LOT 2 AND LOT 3, BLOCK 10, NCB 16329 FROM "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD" S GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE PERMIT FOR A CARWASH.

POINT OF PERSONAL PRIVILEGE

Councilmember Gutierrez requested a point of personal privilege to acknowledge Mr. Nathan Garza, recent recipient of the Boy Scouts of America Eagle Scout distinction.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Proclamation to El Rey Feo 2006, Mr. Ronnie Gabriel.
- Proclamation to King Antonio 2006, Mr. Robert Rick Shaw.
- Proclamation for "A Night in Old San Antonio" events, April 25-28, 2006, to the San Antonio Conservation Society.
- Proclamation for the "Fiesta Safe, Drive Sober San Antonio" campaign to the Texas Department of Transportation San Antonio District Traffic Safety Office, a campaign to educate the community on the dangers of drinking and driving during Fiesta.
- Proclamation for National Red Hat Society Day, April 25, 2006, to the Red Hat Society, an organization of women who desire fun and friendship, and are involved in many activities where they can enjoy life to the fullest.

POINT OF PERSONAL PRIVILEGE

Councilmember Radle requested a point of personal privilege to acknowledge Councilmember Wolff's birthday.

CITIZENS TO BE HEARD

Mr. Glen Alan Graham, 6900 N. Vandiver, stated that he serves on a VIA citizen's advisory board and was asked by that board to research and report on the Main Plaza Project. He distributed a copy of his report to Council members, noting that the project is not ideal. He thanked Council members for their contributions to the City.

Mr. Faris Hodge, Jr., 140 Dora, stated that he told Councilmember Flores that public hearings are held too early for the general public to attend. He stated that there should be no more tax abatements offered to new businesses. He noted that the Library overcharges for printouts and that it needs to put filters on computers, and that the City didn't collect refuse on two holidays. He stated that all City employees need diversity training and that the Alamodome should be named in his honor. He related an incident about Jack Finger and how people should have the right to free speech before City Council.

Mr. Jaime P. Martinez, 1504 E. Commerce, spoke on immigration reform and stated his request that City Council pass a resolution endorsing comprehensive immigration reform. He spoke of his family's history and contributions in the United States. He reported numerous statistics regarding immigrants' financial impact on the U.S. economy. He also spoke of an incident between a local family and the San Antonio Police Department, in which citizens were injured and/or arrested by allegedly overzealous officers. He noted that the actions of these officers do not represent the entire Police Department.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., thanked Councilmember Radle for her initiative to improve sidewalk conditions. He spoke about immigration reform and illegal aliens.

Mr. Raymond Zavala, 812 S. Richter, spoke about the City's wasteful spending habits. He referenced overlapping services by the City and Bexar County and excessive amounts spent on studies, like that of the Main Plaza Project. He stated that not all City Council members have lived up to their campaign promises.

Mr. Nick Calzoncit, 66 Brees #114, spoke of progress made to rename Stonewall School. He stated that streets in Harlandale are named after inappropriate individuals and that

such names have a negative impact. He asked for a meeting with the Mayor and/or City Council members to discuss local impoverishment.

Mr. Allen S. Ellebracht, 4915 Dare Ln., read various selections from the City's Code of Ethics and called for the resignation of Councilmember Guajardo due to her involvement in actions that led to his friend George Dickerson committing suicide. He stated he is opposed to local toll roads.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:32 p.m.

A P P R O V E D


PHIL HARDBERGER
M A Y O R

Attest: 
LETICIA M. VACEK
City Clerk