

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, THURSDAY, OCTOBER 5, 2006

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The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, October 5, 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, Radle, Herrera, Guajardo, Wolff, and Hardberger. **Absent:** Perez, Hall, Haass.

The Invocation was led by Mr. Vernon Welshans, Minister, Northwest Hills Christian Church, guest of Councilmember Richard Perez, District 4.

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

Councilmember Flores made a motion to approve the minutes of the September 14 September 21, 2006 City Council meetings. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-10-05-1138

Item 4. AN ORDINANCE AUTHORIZING THE DE-FUNDING OF THE CITY'S URBAN RENEWAL AGENCY, KNOWN AS THE SAN ANTONIO DEVELOPMENT AGENCY (SADA); ADDING CERTAIN FUNCTIONS AND PROGRAMS CURRENTLY ADMINISTERED BY SADA TO THE CITY; AND AUTHORIZING THE APPROPRIATE PERSONNEL COMPLEMENT TO PERFORM SAID FUNCTIONS.

Councilmember McNeil made a motion to approve the proposed Ordinance. Councilmember Wolff seconded the motion.

Ms. Jelynn Burley, Deputy City Manager, explained that Item 4 was seeking to defund the city's Urban Renewal Agency and add certain functions that are administered by the San Antonio Development Agency (SADA) to the City of San Antonio. She presented a brief timeline of SADA and its functions. She noted that in 2001 the organization was reorganized, at which time several programs that were administered by SADA were transferred to the Neighborhood Services Department of the City of San Antonio. She stated that after a Council Consideration Request in July of 2006, City Staff developed a transition plan to bring land assembly activities and the completion of the Historic Gardens Program into the City of San Antonio. The staff recommended seven positions to take over these functions. She stated that a short transition contract was proposed and that City staff would work with SADA employees for employment opportunities within the City. Lastly, she noted that SADA was given a budget of \$508,000 for the fiscal year. Since the organization would be terminated before the end of the fiscal year, Council would have to reprogram the budget.

The following citizen(s) appeared to speak:

Ms. Diane Cibrian, Chair of San Antonio Development Agency, spoke in support of Item 4. She cited SADA's annual decrease in funding. She stated that the future and prosperity of the community will be better served with the efficient use of taxpayer's money. She also stated that the board would continue to assist the City to make a smooth transition.

Mr. Jack M. Finger, P.O. Box 12048, spoke to item 4 and the appointment of the new City Auditor. He referenced a newspaper article that pertained to Item 4. He spoke in opposition to the City taking over the responsibilities of SADA. He then stated that the City Auditor was voted on by the citizens to be an independent position appointed by the Mayor and Council. He expressed concern with the City Manager conducting interviews for the Auditor position.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

Item 5. Consideration of Items 5A-5C, the ordinances approving actions in connection with the San Antonio River Improvement Project, which include authorizing an Interlocal Agreement between the City of San Antonio, Bexar County, and the San Antonio River Authority; accepting 394 square feet of real property from the San Antonio River Authority; and an agreement between the City and Rio Perla Properties, L.P.

Items 5A-5C were pulled from the Agenda.

Item 6. An Ordinance appointing the City Internal Auditor of the City of San Antonio and providing for an effective date was not addressed.

CONSENT AGENDA: ITEMS 7-33H

Consent agenda items 11, 20 and 31 were pulled for individual consideration. The remaining items were approved upon motion made by Councilmember Gutierrez and seconded by Councilmember Radle.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to item 29 concerning bonds for homebuyers. He stated that a government entity should not be responsible for such bonds. Concerning item 30, he suggested terminating the City of San Antonio Housing Trust Administration and implementing, in its place, an agency that would monitor and regulate laws against developers and contractors in the San Antonio area. He also spoke to item 24 and expressed concern on the campaign finance contributions received by some 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. He wrote in opposition to tax exemptions for large businesses in San Antonio. He wrote that all individuals and businesses should be taxed equally.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

2006-10-05-1139

Item 7. AN ORDINANCE AWARDED A CONTRACT TO IMMIX TECHNOLOGY, INC., UTILIZING THE TEXAS BUILDING AND PROCUREMENT CENTER'S TEXAS MULTIPLE AWARDS SYSTEM (TXMAS), TO PROVIDE THE CONVENTION FACILITIES DEPARTMENT WITH A TIME AND ATTENDANCE SYSTEM, INCLUDING A MAINTENANCE CONTRACT, FOR AN ESTIMATED COST OF \$84,625.33, TO BE FUNDED FROM THE HOTEL MOTEL OCCUPANCY

SUBORDINATE LIEN REVENUE AND REFUNDING BOND SERIES 2004B, AND FROM THE ENTERPRISE RESOURCE GOVERNMENTAL CAPITAL PROJECT CERTIFICATE OF OBLIGATION.

2006-10-05-1140

Item 8. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$521,450.00, INCLUDING: FUJITSU SOFTEK TDMF SOFTWARE MAINTENANCE AND SUPPORT; AUDIO BOOKS; TESTING, REPAIR AND SERVICE OF PUMPS ON FIRE APPARATUS; GENERATOR SYSTEM AND EMERGENCY STORM BACKUP PUMP SYSTEM; ALUMINUM SIGN BLANKS; AND GRASS SEED.

2006-10-05-1141

Item 9. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$963,190.00, INCLUDING: LUTRON LIGHTING SYSTEM MAINTENANCE AT HENRY B. GONZALEZ CONVENTION CENTER; GEOGRAPHIC INFORMATION SYSTEM MAPPING APPLICATIONS SOFTWARE AND SERVICES; GASOLINE & DIESEL REFUELING EQUIPMENT; UNDERGROUND TANK-LINE TIGHTNESS TESTING AND RED JACKET LEAK DETECTOR TESTING; SYNAGIS VACCINE; VITAL RECORD FORMS; HAND WIPES; AND POLICE AUTOMOTIVE BATTERIES.

2006-10-05-1142

Item 10. AN ORDINANCE AMENDING THE CONTRACT WITH MUNICIPAL EMERGENCY SERVICES TO PROVIDE THE AVIATION DEPARTMENT WITH 15 ADDITIONAL SELF-CONTAINED BREATHING APPARATUS UNITS FOR A TOTAL COST OF \$56,010.68, FROM THE AIRPORT OPERATIONS & MAINTENANCE ACCOUNT.

2006-10-05-1143

Item 12. AN ORDINANCE AMENDING A CONTRACT WITH TOTER INCORPORATED TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH EARLY DELIVERY OF 70,000 ROLL OUT CARTS, AND AN

ADDITIONAL 26,250 ROLL OUT CARTS AT A COST OF \$1,200,150.00, FOR A TOTAL COST OF \$4,400,550.00, FROM THE ENVIRONMENTAL SERVICES FUND.

2006-10-05-1144

Item 13. AN ORDINANCE ACCEPTING THE OFFER OF OFFICE SOURCE LTD, UTILIZING THE TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH WORKSTATION CUBICLES FOR A TOTAL COST OF \$68,368.19, FROM THE INFORMATION TECHNOLOGY SERVICES FUND.

2006-10-05-1145

Item 14. AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A \$380,280.00, PROFESSIONAL SERVICES CONTRACT WITH ARIAS & ASSOCIATES, INC. TO PROVIDE CONSTRUCTION AND MATERIAL TESTING SERVICES FOR PROJECT 10 – NEW PARKING FACILITY, AND PIER OBSERVATION SERVICES FOR THE NEW TERMINAL B; THE ROADWAYS & UTILITIES; THE CENTRAL PLANT MODIFICATIONS; AND THE GARAGE FOUNDATIONS, STRUCTURE, AND SYSTEMS AT SAN ANTONIO INTERNATIONAL AIRPORT; APPROVING PAYMENT OF \$30,000.00 IN ADMINISTRATIVE EXPENSES ASSOCIATED WITH THESE PROJECTS, AND APPROPRIATING FUNDS.

2006-10-05-1146

Item 15. AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A \$286,640.00 PROFESSIONAL SERVICES CONTRACT WITH PROFESSIONAL SERVICES INDUSTRIES, INC. (PSI) TO PROVIDE CONSTRUCTION AND MATERIAL TESTING SERVICES FOR PROJECT 6 – ROADWAYS AND UTILITIES AT SAN ANTONIO INTERNATIONAL AIRPORT; AND APPROPRIATING FUNDS.

2006-10-05-1147

Item 16. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$938,156.00, TO INCLUDE AWARDDING A \$932,000.00 CONTRACT WITH J.T. MICHEL, LTD., AND A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$124,926.00 FOR ENGINEERING MODIFICATIONS INCLUDING REDUCING BOLLARDS, LESS EXPENSIVE LIGHTING, AND MINIMIZING

FLEXIBLE BASE MATERIAL, AND DELETIONS INCLUDING RESTORING TILE SURFACES, ADDING A CABINET, REPLACING THE LIBRARY SIGN, REPLACING THE EXTERIOR LIGHT POLES, INSTALLATION OF LIGHT FIXTURES, THE APPLICATION OF PLASTER MOLDING AND THE APPLICATION OF MULCH AND TREE ARMOR IN CONNECTION WITH THE SAN PEDRO BRANCH LIBRARY RENOVATIONS PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS.

2006-10-05-1148

Item 17. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$82,475, AND EXECUTING AN AGREEMENT BY WHICH THE TEXAS DEPARTMENT OF TRANSPORTATION REIMBURSES THE CITY UP TO \$82,475 FOR THE COST OF FURNISHING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT AT VARIOUS LOCATIONS ON NW MILITARY HIGHWAY.

2006-10-05-1149

Item 18A. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$3,000,000; AUTHORIZING PAYING \$283,025.12 TO TIME WARNER CABLE, \$68,306.24 TO SBC / AT&T, AND \$25,000 TO GRANDE COMMUNICATIONS FOR UNDERGROUND UTILITY CONVERSION; AND APPROPRIATING FUNDS FROM GENERAL OBLIGATION STREET IMPROVEMENT BONDS.

2006-10-05-1150

Item 18B. AN ORDINANCE APPROVING AND RECOMMENDING CITY PUBLIC SERVICE ENERGY'S FUNDING A TOTAL ESTIMATED AMOUNT OF \$283,725 FROM COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT FUNDS FOR INSTALLING DECORATIVE STREET LIGHTING IN THE COMMERCE STREET – RAILROAD TO S. PALMETTO PROJECT.

2006-10-05-1151

Item 19. AN ORDINANCE APPROVING AN AMENDMENT TO LEASE AGREEMENT FOR THE INTERNATIONAL BUILDING COMPLEX, 318 W. HOUSTON ST., AND AN AMENDMENT TO A 2006 FUNDING AND CONSTRUCTION AGREEMENT WITH CENTRO ALAMEDA, INC. TO EXTEND A DEADLINE FOR IMPROVEMENTS, MODIFY MISCELLANEOUS LEASE

PROVISIONS, AND PROVIDE A FUNDING AGREEMENT BETWEEN THE PARTIES.

2006-10-05-1152

Item 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO STANDARD CONCESSION AGREEMENTS WITH VARIOUS RETAIL, FOOD & BEVERAGE, AND OTHER OPERATORS AT SAN ANTONIO INTERNATIONAL AIRPORT TO PROVIDE FOR ADJUSTMENTS IN SECURITY GUARANTEES, COMMON AREA MAINTENANCE CHARGES, LOGISTIC PROGRAM CHARGES, AND/OR TERM EXPIRATION.

2006-10-05-1153

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FIVE-YEAR LEASE AGREEMENT WITH LHT SAN ANTONIO REALTY, L.P. FOR APPROXIMATELY 1,686 SQUARE FEET OF CLINIC AND OFFICE SPACE LOCATED AT 343 W. HOUSTON ST. FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S OCCUPATIONAL HEALTH AND WELLNESS CENTER WITH ONE FIVE-YEAR RENEWAL OPTION.

2006-10-05-1154

Item 23. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A COOPERATIVE AGREEMENT AWARD OF \$1,493,115.00 FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES TO CONTINUE THE STEPS TO A HEALTHIER SAN ANTONIO PROGRAM (STEPS-SA) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 22, 2006 THROUGH SEPTEMBER 21, 2007; AUTHORIZING THE EXECUTION OF EIGHT AGREEMENTS TOTALING \$800,966.00 WITH THE AMERICAN CANCER SOCIETY (\$186,926.00), AMERICAN DIABETES ASSOCIATION (\$37,900.00), AMERICAN LUNG ASSOCIATION OF THE CENTRAL STATES D/B/A AMERICAN LUNG ASSOCIATION OF TEXAS (\$26,398.00), SAN ANTONIO-BEXAR COUNTY METROPOLITAN PLANNING ORGANIZATION (\$75,000.00), SOCIAL AND HEALTH RESEARCH CENTER (\$32,797.00), SAN ANTONIO INDEPENDENT SCHOOL DISTRICT (\$202,604.00), UNIVERSITY HEALTH SYSTEM (\$124,055.00), AND THE YMCA OF GREATER SAN ANTONIO (\$115,286.00) TO PROVIDE SERVICES FOR STEPS-SA; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-10-05-1155

Item 24. AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF LEGAL DOCUMENTS BETWEEN THE CITY AND TX RIVERWALK RESIDENCES, L.P., A TEXAS LIMITED PARTNERSHIP, RELATED TO THE CONSTRUCTION OF APPROXIMATELY 147 RESIDENTIAL CONDOMINIUM UNITS ATOP THE NEW CONVENTION CENTER HOTEL PROJECT; AND AUTHORIZING THE ACCEPTANCE OF \$1,250,000 BY THE CITY FOR THE CONVEYANCE OF A PORTION OF THE AIR RIGHTS ABOVE THE HOTEL UNIT.

2006-10-05-1156

Item 25. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND CONTRACT EXTENSION WITH WALGREENS HEALTH INITIATIVES TO PROVIDE PRESCRIPTION DRUG CARD PROGRAM SERVICES BEGINNING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007, IN AN ANNUAL ESTIMATED AMOUNT OF \$17,197,562.00, FROM THE EMPLOYEE BENEFITS SELF-INSURED FUND, WITH THE REMAINING 3 MONTHS BEING CONTINGENT UPON COUNCIL APPROVAL OF FY 07-08 FUNDS.

2006-10-05-1157

Item 26. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND CONTRACT EXTENSION TO PROVIDE GROUP TERM LIFE INSURANCE BEGINNING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007, IN AN ANNUAL ESTIMATED AMOUNT OF \$665,983.00, FROM THE CITY'S SELF-FUNDED HEALTH BENEFITS FUND, WITH THE REMAINING 3 MONTHS CONTINGENT UPON COUNCIL APPROVAL OF THE FY 07-08 FUNDS.

2006-10-05-1158

Item 27. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXERCISE THE FIRST CONTRACT EXTENSION WITH ADMINISTRATION & SOCIETY INSURANCE CORPORATION TO PROVIDE TRICARE SUPPLEMENTAL GROUP INSURANCE BEGINNING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007, FOR AN ESTIMATED ANNUAL COST OF \$119,232.00, FROM THE EMPLOYEE BENEFITS SELF-INSURANCE FUND, WITH THE 3 REMAINING MONTHS CONTINGENT ON COUNCIL APPROVAL OF FY 07-08 FUNDS.

2006-1005-1159

Item 28. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO AMEND AND EXERCISE THE FIRST CONTRACT EXTENSION WITH ALPHA DENTAL PROGRAMS, INC., D/B/A DELTACARE, TO PROVIDE A DENTAL CARE PROGRAM FOR THE CITY BEGINNING JANUARY 1, 2007 AND ENDING DECEMBER 31, 2007, IN AN ESTIMATED ANNUAL COST OF \$628,668.00, FROM THE EMPLOYEE BENEFITS SELF-INSURED FUND, WITH THE REMAINING 3 MONTHS CONTINGENT ON COUNCIL APPROVAL OF FY 07-08 FUNDS.

2006-10-05-1160

Item 29. AN ORDINANCE APPROVING THE RESOLUTION OF THE SAN ANTONIO HOUSING TRUST FINANCE CORPORATION RELATING TO THE ISSUANCE, SALE, AND DELIVERY OF ITS SINGLE FAMILY MORTGAGE REVENUE BONDS (MORTGAGE-BACKED SECURITIES PROGRAM) SERIES 2006 IN AN AMOUNT NOT TO EXCEED \$16,500,000.00 TO FINANCE SINGLE FAMILY MORTGAGES FOR HOMEBUYERS IN THE CITY OF SAN ANTONIO; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

2006-10-05-1161

Item 30. AN ORDINANCE APPROVING THE ADMINISTRATIVE SERVICES BUDGET OF THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. IN THE AMOUNT OF \$332,975.00 FOR STAFFING AND ADMINISTRATION OF THE CITY OF SAN ANTONIO HOUSING TRUST FOR FISCAL YEAR 2006-07; APPROVING A CONTRACT FOR SERVICES TO BEGIN OCTOBER 1, 2006 AND EXPIRE ON SEPTEMBER 30, 2007; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS IN CONNECTION WITH THE FOREGOING.

2006-10-05-1162

Item 32A. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH COMMUNITY ARENA MANAGEMENT AND ACCEPTING \$71,498.20 FOR MANUFACTURE, INSTALLATION, AND REPLACEMENT OF SIGNS ALONG STATE RIGHT OF WAY ON IH 35 AND IH 10 FOR RENAMING "SBC CENTER PARKWAY" TO "AT&T CENTER PARKWAY."

Item 32B. AN ORDINANCE AUTHORIZING EXECUTION OF A FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING PAYING \$71,498.20 TO TXDOT FOR THE MANUFACTURE, INSTALLATION, AND REPLACEMENT OF SIGNS ALONG STATE RIGHT OF WAY ON IH 35 AND IH 10 FOR RENAMING "SBC CENTER PARKWAY" TO "AT&T CENTER PARKWAY."

BOARDS AND COMMISSIONS APPOINTMENTS: ITEMS 33A-H

33. Consideration of District Board and Commission Appointments

A. Appointing Paris Lenne Davis (District 2), Anthony Ricardo Galindo (District 4) and Mackenzie Seale (District 10) to the San Antonio Youth Commission for terms of office to expire May 31, 2007.

B. Appointing Elsa Sixtos (District 5) to the City of San Antonio, Texas Education Facilities Corporation for the remainder of an unexpired term of office to expire December 15, 2006.

C. Reappointing Michael Gallagher (District 10) to the Board of Adjustment for the remainder of an unexpired term of office to expire February 12, 2008.

D. Appointing Stephen Spear (District 10) to the City Commission on Veterans Affairs for a term of office to expire May 31, 2007.

E. Appointing Annie Brown (District 3) to the San Antonio Commission on Literacy for a term of office to expire May 31, 2007.

F. Reappointing Steve Patmon (District 10) to the Building and Fire Code Board of Appeals (Category: Architect) for the remainder of an unexpired term of office to expire July 31, 2008.

G. Reappointing Dr. Ellen Leonard (District 10) to the Commission for Children and Families for a term of office to expire May 31, 2007.

H. Reappointing John A. Nicholas (District 8) to the San Antonio Public Library Board of Trustees for a term of office to begin October 1, 2006 and to expire September 30, 2008.

[CONSENT ITEMS CONCLUDED]

CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-10-05-1164

Item 11. AN ORDINANCE ACCEPTING THE BIDS FROM ALAMO AG-CON EQUIPMENT, BID NO. 1, EWALD TRACTOR INC., PROFESSIONAL TURF PRODUCTS, C & M GOLF AND GROUNDS EQUIPMENT, AND TRACTOR CITY TO PROVIDE THE CITY WITH ONE NEW AND TWENTY-FOUR REPLACEMENT TRACTORS, MOWERS, AND PARK MAINTENANCE VEHICLES FOR A TOTAL COST OF \$466,917.71, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

Councilmember McNeil made a motion to approve the ordinance. Councilmember Guajardo seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez, Hall, Haass.

The City Clerk read the following Ordinance:

2006-10-05-1165

Item 20. AN ORDINANCE AUTHORIZING AN AGREEMENT ALLOWING THE TEXAS DEPARTMENT OF TRANSPORTATION TO ENTER A 5,978 SQUARE FOOT PARCEL OF CITY LAND OUT OF LOTS 21 AND 22, BLOCK G, NCB 8394 FRONTING HILLCREST DRIVE AND ADJACENT TO FIRE STATION NO. 27, DISTRICT 7, AND MAKING FURTHER AGREEMENTS ANCILLARY TO THE STATE'S ULTIMATE ACQUISITION OF THE LAND.

Councilmember Guajardo made a motion to approve the ordinance. Councilmember Wolff seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Flores, Perez, Hall, Haass.

The City Clerk read the following Ordinance:

2006-10-05-1166

Item 31. AN ORDINANCE AUTHORIZING \$5,832,207.00 IN CONNECTION WITH THE NEGOTIATION AND EXECUTION OF CONTRACTS WITH SEVEN DESIGN CONSULTANTS AND AUTHORIZING THE AMENDMENT OF ONE DESIGN CONSULTANT CONTRACT TO PROVIDE DESIGN SERVICES FOR THE LINEAR CREEKWAYS DEVELOPMENT PROJECTS ALONG LEON CREEK, SALADO CREEK AND THE MEDINA RIVER INCLUDING THE DESIGN OF HIKE AND BIKE TRAILS, NEIGHBORHOOD ACCESS POINTS, TRAILHEADS, PARKING AREAS, TRAIL SIGNAGE, INTERPRETIVE SIGNAGE, ADA ACCESSIBILITIES, LIMITED SECURITY LIGHTING, BENCHES, TRASH RECEPTACLES, AND OTHER TRAIL AMENITIES, VEGETATION PROTECTION AND EROSION CONTROL, RETAINING WALLS, LOW WATER CREEK CROSSINGS, SIDE CHANNEL DRAINAGE CROSSINGS, INTERFACE WITH ROADWAYS AND THEIR ON-ROAD BIKE AND PEDESTRIAN FACILITIES, AND PEDESTRIAN BRIDGES; AND APPROPRIATING FUNDS.

Councilmember McNeil made a motion to approve the ordinance. Councilmember Radle seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Session at 10:25 am in order to convene in Executive Session for the purpose of:

A. Discuss legal issues related to two lawsuits styled Encore Videos, Inc. v. City of San Antonio; Civil Action No. SA-97-CA-1139-FB; and AVM-HOU, Ltd. and AVW, Inc., et al. v. City of San Antonio, et al., Civil Action No. SA-03-CA-1288-OG, both pending in United States District Court, Western District of Texas, San Antonio Division, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

B. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss legal issues related to the de-funding of the San Antonio Development Agency pursuant to Texas Government Code Section 551.071 (attorney- client consultation).

D. Deliberate the duties, appointment, and employment of the City Internal Auditor, pursuant to Texas Government Code Section 551.074 (personnel matters).

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:11 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

City Manager's Report

City Manager Sheryl Sculley reported on an award that was presented to the Communications and Public Affairs Department. She also spoke to "The Hull" forum on Hurricane Katrina evacuees and the services proved by the City of San Antonio.

MASTER PLAN AND ZONING CASES

P-1. PLAN AMENDMENT #06012 (District 1): An Ordinance amending the Land Use Plan contained in the River Road Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 1.3469 acres of land located at 840 E. Mulberry, 731 E. Huisache, and 743 E. Huisache from Neighborhood Commercial and Low Density Residential to High Density and Medium Density Residential. Staff and Planning Commission recommend Approval. Associated Zoning Case #Z2006233.

Ms. Nina Nixon-Mendez, Planning Department, made a presentation on the proposed plan.

The following citizen(s) appeared to speak:

Mr. Larry De Martino, 115 Armour Place, River Road Neighborhood Association, stated that in the master plan for the neighborhood this property was zoned industrial. He spoke in support of the proposed zoning change because the change would align better with the current conditions of the neighborhood.

Ms. Barbara Witte Howell, River Road Neighborhood Association, spoke in support of the proposed change.

Mr. Robert Price, 100 Blk E. Huisache, spoke in favor of the proposed zoning change.

Mr. Silvestre Gutierrez, PVSC, spoke in support of the zoning change.

Councilmember Flores made a motion to approve the proposed plan amendment. Councilmember McNeil seconded the motion.

After consideration, the motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

2006-10-05-1167

Item P-1. AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE RIVER ROAD NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY INSERTING HIGH DENSITY RESIDENTIAL LAND USE CATEGORY AND DESCRIPTION INTO THE LAND USE PLAN AND BY CHANGING THE USE OF APPROXIMATELY 1.3469 ACRES OF LAND LOCATED AT 840 E. MULBERRY, 731 E. HUISACHE, AND 743 E. HUISACHE FROM NEIGHBORHOOD COMMERCIAL AND LOW DENSITY RESIDENTIAL LAND USE TO MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL LAND USE.

Z-1. ZONING CASE # Z2006242 (District 1): An Ordinance changing the zoning district boundary to create a River Improvement Overlay (RIO) District Development Node on Lot 55 and Lot 56, NCB 2806; Lot 8, Lot 9, Lot 10 and Lot 11, Block 1, NCB 6077 and Lot 17B, NCB A52, 840 East Mulberry Street, 731 East Huisache Avenue, 743 East Huisache Avenue, 3440 North St. Mary's Street and 3502 North St. Mary's Street as requested by City of San Antonio, Applicant, for Various Owners. The base zoning districts will remain the same. Staff and Zoning Commission recommend Approval.

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

The following citizen(s) appeared to speak:

Mr. Larry De Martino, 115 Armour Place, River Road Neighborhood Association, read a letter from the Association in support of the rezoning change.

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

After consideration, the motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Guajardo, Hall, Haass.

2006-10-05-1168

Item Z-1. 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 55 AND LOT 56, NCB 2806 AND LOT 17B, NCB A52 FROM "I-1" RIO-1 GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT-1, TO "I-1" RIO-1 DN INDUSTRIAL RIVER IMPROVEMENT OVERLAY DEVELOPMENT NODE DISTRICT-1 AND ON LOT 8, LOT 9, LOT 10, LOT 11, BLOCK 1, NCB 6077 FROM "MF-33" RIO-1 MULTI FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-1 TO "MF-33" RIO-1 DN MULTI FAMILY RIVER IMPROVEMENT OVERLAY DEVELOPMENT NODE DISTRICT -1.

Z-2. ZONING CASE # Z2006233 (District 1): An Ordinance changing the zoning district boundary from "I-1" RIO-1 General Industrial River Improvement Overlay District-1 and "MF-33" RIO-1 Multi Family River Improvement Overlay District-1 to "MF-50" RIO DN Multi Family River Improvement Overlay Development Node District-1 on Lot 56, NCB 2806 and "MF-33" RIO DN Multi Family River Improvement Overlay Development Node District-1 on Lot 8, Lot 9, Lot 10, and Lot 11, Block 1, NCB 6077, 840 E. Mulberry, 731 E. Huisache Ave. & 743 E. Huisache Ave., as requested by Brown, P. C., Applicant, for Tom Guggolz, Owner. Staff and Zoning Commission recommend Approval, pending plan amendment.

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

The following citizen(s) appeared to speak:

Mr. Al Honighlun, Developer, explained the extensive process that was undertaken in order to develop his plan. He stated that the development will be an asset to the neighborhood and the community. Lastly, he presented the development plan in detail.

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

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

2006-10-05-1169

Item Z-2. 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 56, NCB 2806 FROM "I-1" RIO-1 GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT -1 TO "MF-50" RIO DN MULTI FAMILY RIVER IMPROVEMENT OVERLAY DEVELOPMENT NODE DISTRICT -1 AND ON LOT 8, LOT 9, LOT 10, AND LOT 11, BLOCK 1, NCB 6077 FROM "MF-33" RIO-1 MULTI FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT -1 TO "MF-33" RIO DN MULTI FAMILY RIVER IMPROVEMENT OVERLAY DEVELOPMENT NODE DISTRICT -1.

Z-3. ZONING CASE # Z2006010 (District 1) : An Ordinance changing the zoning district boundary from "R-6" NCD-5 Residential Single-Family Neighborhood Conservation Overlay District and "C-3" NCD-5 General Commercial Neighborhood Conservation Overlay District to "C-2" NCD-5 Commercial Neighborhood Conservation Overlay District on Lot 21, Lot 22, Lot 23, Lot 24, Lot 25, and Lot 26, Block 3, NCB 6402, 1900 Blanco Road and 831 W. Hollywood Ave. as requested by Christopher A. Madrid, Applicant, for Christopher A. Madrid, Owner. Staff and Zoning Commission recommend Approval.

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

The following citizen(s) appeared to speak:

Ms. Maria Berriozabal, Beacon Hill Neighborhood Association, stated that there were several sights involved in this project. She described the individual sights in detail. She also expressed disappointment with the Zoning Commission and staff for only looking at one zoning issue when there are actually several issues that relate to the proposed rezoning case. She expressed concern with the large amount of commercial building that was taking place in residential areas.

Ms. Jessica Fuentes, 1235 W. Russell #3, Beacon Hill Board, spoke in opposition to the proposed zoning change. She stated that Beacon Hill's objectives are to protect, preserve

and develop the area. She noted that the developer's mission does not represent Beacon Hill's objectives. Lastly, she asked Council to vote against the proposed rezoning case.

Ms. Abigail Kinnison, 942 W. Mistletoe, spoke in opposition to the proposed zoning change. She stated that the development was not consistent with the master plan of the neighborhood. She asked Council to deny the rezoning.

Ms. Cynthia Spielmon, 900 W. Woodlawn, stated that her neighborhood has been negotiating since 1996 to prevent the encroachment of businesses in this residential area. She asked Council to vote against the proposed zoning change.

Mr. Jerry Lackey, 931 W. Woodlawn, stated that the Beacon Hill neighborhood is part of San Antonio's soul. He also stated that the Beacon Hill area had drastically improved over the last two years. He also cited the plan to conserve the neighborhood, but zoning changes such as the one in question would hinder conservation. Lastly, he asked the Council to deny the zoning case.

Mr. Bill Aylor, 911 W. Woodlawn, stated that the zoning change would hinder the quality of life in Beacon Hill.

Ms. Tenna Florian spoke in opposition to the proposed zoning change. She stated that approving the change to allow for extra parking for one business would hinder the capability of new businesses to flourish in the area.

Ms. Mariana Ornelas, Dellview Neighborhood Association, asked why the community master plan was being overlooked in the proposed zoning change. She urged Council to vote against this case to maintain the integrity of the Beacon Hill area master plan.

Mr. Jesse Mancillas, 802 W. Hollywood, asked Council to vote against the proposed zoning change.

Mr. Oswaldo Ponce, 815 W. Hollywood, stated that many of the neighbors were opposed to the development. He asked Council to vote against the zoning change and leave the property zoned residential.

Mr. Hector Cardenas, 539 W. Elsmere, stated that he has been a neighborhood activist for 25 years and worked on the original neighborhood master plan. He also stated that housing is more important to his neighbors than parking for a restaurant. He noted that the business owner allows his property to dilapidate, so he should not be allowed to expand.

Mr. Frank Burney spoke on behalf of the property owner. He stated that the owner will continue to work with residents to resolve all of their issues. He also stated that the proposed rezoning is consistent with the neighborhood plan.

Mr. Jack M. Finger, P.O. Box 12048, stated that the residents of Beacon Hill have negotiated with the property owner several times to no avail. He also stated that there was no consistency with the rezoning and the master plan. He asked Council to vote against the proposed zoning change.

Councilmember Flores made a motion to continue the rezoning case for 30 days. Councilmember Wolff seconded the motion.

The motion to continue Item Z-3 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

Item Z-3 was continued for 30 days.

Items Z-4, Z-6, Z-10 and Z-11 were considered through one motion and vote.

Z-4. ZONING CASE # Z2006221 (District 1): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "C-1" Light Commercial District on Lot 32, Block 13, NCB 7280, 505 West Olmos Drive as requested by Robert and Claudette Victoria, Applicant, for Robert and Claudette Victoria, Owner. Staff and Zoning Commission recommend Approval.

Z-6. ZONING CASE # Z2006235 (District 3): An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District and "R-6" Residential Single Family District to "C-2 NA" Commercial Nonalcoholic Sales District on 8.456 acres out of NCB 11103, NCB 11981, NCB 11982, and NCB 11983, 3800 Block of Commercial Avenue, 700 Block of Teel Street, and 700 Block of Tebo Street, as requested by Kaufman and Associates, Inc., Applicant, for El Centro Del Barrio, Owner. Staff and Zoning Commission recommend Approval.

Z-10. ZONING CASE # Z2006231 (District 7) : An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-3" R General Commercial Restrictive Alcoholic Sales District on 2.554 acres out of NCB 16051, intersection of Shaenfield and Leslie Road as requested by GDR Partners, Ltd, Cora Lee Groff, and Daniel T. Braun, Applicants, for Keith Van Marter, Owner. Staff and Zoning Commission recommend Approval.

Z-11. ZONING CASE # Z2006226 (District 8): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District and "R-20" Residential Single-Family District to "R-6" Residential Single-Family District on 2.90 acres out of NCB 18333, 20000 Block of IH 10 West as requested by Kaufman and Associates, Inc., Applicant, for BP HWY 10 San Antonio, Ltd., Owner. Staff and Zoning Commission recommend Approval.

Councilmember Gutierrez made a motion to approve the proposed rezoning cases Z-4, Z-6, Z-10, and Z-11. Councilmember McNeil seconded the motion.

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. He wrote that the City should stop building over the Edwards Recharge Zone. He also wrote that the City cannot lower taxes because annexing land costs the taxpayers money. He noted the high wages that are paid to police and firefighters. He wrote against tax breaks for large businesses such as Toyota. Lastly, he wrote that the City and County should combine forces to save taxpayers money.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Flores, Perez, Hall, Haass.

2006-10-05-1170

Item Z-4. 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 32, BLOCK 13, NCB 7280 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

2006-10-05-1171

Item Z-6. 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 8.456 ACRES OUT OF NCB 11981, 11982, 11983 AND 11103 FROM "MF-33" MULTI-FAMILY DISTRICT AND "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

2006-10-05-1172

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Item Z-10. 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 2.554 ACRES OUT OF NCB 16051 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" R GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT.

2006-10-05-1173

Item Z-11. 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 2.90 ACRES OUT OF NCB 18333 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT AND R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Z-5. ZONING CASE #Z2006167 (District 2): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "MF-25" Multi-Family District on Parcel 3 and Parcel 11, NCB 15894, 6670 Walzem Road and 6726 Walzem Road as requested by H. B. Newman, Applicant, for Ernest C. Brehm and Eldora A. Brehm, Owners. Staff and Zoning Commission recommend Approval.

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

The following citizen(s) appeared to speak:

Ms. Jaci Wickware, 4407 Walzem, was opposed to rental properties in the area. She spoke to the number of foreclosures in the area. She stated that rental areas have greatly deteriorated over the years which decreased property values for homeowners.

Ms. Terri Williams, 2716 Moonlit Ridge, Walzem Road Area of Revitalization, stated that in order to attract businesses to the Walzem Road area future business investors need to see that residents in the area will be valuable customers, and non owner housing does not promote this ideal. She noted that the 80% of non owner housing already in existence in this area is sufficient for this area.

Councilmember McNeil made a motion to continue the case for 30 days. Councilmember Wolff seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

Item Z-5 was continued for 30 days.

Z-7. ZONING CASE # Z2006168 S (District 4): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "R-6 S" Residential Single Family District with Specific Use Permit for a Daycare Center on Lot 6, Block 20, NCB 18159, 9410 Adams Hill Drive as requested by Jose and Maria Maldonado, Applicant, for Jose and Maria Maldonado, Owners. Staff and Zoning Commission recommend Approval with conditions.

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

The following citizen(s) appeared to speak:

Ms. Maria Maldonado, 9410 Adams Hill, stated that she had a petition with 225 signatures in support of the zoning change from neighbors.

Pastor Jeffrey Cumming, 3559 E. Evans, asked Council to vote in favor of the zoning change. He stated that the change will allow the daycare to continue the mission that they started with. He asked Council to give these people the opportunity to continue on with their lives and continue serving the community as they have been.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by the following individuals:

- Ms. Yolanda Solis wrote to support the continuation of the daycare facility affected by the zoning change. She asked Council to vote in favor of the zoning change.
- Mr. Steven Bernal wrote in support of the day care facility. He wrote that in fifteen years he has not heard or seen anything negative regarding the daycare.
- Ms. Roberta Bernal wrote in favor of keeping the learning center open. She expressed pride in having the facility in the neighborhood.

Councilmember Wolff, on behalf of Councilmember Perez, made a motion to continue Item Z-7 for 2 weeks. Councilmember McNeil seconded the motion.

The motion to continue prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

Item Z-7 was continued two weeks.

Z-8. ZONING CASE # Z2006179 CD (District 4): An Ordinance changing the zoning district boundary from "C-2NA" Commercial Nonalcoholic Sales District to "C-2NA" (CD-Meat Processing Facility) Commercial Nonalcoholic Sales District with Conditional Use for a Meat Processing Facility on Lot 6, Lot 7, Lot 8 and Lot 9, Block 60, NCB 7990, 1510 West Southcross, as requested by Hector Ramirez, Applicant, for Hector Ramirez, Owner. Staff and Zoning Commission recommend Approval with conditions.

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

Councilmember Wolff, on behalf of Councilmember Perez, made a motion to approve the proposed rezoning case with conditions. Councilmember Gutierrez seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

2006-10-05-1174

Item Z-8. 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 6 THROUGH 9, BLOCK 60, NCB 7990 FROM "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2 NA" (CD-MEAT PROCESSING FACILITY) COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH CONDITIONAL USE FOR A MEAT PROCESSING FACILITY.

Z-9. ZONING CASE # Z2006225 (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Dwelling, Two-Family) Residential Single-Family District with Conditional Use for Two-Family Dwellings not exceeding 14 units per acre on Lot P-11B, P-29A, P113A, and NCB

17975, 8100 Block of Kyle Rote as requested by Trinity Construction and Development, Applicant, for Floyd Carter, Owner. Staff and Zoning Commission recommend Approval with the conditions.

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

Councilmember Guajardo made a motion to approve the proposed rezoning case with special conditions. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Hall, Haass.

2006-10-05-1175

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 P-11B, LOT P-29A AND LOT 113A, NCB 17975 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6" (CD-DWELLINGS, TWO-FAMILY) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR TWO-FAMILY DWELLINGS NOT EXCEEDING 14 UNITS PER ACRE.

Z-12. ZONING CASE # Z2006070 (District 9): An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to PUD "R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District. on 6.8317 acres out of NCB 15671, 18851 Redland Road as requested by Gamez Family Limited Partnership, Applicant, for Northeast Armstrong McCall, Inc., Owner. Staff and Zoning Commission recommend Approval.

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

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

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Wolff, Mayor Hardberger. **NAYS:** Guajardo. **ABSENT:** Perez, Hall, Haass.

Item Z-12. 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 6.8317 ACRES OUT OF NCB 15671 FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO PUD "R-6 ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

Mayor Hardberger recessed the meeting at 4:30 pm.

Mayor Hardberger reconvened the Regular Session at 5:25 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- A Proclamation for the San Fernando Health Fair. The 16th Annual San Fernando Health and Safety Fair will be held on Saturday, October 7, 2006 on the grounds of the San Fernando Cathedral from 8:00 a.m. to 1:00 p.m. Over 50 physicians and dentists, nearly 300 health care professionals, and more than 150 community workers will join together at this event to offer a variety of free screenings. Examines being offered include cholesterol, blood pressure, vision, dental, podiatry, dermatology, prostate, and diabetes. Follow-up care will now be provided through the Cathedral's new free Health Care Clinic Facility located at the new AT&T San Fernando Community Center.
- A Proclamation for the Case Management Society. The Case Management Society of South Texas will celebrate the 7th year of National Case Management Week, October 8-14, 2006. This weeklong celebration serves to educate the public about case management and to increase recognition of the significant contributions of case managers to quality healthcare for the patient, healthcare provider, and payer.
- A proclamation for the MS Buddy Walk. The Down Syndrome annual "Buddy Walk" will be held on Saturday, October 7, 2006 at Ft. Sam Houston. This event is part of "Down Syndrome Awareness Month," celebrated during the month of October. Proceeds from the walk will benefit the Down Syndrome Association of San Antonio, and provide information and support to families and friends of children and adults with Down Syndrome.

Mayor Hardberger recessed the meeting 5:45 pm.

Mayor Hardberger reconvened the regular session at 6:15 pm.

Citizens to be Heard

The following citizen(s) appeared to speak:

Mr. Hal McCloskey, 920 Camaron, Riverwalk Vendors Association, referenced an article that was published in the San Antonio Current. He stated that not all of the businesses on the Riverwalk are anti-vending.

Mr. Michael John, 238 Tawsyl Dr., Riverwalk vendor, requested a vending permit for the service level of the Riverwalk. He stated that he was denied a permit through Parks and Recreation. He also stated that the City Clerk was not following the appeal process.

Ms. Colleen Frost, PO Box 2361, spoke to the pride and accomplishment of assisting a young man who is now going to college. She asked Council to support her project.

Ms. Paula Howard, 500 Tomar, spoke to the lack of police accountability. She suggested that an outside source discipline police officers. She also urged Council to provide funding or training on anger management and sensitivity training. Lastly, she expressed concern with police officers who are out in the community with an air of arrogance.

Ms. Andrea Terrell, 107 Thomas Jefferson, spoke to the noise problems in her neighborhood. She expressed concern with the large number of vehicles that drive up and down the street with loud music. She also stated that from 12 am to 3am she can hear cars and people who are coming out of the clubs. She asked Council to do something about the high noise level.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., cited a newspaper article about the threat of water contamination in San Antonio. He also cited an article that was published in La Prensa concerning El Santo Nino de Atocha.

Mr. Mark Perez, 119 Hardman, spoke about a chemical spill that took place in 2005. He stated that the company who was responsible for the spill was finally shut down by the San Antonio Fire Department. He also asked why it took so long to shut them down.

Mr. Nick Calzoncit, 66 Brees #114, spoke to the Ku Klux Klan and the negative influence they have had in San Antonio and Harlandale. He urged Council to become involved in and correct the situations that have taken place.

Mr. Faris Hodge, Jr., 140 Dora, asked Council to allow citizens to see Council minutes before they are approved. He also spoke to the lack of minorities in certain City departments.

Mr. Daniel Gonzales, 6900 San Pedro Ste. 147, Roses by Dan Dan, stated that there is a conspiracy within the Parks and Recreation Department concerning vending permits. He stated that since he was denied a permit he is forced to sell his roses at the street level of the Riverwalk, which is not a safe area. He stated that he was fearful to continue selling in this area because he had already been attacked.

ADJOURNMENT

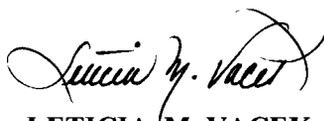
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:45 p.m.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk