

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, JUNE 20, 2007 AND THURSDAY, JUNE 21, 2007**

The San Antonio City Council convened in a Work Session at 3:00 pm, Wednesday, June 20, 2007, Municipal Plaza Building with the following Councilmembers present: McNeil, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **ABSENT:** Cisneros and Gutierrez.

**1. PRESENTATION BY THE LIBRARY DISTRICT COMMISSION OF ITS FINAL REPORT WITH FINDINGS AND RECOMMENDATIONS RELATED TO THE LIBRARY DISTRICT INITIATIVE.**

Mr. John "Chico" Newman, Library District Commission Chair, presented the history of the Library District and noted State Legislation that allowed for the creation of a Library District. He commented on a report released in 2004 by the Library Foundation noting the importance of developing sustainable funding for the Library System. Lastly, Mr. Newman spoke on the per capita funding that the City of San Antonio currently allots for the Library System in comparison to other cities in Texas.

Mr. Dennis Martinez, Past Chair of the San Antonio Library Foundation, outlined possible methods of funding for the Library District to include a sales tax and property tax increase. Mr. Martinez noted that it was anticipated that the Library District would receive \$21 million annually in revenue from a proposed 1/8 sales tax increase. He recommended using 60% of revenues generated for operational expenses and 40% for maintenance expenses. Lastly, Mr. Martinez presented the recommendations made by the Library District Commission which included appointing a Library District Board, approve funding, pursuing a sales tax election in November 2008, and transitioning governance and operation of the San Antonio Public Library to the San Antonio/Bexar County Library District.

Mayor Hardberger thanked Messrs. Newman and Martinez for their presentation.

There being no further discussion, the meeting was adjourned the meeting at 4:30 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, June 21, 2007 at 9:00 am in the City Council Chambers.

The Invocation was delivered Bishop Brent M. Bryant, Pastor, Redeeming Grace Baptist Church. Guest of Councilmember Sheila McNeil, District 2.

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

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum present with the following present: Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger.

## MINUTES

Councilmember McNeil made a motion to approve the minutes of the May 30-31, 2007 Regular City Council Meeting. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros.

## ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

### **2007-06-21-0697**

Item 4. AN ORDINANCE SELECTING CLARK CONSTRUCTION GROUP, LLC/THOS. S. BYRNE, A JOINT VENTURE, AS THE BEST VALUE CONTRACTOR FOR THE CONSTRUCTION MANAGER AT RISK AT SAN ANTONIO INTERNATIONAL AIRPORT; ACCEPTING THEIR PROPOSAL FOR PRE-CONSTRUCTION SERVICES, AND AWARDING A CONTRACT IN AN AMOUNT UP TO \$3,759,633.00.

Councilmember McNeil moved to adopt the proposed ordinance. Councilmember Gutierrez seconded the motion.

Mr. Mark Webb, Aviation Department Director, presented the Council with the benefits of using the Construction Manager at Risk concept for the Airport Expansion Construction Project. He noted that the Airport needed to be expanded in order to accommodate the increase in passengers, cargo, air carriers, and frequency of non-stop flights. Mr. Webb stated that the scope of the Expansion Project incorporated the construction of two new terminals, the expansion of airport runways, and upgrades to the central utility plant and baggage screening area. He added that the Construction Project would be completed utilizing the Construction Manager at Risk Concept since said concept resulted in better control of construction costs, achievement of SBEDA goals, accountability, communication, and time management. Mr. Webb mentioned that having all parties involved in the Project from the beginning helped to compress the over-all construction schedule since some projects could be completed simultaneously.

Mayor Hardberger asked Mr. Webb to provide funding information on said Expansion Project. Mr. Webb stated that the Airport Expansion Project was being funded via airline fees, car rental fees, parking fees, passenger facility charges, and Bonds. It was noted that said Project was not being funded through the City's General Fund.

Mr. Webb noted that overall construction for the Expansion Project was scheduled to be completed in 2012. He noted that the following projects would be under way or completed by mid May, 2009: 2,800 space parking garage and road way construction would be 60-75% complete, Terminal B would be a few months short of being 100% complete, Terminal C construction was expected to begin, Runway expansion would be underway, In-line Baggage in Terminal 1 would be complete, and the advertising program would be underway.

Councilmember Radle requested Mr. Webb present Council with a SBEDA Score Card on the awarding

contractor. Mr. Webb stated that he would update the Council with the requested information as related contracts were presented to Council for approval.

Councilmember Clamp applauded Mr. Webb and City Manager Sculley for utilizing the Construction Manager at Risk concept. He noted that said concept should be utilized on all construction projects. Additionally, Councilmember Clamp requested for periodic updates of the construction schedule.

The motion prevailed by the following vote: **AYES:** McNeil, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros and Gutierrez.

### **POINT OF PERSONAL PRIVILEGE**

At this time, Mayor Hardberger introduced Councilmembers-elect Lourdes Galvan, Council District 5, and Diane Cibrian, Council District 8.

Councilmember Hall congratulated Councilmember Gutierrez on the birth of his new daughter.

The City Clerk read the following Ordinance:

#### **2007-06-21-0698**

Item 5. AN ORDINANCE APPROVING THE PAYMENT OF \$2,667,000.00 FROM 2007 PARKS BOND FUNDS FOR THE PURCHASE, SUBJECT TO APPROVAL BY THE PLANNING COMMISSION, OF APPROXIMATELY 13.72 ACRES OF LAND WITH IMPROVEMENTS LOCATED IN DISTRICT 8 FROM THE ESTATE OF GILBERT DENMAN AND APPROVING AN OPTION CONTRACT FOR THE PURCHASE OF THE REMAINING APPROXIMATELY 6.55 ACRES OF ADJACENT PROPERTY PENDING THE IDENTIFICATION OF FURTHER FUNDING.

Councilmember Herrera moved to adopt the proposed ordinance. Councilmember McNeil seconded the motion.

Deputy City Manager Pat DiGiovanni provided the Council with background information on the land acquisition which included development options for said property and the future purchase of additional adjacent land. He stated that the purchase of said property was consistent with recommendations stated in the Parks and Recreation Strategic Plan and would be purchased with funds from the 2007-2012 Bond Program. Lastly, Mr. DiGiovanni stated that the City intended to maintain the beauty of the entire site by establishing an endowment fund to maintain the home and the grounds.

Mr. Randy Murdoch, Parks and Recreation Board member, addressed the Council and stated that the Board was in support of said ordinance because the City was underdeveloped in parkland, especially near the Medical Center.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros.

## **POINT OF PERSONAL PRIVILEGE**

Councilmember Cortez spoke on Item 12 at this time. He thanked the San Antonio Parks Foundation for their donation and for recognizing the importance of securing and maintaining parkland in District 4.

Councilmember Gutierrez thanked all District 3 Board members for their service to the District and to the City of San Antonio. As a token of his appreciation, he noted that he would be re-appointing all District 3 Board members.

## **CONSENT AGENDA: Items 6-23M**

Consent Agenda Items 10, 19A, 19B, 22, and 23M were pulled for Individual Consideration. Councilmember McNeil made a motion to approve the remaining Consent Agenda Items. Councilmember Radle seconded the motion.

Mr. Jack Finger, P.O. Box 12048, addressed the Council and spoke on Items 16 and 13. Regarding Item 16, Mr. Finger asked why the City was paying \$147,000 to someone who was injured at a Fire Station. He noted that the woman was not supposed to be at the Fire Station in the first place and that the injury was self-inflicted. As it relates to Item 13, Mr. Finger noted that several Councilmembers have received campaign contributions from Ms. Rosemary Kowalski resulting in a conflict of interest.

The City Clerk read two written testimonies from Mr. Farris Hodge, Jr., 140 Dora. For Item 6, he wrote that the City did not need a Library Improvement District because Bexar County was not helping the City pay for services. He said that the City and County should combine Police forces and school taxes should be lowered. As it relates to Item 8, Mr. Hodge thanked the City for making needed improvements to the Alamodome sound system and requested the City name the Alamodome after him. He explained that facilities should be named after people while they are alive and able to enjoy the honor.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros.

### **2007-06-21-0699**

Item 6. 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 \$1,352,400.00, INCLUDING: (A) LIBRARY CASSETTE ALBUMS, MEDIA AND AUDIO SUPPLIES (B) SOLAR SCHOOL FLASHER PARTS (C) SYSTEMS FURNITURE, FREESTANDING FURNITURE, SEATING, FILING, EQUIPMENT, AND RELATED SUPPORT SERVICES (D) VEHICLE REFUELING.

### **2007-06-21-0700**

Item 7. AN ORDINANCE ACCEPTING THE OFFER FROM CENTURY INDUSTRIES, LLC, UTILIZING THE TEXAS MULTIPLE AWARD SCHEDULE CONTRACT # 7-78010, TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH TWO MOBILE SHOW STAGES FOR A COST OF \$199,209.00, FUNDED BY THE CULTURAL COLLABORATIVE, THROUGH THE OFFICE OF CULTURAL AFFAIRS AND THE VEHICLE REPLACEMENT PROGRAM.

**2007-06-21-0701**

Item 8. AN ORDINANCE ACCEPTING THE BID FROM THE WHITLOCK GROUP IN THE AMOUNT OF \$1,745,712.87 FOR ALAMODOME SOUND SYSTEM IMPROVEMENTS, INCLUDING LABOR, MATERIALS, AND EQUIPMENT TO UPGRADE AND REPLACE THE REMAINING SOUND SYSTEM; AUTHORIZING A PROJECT BUDGET OF \$1,845,712.87, INCLUDING A PROJECT CONTINGENCY OF \$100,000.00; APPROPRIATING \$1,145,712.87 IN 2005A CERTIFICATES OF OBLIGATION – ALAMODOME AND \$700,000.00 IN HOTEL MOTEL OCCUPANCY TAX SUBORDINATE LIEN REVENUE AND REFUNDING BOND SERIES 2004B.

**2007-06-21-0702**

Item 9. AN ORDINANCE ACCEPTING THE BID FROM SAN ANTONIO BRAKE TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH NINE ROLL-OFF CONTAINERS TO BE USED FOR TIRE AND BRUSH RECYCLING AND COLLECTION OPERATIONS FOR A COST OF \$73,161.00, FROM 2007 REGIONAL SOLID WASTE PASS-THROUGH GRANT FUNDS.

**2007-06-21-0704**

Item 11. AN ORDINANCE AUTHORIZING ISSUANCE OF A \$208,381.54 JOB ORDER TO JAMAIL & SMITH CONSTRUCTION FOR THE ROOF REPLACEMENT AND REPAIRS PROJECT FOR THE TOBIN LIBRARY AT OAKWELL, LOCATED AT 4134 HARRY WURZBACH ROAD IN CITY COUNCIL DISTRICT 10.

**2007-06-21-0705**

Item 12. AN ORDINANCE ACCEPTING A DONATION OF \$150,000.00 FROM THE SAN ANTONIO PARKS FOUNDATION AND APPROVING THE USE OF THOSE FUNDS FOR IN-HOUSE CONSTRUCTION BY PARKS AND RECREATION STAFF OF NEW ENTRANCE SIGNAGE, INTERPRETIVE TRAIL SIGNAGE, LANDSCAPING AND LIGHTING AS PART OF THE MEDINA RIVER PARK ENTRANCE PROJECT LOCATED IN DISTRICT 4.

**2007-06-21-0706**

Item 13. AN ORDINANCE APPROVING THE FIRST RENEWAL OF THE PARKING LEASE AGREEMENT WITH RK GROUP L.L.C. FOR A ONE-YEAR TERM COMMENCING JULY 1, 2007 AND TERMINATING ON JUNE 30, 2008.

**2007-06-21-0707**

Item 14. AN ORDINANCE RATIFYING THE SUBMISSION OF GRANT APPLICATIONS AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF GRANTS FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT, IN THE AMOUNTS OF \$122,247.23 FOR THE 2006 STATE HOMELAND SECURITY PROGRAM (SHSP), AND \$145,222.77 FOR THE LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM (LETPP), BOTH FOR THE PERIOD JULY 1, 2006 TO FEBRUARY 28, 2008; AND APPROVING A BUDGET COMPLEMENT.

**2007-06-21-0708**

Item 15. AN ORDINANCE REDUCING THE DISTRICT 2 ONE-TIME PROJECT FUNDS BY \$60,346.70 AND REALLOCATING THOSE FUNDS TO THE DISTRICT 2 HUMAN DEVELOPMENT SERVICES FUND (HDSF) ACCOUNT, TO BE DISTRIBUTED IN ACCORDANCE WITH THE HDSF PROCESS, AS REQUESTED BY COUNCILWOMAN SHEILA MCNEIL, DISTRICT 2.

**2007-06-21-0709**

Item 16. AN ORDINANCE AUTHORIZING PAYMENT OF THE AMOUNT OF \$147,000.00 FOR THE FULL AND FINAL SETTLEMENT OF THE LAWSUIT STYLED *GRACE ESTRADA V. CITY OF SAN ANTONIO*, IN CAUSE NO. 2005-CI-05462.

**2007-06-21-0710**

Item 17. AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$125,000.00 WITH CONVENTION SPORTS & LEISURE INTERNATIONAL TO CONDUCT AN EXPANSION FEASIBILITY STUDY OF THE HENRY B. GONZALEZ CONVENTION CENTER.

**2007-06-21-0711**

Item 18. AN ORDINANCE AUTHORIZING CERTAIN CITY PERSONNEL TO SIGN INSTRUMENTS FOR THE DISBURSEMENT OF CITY OF SAN ANTONIO, TEXAS FUNDS; CONTINUING AUTHORIZATION FOR THE USE OF FACSIMILE SIGNATURES UNDER CERTAIN CIRCUMSTANCES; RATIFYING THE SIGNATURES OF CERTAIN OFFICIALS IN THEIR POSITIONS; AND REPEALING ALL OTHER CONFLICTING ORDINANCES.

**2007-06-21-0714**

Item 20. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SAN ANTONIO AND CPS ENERGY TO JOINTLY DEVELOP A SHARED HIGH-SPEED COMMUNICATIONS WIDE AREA NETWORK FOR THE EMERGENCY OPERATIONS CENTER.

**2007-06-21-0715**

Item 21. AN ORDINANCE SELECTING KIMLEY-HORN AND ASSOCIATES, INC. FOR NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$135,500.00 FOR PROFESSIONAL SERVICES AND THE DEVELOPMENT OF A METHODOLOGY TO ACCURATELY ASSESS A DEVELOPER'S COST FOR REQUIRED MUNICIPAL INFRASTRUCTURE IMPROVEMENTS.

Item 23. CONSIDERATION OF DISTRICT AND AT-LARGE BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

- A. Appointing Sharon Jarmon (District 2) and reappointing Carlos Villarreal (District 3) to the Affirmative Action Advisory Committee for the remainder of unexpired terms of office commencing immediately and expiring May 31, 2009.
- B. Reappointing Theresa A. Ybanez (District 3) to the Arts and Cultural Advisory Committee (Category: Business) for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- C. Reappointing John Rodriguez (District 3) to the City Commission on Veterans Affairs for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- D. Reappointing Lori Mendez (District 3) to the Commission for Children and Families for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- E. Reappointing Gloria Flores (District 3) to the Disability Access Advisory Committee (Category: Consumer of Handicapped Services) for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009, and providing a waiver of term limits for this appointment.
- F. Reappointing Charles Barlett (District 3) to the Linear Creekway Parks Advisory Board and the Parks and Recreation Board for the remainder of unexpired terms of office commencing immediately and expiring May 31, 2009.
- G. Reappointing Antoniette "Toni" Moorhouse (District 3) to the Mayor's Commission on the Status of Women for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- H. Reappointing Annie Brown (District 3) to the San Antonio Commission on Literacy for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- I. Reappointing Jessica Garza and Justin Roy Aguillon (District 3) to the San Antonio Youth Commission for the remainder of unexpired terms of office commencing immediately and expiring May 31, 2009.
- J. Reappointing William White (District 3) to the Small Business Advocacy Committee for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- K. Reappointing Tom Daniels (District 3) to the Transportation Advisory Board (Category: Horse Carriage/Limousine) for the remainder of an unexpired term of office commencing immediately and expiring May 31, 2009.
- L. Reappointing Dolores Lott (District 2) to the Ethics Review Board for the remainder of an unexpired term of office commencing immediately and expiring April 25, 2009.

[CONSENT ITEMS CONCLUDED]

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-06-21-0703**

Item 10. AN ORDINANCE ACCEPTING BIDS FROM NORTHSIDE FORD, PLANET FORD 6, CALDWELL COUNTRY CHEVROLET, GRANDE TRUCK SALES AND GUNN DODGE TO PROVIDE THE FLEET MAINTENANCE AND OPERATIONS DEPARTMENT WITH 163 REPLACEMENT AND 30 ADDITIONAL LIGHT DUTY TRUCKS TO BE UTILIZED BY VARIOUS CITY DEPARTMENTS FOR A COST OF \$3,514,380.00.

Councilmember Radle moved to approve the proposed ordinance. Councilmember McNeil seconded the motion.

Councilmember Radle requested Ms. Sharon De La Garza, Assistant to the City Manger, outline the policy for purchasing new vehicles and the dilemmas the City faces. Ms. De La Garza noted the current fleet of vehicles utilized by the City incorporates vehicles that are hybrid and that operate on propane and diesel fuels. She stated that the City has always been interested in maximizing air quality initiatives when it comes to fuel.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros.

The City Clerk read the following Ordinances:

**2007-06-21-0712**

Item 19A. AN ORDINANCE AUTHORIZING THE RENEWAL AND EXTENSION OF THE FINANCIAL ADVISOR CONTRACT WITH COASTAL SECURITIES, INC., TO PROVIDE FINANCIAL ADVISOR SERVICES IN CONNECTION WITH THE CITY'S FINANCINGS FOR ONE (1) ADDITIONAL TWO-YEAR PERIOD UNDER THE SAME TERMS AND CONDITIONS COMMENCING OCTOBER 1, 2007 AND TERMINATING ON SEPTEMBER 30, 2009.

**2007-06-21-0713**

Item 19B. AN ORDINANCE AUTHORIZING THE RENEWAL AND EXTENSION OF THE FINANCIAL ADVISOR CONTRACT WITH ESTRADA HINOJOSA & COMPANY, INC., TO PROVIDE FINANCIAL ADVISOR SERVICES IN CONNECTION WITH THE CITY'S FINANCINGS FOR ONE (1) ADDITIONAL TWO-YEAR PERIOD UNDER THE SAME TERMS AND CONDITIONS COMMENCING OCTOBER 1, 2007 AND TERMINATING ON SEPTEMBER 30, 2009.

Mayor Hardberger noted that Councilmember Hall had recused himself from the vote and had excused himself from the meeting.

Councilmember Herrera moved to adopt the proposed ordinances. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros. **ABSTAIN:** Hall.

The City Clerk read the following Ordinance:

**2007-06-21-0716**

Item 22. AN ORDINANCE APPROVING AN AMENDMENT TO THE STREET MAINTENANCE SECTION OF THE ROLLING 5 YEAR INFRASTRUCTURE MANAGEMENT PLAN.

Councilmember Wolff moved to adopt the proposed ordinance. Councilmember Herrera seconded the motion.

Mr. Tom Wendorf, Public Works Director, stated that District 1 items would be pulled at this time and that all other information would remain. He stated that the District 1 items pulled would be addressed at a later time.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros.

The City Clerk read the following Ordinance:

**2007-06-21-0717**

23M. AN ORDINANCE APPOINTING MEMBERS AND ALTERNATES OF THE CITY COUNCIL TO THE METROPOLITAN PLANNING ORGANIZATION TRANSPORTATION POLICY BOARD.

Councilmember Hall moved to appoint Councilmembers Sheila McNeil, Philip Cortez, Justin Rodriguez, and Diane Cibrian to the Metropolitan Planning Organization Transportation Policy Board. No alternate members would be appointed. Councilmember Herrera seconded the motion.

Mr. Jack Finger, P.O. Box 12048, addressed the Council. He noted that the City's previous appointees to the Metropolitan Planning Organization (MPO) supported the development of toll roads. Additionally, the City's intent to appoint former Councilmembers to the MPO was illegal.

The City Clerk read a written testimony from Ms. Carol Shaw, 3335 Highline Trail, relating to Item 23M. Ms. Shaw stated that she was against appointing former councilmembers to the MPO since said action was illegal and unethical.

The City Clerk read a written testimony from Ms. Nikki Kuhns, 331 Twisted Wood, relative to Item 23M. Ms. Kuhns wrote that the Mayor hand-picked MPO appointees who supported the development of toll roads. She noted that the City Council would be known as the "Toll Road Council" if they do nothing to stop the development of toll roads.

The City Clerk read another written testimony from Mr. Mel Borel, 703 Turtle Hill, on Item 23M. Mr. Borel noted that appointing former councilmembers to the MPO board was illegal and gave the impression that new appointees could not perform satisfactorily.

Lastly, the City Clerk read a written testimony from Ms. Mary Hicks, 315 Ware Blvd., referencing Item 23M. Ms. Hicks stated that current MPO by-laws do not allow for alternates to serve on the board and that the Mayor intended to appoint boardmembers that support the development of toll road.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros.

### **POINT OF PERSONAL PRIVILEGE**

At this time, Mayor Hardberger thanked Councilmembers Radle and Hall for their service to the City and for being strong conscientious voices for the community and the environment. Mayor Hardberger stated that it had been a privilege and blessing for him to work with them the past two years.

### **Item 24. City Manager's Report**

City Manager Sculley also thanked Councilmembers Radle and Hall for their hard work and dedication.

Ms. Sculley reported on the following items:

The Economic Development Department implemented a new program with the intent in reaching out to existing companies within targeted industries. The goal is to meet with 100 companies within a 12 month period and entails meeting with officials to resolve issues that the company may have. To date, the Economic Development Department has met with 18 companies and presented several success stories.

The City Employee Survey has been mailed to the homes of all City employees. The intent of the survey is to provide feedback on how the City can improve communication throughout the City organization and on individual satisfaction working for the City. The goal is to conduct an employee survey every two years and to use the time in between to make improvements. The results are being sent to an outside company for analysis.

The Texas City Management Association Annual Conference is ongoing this week in San Antonio. The organization is dedicated to the highest standards of governance, leadership, and management of municipal organizations.

Councilmember Gutierrez directed Health Department staff to find funding for HIV Prevention Programs. He referenced an e-mail that was sent noting that the State of Texas was cutting funding for the program in the amount of \$500,000.

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the meeting at 10:53 am to convene in Executive Session and then break for lunch. He announced that the Council would go into executive session for the purposes of:

A. Deliberations and discussion relating to economic development negotiations and related legal issues in connection with a Texas A&M University Campus in San Antonio, pursuant to Texas Government Code Sections 551.087 (economic development) and 551.071 (consultation with attorney).

B. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Section 551.086 (competitive matters) and Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the City Council meeting at 2:00 pm and stated that the Council gave staff direction but had taken no action.

### **CONSENT ZONING**

Councilmember Wolff made a motion to approve the following rezoning cases noting that the Staff and Zoning Commission recommendation were to approve/continue. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

#### **CONTINUED TO AUGUST 30, 2007**

Z-12. **ZONING CASE # Z2007176 CD (District 2):** An Ordinance changing the zoning district boundary from "C-2" Commercial District and "MH" Manufactured Housing District to "C-2" (CD Warehousing) Commercial District with a Conditional Use for Warehousing on 3.42 Acres (Tract 14) out of NCB 17994, 7304 IH 10 East as requested by A Ngoc Nguyen, Applicant for A Ngoc Nguyen, Owner. Staff and Zoning Commission recommend Approval.

#### **2007-06-21-0728**

Z-13. **ZONING CASE # Z2007191 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "R-4" Residential Single Family District to "C-3" General Commercial District on 0.217 Acres out of NCB 10319 , 1878 Rigsby Avenue as requested by Desmond McAfee, Applicant for Louis Gawlik Jr. and Eugene L. Gawlik, Owners. Staff and Zoning Commission recommend Approval.

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: 0.217 ACRES OUT OF NCB 10319 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

#### **2007-06-21-0729**

Z-14. **ZONING CASE # Z2007211 (District 2):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "I-1" General Industrial District to "MF-33" Multi-Family District on 1.91 acres out of NCB 8696, 1318 Austin Hwy as requested by Brown, P. C., Applicant for Associated Investments, Owners. Staff and Zoning Commission recommend Approval.

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: 1.91 ACRES OUT OF NCB 8696 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

**CONTINUED TO AUGUST 30, 2007**

Z-15. **ZONING CASE # Z2007184 S (District 3):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-2" S Commercial District with Specific Use Permit for a Bingo Parlor on a 0.27 acre tract of land out of Lot A, Block 1, NCB 11949, 2103 Goliad Road as requested by Brown, P. C., Applicant for Goliad Pecan Valley Properties, Ltd., Owners. Staff and Zoning Commission recommend Approval.

**2007-06-21-0732**

Z-17. **ZONING CASE # Z2007204B (District 3):** An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District and "C-2" Commercial District to "R-5" Single-Family Residential District on Lots 5 through 15, Block 24, NCB 3199, 2810 Wade Street as requested by City of San Antonio, Applicant for Our Casas Resident Council, Inc., Owners. Staff and Zoning Commission recommend Approval.

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 5 THROUGH 15, BLOCK 24, NCB 3199 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "R-5" SINGLE-FAMILY RESIDENTIAL DISTRICT.

**PULLED BY STAFF**

Z-18. **ZONING CASE # Z2007165 CD (District 4):** An Ordinance changing the zoning district boundary from "R-6" Single Family Residential District to "C-2" (CD - Mini Warehouse) Commercial District with a Conditional Use for a Mini Warehouse on 2.423 acres out of NCB 16001, "C-2" Commercial District on 2.720 acres out of NCB 16001 and "C-1" Light Commercial District on 1.195 acres out of NCB 16001 on 5800 and 6900 blocks of Ray Ellison Boulevard as requested by SEDA Consulting Engineers, INC., Applicant for Moreno Family Investment CO., Owner. Staff and Zoning Commission recommend Approval with conditions.

**2007-06-21-0734**

Z-21. **ZONING CASE # Z2007210 (District 6):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on 3.430 acres out of NCB 15329, the 400-500 block of Richland Hills as requested by Brown, P.C., Applicant for Sanjay Misra, Owner. Staff and Zoning Commission recommend Approval.

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: 3.430

ACRES OUT OF NCB 15329 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

**[ZONING CONSENT ITEMS CONCLUDED]**

**ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

**2007-06-21-0718**

Z-1. **ZONING CASE # Z2007142 (District 7):** An Ordinance changing the zoning district boundary from "R-20" "NCD-3" Residential Single-Family Neighborhood Conservation District to "C-2NA" "NCD-3" General Commercial Neighborhood Conservation District on .372 acres of NCB 11543, 4902 Callaghan Road as requested by Mark Martinez, Applicant for Mark Martinez, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember Rodriguez moved to approve the proposed zoning case with conditions as agreed upon by the Neighborhood Association and the Property Owner. Said conditions are as follows: ingress and egress are to be created only on Callaghan, no curb-cuts on Horseshoe Bend, all outside lighting is to be directed onto the business property, and a privacy fence is to be erected on the rear side of property in order to act as a buffer between business development and abutting established residential development. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Wolff.

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: .4304 ACRES OUT OF NCB 11543 TO WIT: FROM "R-20" NCD-3 RESIDENTIAL SINGLE FAMILY NEIGHBORHOOD CONSERVATION DISTRICT-3 TO "C-2 NA" NCD-3 COMMERCIAL NON-ALCOHOLIC SALES NEIGHBORHOOD CONSERVATION DISTRICT-3.

**2007-06-21-0719**

P-1. **PLAN AMENDMENT # 07009 (District 7):** An Ordinance amending the land use plan in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of a 9.74 acre tract of land located at 6165 and 6239 Eckhert Road from Medium Density Residential to High Density Residential land use. Staff and Planning Commission recommend Approval. **(Associated Zoning Case Z2007146)**

Mr. Nina Nixon-Mendez read the proposed plan amendment.

Mr. Daniel Ortiz, attorney for applicant, addressed the Council and spoke in support of the Plan Amendment and associated Zoning Case. He highlighted restrictive covenants that were agreed upon by the developer. Such covenants include limits on the overall density of the area, balconies not

overlooking adjacent properties, limits on the number of units per floor, the composite of fence materials, buffers, and building set backs.

Mr. Jerry Arredondo, 6322 Sovereign, addressed the Council and spoke in support of said Plan Amendment and associated Zoning Case. He thanked all parties involved.

Mr. Grant Gaines, Earl and Associates, addressed the Council and spoke in support of said Plan Amendment and associated Zoning Case.

Councilmember Rodriguez moved to approve the proposed plan amendment with a variance for the erection of a fence up to 8-feet in height on said property. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

#### **2007-06-21-0720**

**Z-2. ZONING CASE # Z2007146 (District 7):** An Ordinance changing the zoning district boundary from "RE" Residential Estate District to "C-2" Commercial District on Lot 5, Block E, NCB 14657 and to "MF-33" Multi-Family District on Lot 8 and Lot 9, Block E, NCB 14657 6065, 6165 and 6239 Eckhart Road as requested by Brown, P.C., Applicant, for Salehi Family Ltd., Florencia G. Quiroga and Frances N. Barton, Owner(s). Staff and Zoning Commission recommend Approval pending plan amendment.

Councilmember Rodriguez moved to approve the proposed zoning case with a variance for the erection of a fence up to 8-feet in height on said property. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

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 5, LOT 8 AND LOT 9, BLOCK E, NCB 14657 TO WIT: FROM "RE" RESIDENTIAL ESTATE DISTRICT TO "C-2" COMMERCIAL DISTRICT ON LOT 5, BLOCK E, NCB 14657 AND "MF-33" MULTI-FAMILY DISTRICT ON LOT 8 AND LOT 9, BLOCK E, NCB 14657 WITH CITY COUNCIL AUTHORIZATION FOR A FENCE NOT EXCEEDING EIGHT (8) FEET IN HEIGHT ALONG THE REAR PROPERTY LINE IN ACCORDANCE WITH SECTION 35-514 (A)(2)(E) OF THE UNIFIED DEVELOPMENT CODE.

#### **2007-06-21-0721**

**Z-3. ZONING CASE # Z2007045 (District 8):** An Ordinance changing the zoning district boundary from "DR" ERZD Development Reserve Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on 67.73 acres out of CB 4533, CB 4540, CB 4543 and CB 4547 (NCB 14866), "C-1" ERZD Light Commercial Edwards Recharge Zone District on 12.7178 acres out of CB 4533, CB 4540, CB 4543 and CB 4547 (NCB 14866) and "R-6" ERZD Residential Single Family Edwards Recharge Zone District on 5.441 acres out of CB 4533 and CB 4543 (NCB 14866), 8000 Block

of Hausman Road; 8455 West Loop 1604; 8050 Green Glen Drive as requested by Brown, P.C., Applicant for H. Kyle Seale, Daniel Kyle Seale, H. Kyle Seale Family Properties, Ltd., Owners. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

The City Clerk read written testimony from Mr. Richard Alles. Mr. Alles stated that it would be difficult to develop the property with an impervious cover of 50% or greater and recommended that the Council protect the aquifer and neighborhood by voting against said zoning case.

Ms. Jennifer Knottingham, P.O. Box 470, addressed the Council and spoke against Items Z-3 and Z-4. She referenced an article that appeared in the *Express News* regarding the City South Development. Ms. Knottingham asked why the City was regulating development in the Southern part of Bexar County but not in Northwest Bexar County.

Mr. Eric Hall, 8747 Eagle Peak, addressed the Council and spoke against said zoning change. He stated that he recently purchased a home in the area. After said purchased, he was informed that the surrounding area was going to be developed. Mr. Hall stated that the Seale Family was dishonest to homeowners by not fully disclosing the intent to develop the area abutting the residential area. Lastly, he stated that property values would be negatively impacted by said development.

Mr. Ricardo Gibson, 420 Coyle Trail, addressed the Council and requested that the Council vote against said zoning change. He stated that the quality of life for him and his neighbors would decrease as a result of the development said zoning change would allow.

Mr. Chris Beal, Hills and Dales Homeowners Association, addressed the Council and noted that the Homeowners Association was in favor of said zoning change. He stated that the Seale Family had met the Association's restrictive covenants that were proposed.

Ms. Kim Barnfield, Somona Ranch Homeowners Association, addressed the Council and noted that the Homeowners Association also was in favor of said zoning change. She stated that the Seale Family had agreed to the deed restrictions that were proposed by the Association.

Ms. Laurie Geadar, representative of Challenge the Rezone, addressed the Council and spoke in favor of said rezoning change. She stated that the organization was now in favor of the zoning change since the Seale Family agreed to the covenants that were proposed.

Mr. Ron Green, Helotes Heritage Association, addressed the Council and spoke against said rezoning change. He stated that the organization was against said zoning change due to the environmental threat posed to the Edwards Aquifer. Mr. Green requested that the Council vote against said item.

Mr. Galen McQuillen, Greater Edwards Aquifer Alliance, addressed the Council and requested the Council to protect the Aquifer and Camp Bullis by voting against the rezoning changes. As part of the prepared statement, Mr. McQuillen noted that the City had provided an enhanced buffer zone surrounding the Toyota Plant. It was stated that the City should make the same designation for Camp Bullis.

Ms. Elizabeth Earnley, AGUA, addressed the Council and spoke against said rezoning change. She noted that since the zoning case was amended, homeowners were required to complete a second notice. Ms. Earnley requested the Council to continue the zoning case to allow homeowners more time to complete the notice. She continued by stating that the Edwards Aquifer needed to be protected.

Mr. Ross Laughead, Arbors at Sonoma Ranch Homeowners Association, addressed the Council and spoke in favor of said zoning change. He listed various conditions that the Seale Family agreed to meet.

Mr. Mark Brooks, 9115 Feather Bluff, addressed that the Council and spoke against said zoning change. He stated that the City had neglected to meet the needs of the homeowners since the City annexed the area in January 2006. Such issues include not providing traffic relief with the installation of traffic signals and widening of streets and not providing adequate Fire and Police protection to residents in the area. It was stated that development resulting from the proposed zoning change would only increase infrastructure concerns. Mr. Brooks requested that the City provide the same services that were proposed with the Toyota Plant.

Ms. Jennifer Brooks, 9115 Feather Bluff, addressed that the Council and spoke in favor of said zoning change.

Mr. David Klar, Sierra Club, addressed that the Council and spoke against said zoning change. He stated that the proposed impervious cover was inappropriate and threatened the Edwards Aquifer. Mr. Klar recommended that the Council vote against future up-zoning cases over the Aquifer even if the land was grandfathered and that the Council maintain the current residential zoning designation.

Mr. Ronald Parks, Hausman Unity, addressed the Council and spoke against said zoning change. He commented on how the City recently sent out second notices to the homeowners since a super majority was no longer needed. Mr. Parks stated that residential development was better than intense commercial development, especially when development threatens the Aquifer.

Mr. Ken Brown, attorney for Seale Family, addressed the Council and spoke in favor of said zoning change. He noted that due to the opposition, the zoning change proposed today was different than what the Seale Family originally applied for. He stated that the Seale Family had agreed to the conditions proposed by area Homeowner Associations. As such, new notifications were required to be sent to the homeowners to reflect the conditions. Most of these notifications were returned in favor of said zoning change. Mr. Brown requested that the Council approved said zoning change.

Councilmember Hall moved to approve the proposed zoning case with the deed restrictions agreed by the property owners and the 50% impervious cover. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Cortez, Herrera, Rodriguez, Hall, Wolff, and Clamp. **NAYES:** Cisneros, Radle, Mayor Hardberger. **ABSENT:** None.

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: 85.89 ACRES OUT OF CB 4533, CB 4540, CB 4543 AND CB 4547 (NCB 14866) TO WIT: FROM "DR" ERZD DEVELOPMENT RESERVE EDWARDS RECHARGE ZONE DISTRICT TO "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON 67.73 ACRES OUT OF CB 4533,

CB 4540, CB 4543 AND CB 4547 (NCB 14866), "C-1" ERZD LIGHT COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON 12.7178 ACRES OUT OF CB 4533, CB 4540, CB 4543 AND CB 4547 (NCB 14866) AND "R-6" ERZD RESIDENTIAL SINGLE FAMILY EDWARDS RECHARGE ZONE DISTRICT ON 5.441 ACRES OUT OF CB 4533 AND CB 4543 (NCB 14866).

**CONTINUED TO JUNE 28, 2007**

**Z-4. ZONING CASE # Z2007090 (District 8):** An Ordinance changing the zoning district boundary from RP" Resource Protection, "R-20" Residential Single Family District, "R-6" Residential Single Family District, "O-2" Office District, "C-3" General Commercial District, "C-3 R" Commercial Restrictive Alcohol Sales District, "I-1" General Industrial District, and "QD" (CD-Blasting and Asphaltic Concrete) Quarry District with a Conditional Use for Blasting and Asphaltic Concrete to "MPCD" Master Planned Community District on 835.471 acres out of NCB 14747, NCB 14853, NCB 14881, NCB 14882, NCB 17700, NCB 18331, NCB 18332, NCB 34760, NCB 34761, NCB 34763, NCB 34777, NCB 34778 and NCB 34781,15000 through 19600 Blocks of Interstate 10 West and 5000 Block of Loop 1604 North as requested by Brown, P.C., Applicant for Fourth Quarter Properties LXII, LP c/o Thomas Enterprises and Hooten Family Trust, Owners. Portions of this property are located within the "ERZD" Edwards Recharge Zone District and the "GC-1" Gateway Corridor Overlay District-1; however, the proposal does not include removing or altering the boundaries of either of these districts. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Mr. Bobby Perez, attorney for Forrest Crest Neighborhood Association, addressed the Council and spoke against said zoning change. He stated that his clients own property abutting the proposed development and would be meeting with the developer to negotiate deed restrictions.

Mr. Carroll Schubert, representing the Greater Chamber of Commerce, addressed the Council and spoke against said zoning change. He stated that military operations conducted at Camp Bullis would be compromised with the proposed development. As such, Mr. Schubert requested the Council to vote in a manner that addressed the encroachment concerns of Camp Bullis.

Mr. Paul Manor, former Commander of Camp Bullis, addressed the Council and spoke against said zoning change. He stated that training was integral for current combat units, especially night-vision training. Mr. Manor recommended that the Council place restrictions on the property to not impede military operations.

Mr. Phil Reidinger, Fort Sam Houston, addressed the Council and spoke against said zoning change. He stated that the proposed development would negatively impact military trainings conducted at Camp Bullis. Mr. Reidinger noted that increased ambient lighting would impact their night-vision training while land encroachment would impact the natural habit of endangered species. Additional concerns included the incompatibility of the land use as well as lack of appropriate buffers and protection to the Edwards Aquifer. Lastly, Mr. Reidinger stated that back in 1995 Camp Bullis presented to the Council a list of concerns regarding land encroachment. He requested the Council consider the negative impact said development would have on military operations.

Ms. Elizabeth Earnley, AGUA, addressed the Council and thanked the Council for the recent land purchase over the Edwards Aquifer. Additionally, she reiterated statements made by Councilmember Radle regarding the need to be consistent when changing aquifer zoning designations. Ms. Earnley

stated that the best way to protect the Edwards Aquifer was to approve the lowest impervious cover limitations.

Ms. Kara Hill, Bexar County Military Liaison, addressed the Council and spoke against said zoning change. She read a prepared statement from Bexar County Commissioners Court. Said letter noted concerns to training operations due to increased illumination from the proposed development, the possible threat to the Edwards Aquifer, and future land encroachment. Bexar County Commissioners requested that the City deny said zoning change.

Mr. Daniel Ortiz, attorney for the applicant, addressed the Council and spoke on the concerns presented by the area businesses and residents. He noted that the property owners were willing to address the concerns.

Councilmember McNeil read into the record a letter from Mr. Lyle Larson, Bexar County Commissioner and member of the Military Transformation Task Force. The Task Force recommended that the Council vote against said zoning change.

Councilmember Hall moved to continue the proposed zoning case to June 28, 2007. Councilmember Wolff seconded the motion

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

#### **CONTINUED TO AUGUST 2, 2007**

Z-5. **ZONING CASE # Z2007117 (District 8):** An Ordinance changing the zoning district boundary from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "O-1" ERZD Office Edwards Recharge Zone District on Lot 6, Lot 9 and Lot 10, Block 18, NCB 14728, 12037 Huebner Road, 4300 Moonlight Way 3 and 12000 Pebble Lane 1 as requested by Jerry Arredondo, Applicant for Alejandro Garcia II and Juan C Garza, Owners. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Mr. Jerry Arredondo, representative for applicant, addressed the Council and requested the Council continue said zoning case.

Councilmember Hall moved to continue the proposed zoning case to August 2, 2007. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, Cortez, Radle, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** McNeil, Gutierrez, and Herrera.

#### **2007-06-21-0722**

Z-6. **ZONING CASE # Z2007123 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" Commercial District on Lot 38, Block 9, NCB 14709, 6348 Prue Road as requested by Roy Horn, III, Applicant for San Man, Inc., Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember Hall moved to approve the proposed zoning case. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

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 38, BLOCK 9, NCB 14709 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**2007-06-21-0723**

Z-7. **ZONING CASE # Z2007124 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" Commercial District on 2.41 acres out of Lot 9, Block 9, NCB 14709, 6300 Prue Road as requested by Roy Horn, III, Applicant for Howard and Marjorie Love, Owners. Staff recommends Denial and Zoning Commission recommends Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember Hall moved to approve the proposed zoning case. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

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: 2.41 ACRES OUT OF NCB 14709 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**2007-06-21-0724**

Z-8. **ZONING CASE # Z2007125 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "O-1" Office District on 0.998 acres out of NCB 14709, 6385 Old Babcock Road as requested by Roy Horn, III, Applicant for Caleb and Judy Windham, Owners. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember Hall moved to approve the proposed zoning case. Councilmember Radle seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez.

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: 0.998 acres out of NCB 14709 TO WIT: From "R-6" Residential Single Family District to "O-1" Office District.

**2007-06-21-0725**

Z-9. **ZONING CASE # Z2007153 CD (District 8):** An Ordinance changing the zoning district boundary from "R-6" GC-1 Residential Single Family Gateway Corridor Overlay District-1 to "C-2" (CD-Hotel) GC-1 Commercial Gateway Corridor Overlay District-1 with a Conditional Use for a Hotel on Lot P-34A, NCB 34732 , 23700 Block of IH-10 West/ 24000 Block of Cielo Vista Drive as requested by Kaufman and Associates, Inc., Applicant for Tsu Ping Chiao and Edna T. Chiao, Owner. Staff and Zoning Commission recommend Approval with Conditions.

Mr. John Jacks presented the proposed zoning case.

Mr. Jack Finger, P.O. Box 12048, addressed the Council and recommended for Councilmembers to vote against Items Z-3, Z-4, and Z-9. Mr. Finger stated that the proposed zoning change to C2 for Item Z-7 was too intensive and inconsistent with the Neighborhood Plan.

Councilmember Hall moved to approve the proposed zoning case with deed restrictions and the conditions recommended by the Zoning Commission. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

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-34A, NCB 34732 TO WIT: FROM "R-6" GC-1 RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR OVERLAY DISTRICT-1 TO "C-2" (CD-HOTEL) GC-1 COMMERCIAL GATEWAY CORRIDOR OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR A HOTEL SAVE AND EXCEPT A 20 FOOT STRIP ALONG THE FRONTAGE OF CIELO VISTA DRIVE, EXCLUDING THE NORTHERNMOST 30 FEET PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2007-06-21-0726**

Z-10. **ZONING CASE # Z2007145 (District 2):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "C-3 NA" Commercial Non-Alcoholic Sales District on Lot 4, Block 27, NCB 10328, 425 Hampton Street as requested by Albert Rodriguez, Applicant for Albert Rodriguez, Owner. Staff and Zoning Commission recommend approval of "C-2".

Mr. John Jacks presented the proposed zoning case.

Councilmember McNeil moved to approve the proposed zoning case with the zoning designation of C2-CNA. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

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 4, BLOCK 27, NCB 10328 TO WIT: FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 NA" (CD-MOTOR VEHICLE SALES) COMMERCIAL NON-ALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2007-06-21-0727**

Z-11. **ZONING CASE # Z2007161 (District 2):** An Ordinance changing the zoning district boundary from "C-2 NA" Commercial Nonalcoholic Sales District to "C-3 NA" General Commercial District, Nonalcoholic Sales on Lot 1 and Lot 2, Block 29, NCB 1033, 601 Roland Avenue, as requested by Carlos M. Rivera, Applicant for Carlos M. Rivera, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember McNeil moved to approve the proposed zoning case. Councilmember Cisneros seconded the motion.

Mr. Antonio Gonzalez addressed the Council and spoke in favor of the proposed zoning change. He explained that said rezoning was necessary since the property owner intends on opening a muffler shop.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Hall.

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 AND LOT 2, BLOCK 29, NCB 10330 TO WIT: FROM "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

**2007-06-21-0730**

P-2. **PLAN AMENDMENT # 07015 (District 3):** An Ordinance amending the land use plan in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of a 47.23 acre tract of land located at 6711 S. New Braunfels from Mixed Use & Parks/Open Space to Regional Commercial land use. Staff and Planning Commission recommend Denial. (**Associated Zoning Case Z2007199**).

Mr. Nina Nixon-Mendez presented the proposed plan amendment.

Councilmember Gutierrez moved to approve the proposed plan amendment. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

**2007-06-21-0731**

Z-16. **ZONING CASE # Z2007199 (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "C-3" General Commercial District on 47.23 acres out of NCB 10934, 6711 South New Braunfels Avenue as requested by Brown, P.C., Applicant for James Allen, Owner. Staff recommends Denial. Zoning Commission recommendation pending June 19, 2007 meeting.

Mr. John Jacks presented the proposed zoning case.

Councilmember Gutierrez moved to approve the proposed zoning case. Councilmember Cortez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

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: 47.23 ACRES OUT OF NCB 10934 TO WIT: FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

**2007-06-21-0733**

Z-19. **ZONING CASE # Z2007174 CD (District 4):** An Ordinance changing the zoning district boundary from "R-6" Single-Family Residential District to "C-2" (CD-Contractor's Facility) Commercial District with Conditional Use for a Contractor's Facility on a 4.823 acre tract of land out of NCB 11104, 3906 Commercial Avenue as requested by Melba Sanchez, Applicant for Margarito Sanchez, Jr. and Melba Sanchez, Owners. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember Gutierrez moved to approve the proposed zoning case. Councilmember Cortez seconded the motion.

Mr. Raul Perez, addressed the Council and spoke in favor of said zoning case.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Cortez, Radle, Herrera, Rodriguez, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Hall.

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: 4.823 ACRE TRACT OF LAND OUT OF NCB 11104 TO WIT: FROM "R-6" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "C-2" (CD-CONTRACTOR'S FACILITY) COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A CONTRACTOR'S FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**CONTINUED TO AUGUST 2, 2007**

Z-20. **ZONING CASE # Z2007186 (District 5):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "C-1" Light Commercial District on Lot 12, Block 6, NCB 6748, 111 Brady Boulevard as requested by Celia Ordonez, Applicant for Celia Ordonez, Owner . Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed zoning case.

Councilmember Radle moved to continue the proposed zoning case to August 2, 2007. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Radle, Herrera, Rodriguez, Hall, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**[INDIVIDUAL ZONING ITEMS CONCLUDED]**

Mayor Hardberger recessed the meeting at 4:58 pm until 6:00 pm at which time the Citizens to be Heard portion of the meeting would commence.

**CITIZENS TO BE HEARD**

Mayor Pro Tem Delicia Herrera presided over the meeting and addressed the Citizens to be Heard portion of the agenda.

**Citizens to be Heard**

Mr. Mark Perez, 119 Hardemen, addressed the Council and spoke on public safety, in particular the recent fire in Charleston, South Carolina. He noted that 9 firemen were killed battling this fire. He continued by stating that the City of San Antonio closed an investigation on a business that spilled 5 gallons of hazardous chemicals. Mr. Perez stated that the company continues to operate without a

proper hazmat permit and certificate of occupancy. Mr. Perez stated that the same individuals also own Mission Petroleum.

Ms. Adri Skye, 7038 Autumn Chase, addressed the Council and spoke on a proposal to provide accessible transportation. She stated that she and a business partner presented the City a proposal which outlined their intent to create the first 100% ADA compliant taxi cab company in San Antonio. Ms. Skye stated that the proposal was denied by Ground Transportation. However, the City issued regular permits to companies. She noted that having wheelchair accessible taxi cabs was a necessity for the community.

Ms. Pearl Gonzales-Shaw, worker at Parent Child Inc. (PCI) and union member of AFSCME Local 2399, spoke on the wages paid to PCI workers. She referenced studies that noted the disparity in wages paid to PCI teachers and local school teachers. Ms. Shaw stated that the Department of Community Initiatives responded by stating that PCI Teachers were paid adequately. She continued by outlining the irony in the City's willingness to pay its workers a living wage but not PCI Workers.

Ms. Jennifer Lopez Ritz, union member of AFSCME Local 2399, addressed the Council and spoke on child poverty. She noted various statistics on said topic and the mission of Head Start to alleviate said issue. She requested that the City increase funding for Head Start Programs.

Mr. Faris Hodge, 140 Dora, addressed the Council and spoke on the sexual discrimination lawsuit filed against the Police Department by two high-ranking women. He recommended that the City resolve the suit within the next 90 days.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council and spoke on religion. He stated that idolatry was a violation of the word of God.

Ms. Nikki Kuhns, 331 Twisted Wood, spoke on the appointment of the new Metropolitan Planning Organization Transportation Policy Board (MPO) members. She stated that the City and County were violating the Texas Constitution by loaning money in the amount of \$1.5 million to the MPO. Ms. Kuhns also stated that the MPO violated the Texas Open Meetings Act by not have the updated agenda posted on the MPO website despite having it posted at Bexar County.

## ADJOURNMENT

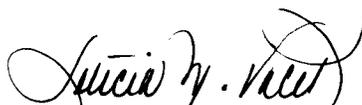
Mayor Pro Tem Herrera adjourned the meeting at 6:30 pm.

A P P R O V E D



PHIL HARDBERGER  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk