

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

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, AUGUST 24, AND THURSDAY, AUGUST 25, 2005**

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The City Council convened in an informal "B" Session on Wednesday, August 24, 2005 at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

**BUDGET WORKSESSION**

- Streets & Infrastructure

The Council members present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The "B" Session adjourned at 6:15 pm.

The Regular Meeting was called to order on Thursday, August 25, 2005 at 9:00 am by the Presiding Officer, Mayor Phil Hardberger, with the following members present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The Invocation was delivered by Pastor Statt Riddlebarger, District 4, Pearsall Road Baptist Church.

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

The minutes of the City Council meeting of August 11, 2005 were approved as presented.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

Item 5 is an Ordinance amending Section 33-981 of the San Antonio City Code to provide for a taxicab fare fuel surcharge.

Councilmember Perez made a motion to approve the proposed Ordinance for one week. Councilmember Flores seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke about the proposal and noted a pitfall. He stated if gas prices rise, the meters are adjusted; once gas prices fall, what is the incentive to then get the meter adjusted downward. He asked how the customer would even know the rate is not correct and that some automatic system be developed to adjust the meter downward.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101265

ACCEPTING THE LOW QUALIFIED BID OF YANTIS COMPANY IN THE AMOUNT OF \$7,175,737.00 TO PROVIDE CONSTRUCTION SERVICES FOR THE REMAIN OVER NIGHT (RON) APRON AND RELOCATION OF THE 30L LOCALIZER PROJECTS AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING CONSTRUCTION CONTINGENCIES IN AN AMOUNT NOT TO EXCEED \$333,787.00 AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH YANTIS COMPANY; APPROPRIATING FUNDS; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

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

Mr. Roland Lozano, Assistant City Manager, made a presentation on the Remain Overnight (RON) Apron Project, a copy of which is on file with the Office of the City Clerk. He stated this was part of the City's Five Year Capital Program, noted the base bid and Alternative 1 content, and outlined the contractors who bid on the project. He further outlined details of the construction contract, fiscal impact and the funding summary.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101266

ACCEPTING THE LOW QUALIFIED BID OF JERDON ENTERPRISE, L.P. IN THE AMOUNT OF \$5,638,500.00 TO PROVIDE CONSTRUCTION SERVICES FOR THE PROJECT 3-VOLUME 2-UTILITY RELOCATION FOR TERMINAL B PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING CONSTRUCTION CONTINGENCIES IN AN AMOUNT NOT TO EXCEED \$281,925.00 AND AUTHORIZING THE EXECUTION OF A CONSTRUCTION CONTRACT WITH JERDON ENTERPRISE, L.P.; APPROPRIATING FUNDS; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

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

Mr. Roland Lozano, Assistant City Manager, made a presentation on the Terminal Expansion project, a copy of which is on file with the Office of the City Clerk. He stated this work involved the temporary relocation of utilities in the footprint of the new Terminal B and which would make way for the permanent utility corridor. He outlined the bid process, cost estimate for this package, and the other major construction packages for 2005.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101267

AUTHORIZING THE ACCEPTANCE OF AN AIRPORT IMPROVEMENT GRANT IN THE AMOUNT OF \$7,646,366.00 FROM THE FEDERAL AVIATION ADMINISTRATION IN SUPPORT OF THE RESIDENTIAL ACOUSTICAL TREATMENT AND AIRSIDE APRON & UTILITIES PROGRAMS AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

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

Mr. Roland Lozano, Assistant City Manager, made a presentation on the AIP Grant from the Federal Aviation Administration, a copy of which is on file with the Office of the City Clerk. He stated this program grant would provide funding for the Acoustical Treatment Program (ATP) which would continue into year two and would fund acoustical treatment for 80-100 homes in noise impacted areas, and would also address Airside Apron and utilities. He further amplified on the projects' costs and funding sources.

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

**PUBLIC HEARING ON THE NEED TO CONTINUE THE YOUTH CURFEW ORDINANCE**

Mayor Hardberger declared the public hearing to be open.

Police Chief Albert Ortiz made a presentation on the Youth Curfew Ordinance, a copy of which is on file with the Office of the City Clerk. He outlined the history of the Curfew Ordinance, its objectives, requirements under the Local Government Code, and the Curfew process. He further detailed Curfew exceptions, punishments, statistics on the violations from 2002-2004, and Curfew assessments.

No citizens were signed to speak.

Mayor Hardberger declared the public hearing to be closed.

The City Clerk read the following ordinance:

**AN ORDINANCE 101268**

**APPROVING THE CONTINUATION OF THE YOUTH CURFEW ORDINANCE, AS ADOPTED THROUGH ORDINANCE NO. 74025, AS AMENDED BY ORDINANCE NOS. 76419, 79327 AND 86567.**

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 101269

AMENDING THE FINAL PROJECT AND FINANCING PLANS FOR THE TAX INCREMENT REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS KNOWN AS THE "INNER CITY TIRZ" TO ADD SEVEN PROJECTS SUBMITTED IN RESPONSE TO A REQUEST FOR PROPOSAL.

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

Mr. David Garza, Director of Neighborhood Action, made a presentation on the Tax Increment Reinvestment Zone Number Eleven (TIRZ #11), a copy of which .... He outlined the background on the TIRZ #11, the request for proposal process, the RFP process, and the proposals received. He further addressed the project plan amendments, fiscal impact, and the TIRZ Financing Plan.

Councilmember McNeil made an amendment to the motion to include the processing fee to be due until the end of this year. Councilmember Flores seconded the motion.

Mr. Eugene Simor, 1617 E. Commerce, stated this was an important project, adding that he had spoken to the property owners and that they were in favor of it. He further noted this would be a good project for the east side.

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

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

**CONSENT AGENDA - CITIZEN'S COMMENTS**

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke to item 29, City of San Antonio Vs. Alanis. He also spoke to item 19, and questioned Council in regards to the fee being paid to

Bracewell & Giuliani, L.L.P., and cited those Councilmembers that received campaign contributions from the legal firm.

### **CONSENT AGENDA**

Consent agenda items 12, 14, 18, and 23 were pulled for individual consideration. The remaining items 10 through 35J were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

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

#### **AN ORDINANCE 101270**

ACCEPTING THE LOW BID SUBMITTED BY SAN ANTONIO BRAKE AND CLUTCH TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH FOUR ROLL-OFF CONTAINERS FOR A TOTAL COST OF \$26,200.00, FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FY2005 REGIONAL SOLID WASTE PASS-THROUGH GRANT.

#### **AN ORDINANCE 101271**

ACCEPTING THE BID FROM RUSH TRUCK CENTER, UTILIZING THE TEXAS BUYBOARD CONTRACT, FOR ITEM 1, FOR A TOTAL OF \$70,986.00, AND FROM HEIL OF TEXAS, UTILIZING THE HOUSTON GALVESTON AREA COUNCIL OF GOVERNMENTS (HGAC) CONTRACT, FOR ITEM 2, FOR A TOTAL COST OF \$85,806.50 TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH RECYCLING TRUCKS, FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FY2005 REGIONAL SOLID WASTE PASS-THROUGH GRANT.

#### **AN ORDINANCE 101272**

ACCEPTING THE LOW BID SUBMITTED BY GETINGE USA, INC. TO PROVIDE THE HEALTH DEPARTMENT WITH ONE STEAM STERILIZER FOR A TOTAL COST OF \$46,526.40, FROM THE PUBLIC HEALTH PREPAREDNESS GRANT FUNDS.

AN ORDINANCE 101273

SELECTING LOCKWOOD, ANDREWS AND NEWNAM, INC. TO PROVIDE ENGINEERING SERVICES IN CONNECTION WITH THE SALADO CREEK HIKE AND BIKE, PHASE II PROJECT LOCATED IN COUNCIL DISTRICT 2, AUTHORIZING AN AMOUNT NOT TO EXCEED \$438,450.00; \$43,845.00 FOR PROJECT CONTINGENCY, AND \$33,761.14 FOR CAPITAL ADMINISTRATIVE COSTS, FOR A TOTAL AMOUNT OF \$516,063.14, FUNDED BY TRANSPORTATION EFFICIENCY ACT 21 (TEA 21) GRANT FUNDS PROPOSITION 3 FUNDS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

Item 16 being an ordinance authorizing the fee simple purchase of seventeen (17) properties located along Salado Creek and within Council Districts 2 and 10 that will add a total of 54.9009 acres of creekway linear park space for a total purchase price of \$228,100.00, under the Proposition Three Creekways Linear Parks Land Acquisition and Park Expansion project; authorizing \$8,836.00 in closing costs, for a total appropriated amount of \$236,936.00; appropriating funds; and providing for payment was pulled from consideration.

AN ORDINANCE 101274

AUTHORIZING PROPOSITION 3 CREEKWAY LINEAR PARKS LAND ACQUISITION AND PARK EXPANSION FUNDS IN THE AMOUNT OF \$1,142,222.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND EASEMENT INTERESTS AND FOR OTHER MISCELLANEOUS EXPENSES IN CONNECTION WITH THIRTY-TWO (32) PARCELS OF REAL PROPERTY LOCATED IN COUNCIL DISTRICTS 2 AND 6, AND DECLARING THE PROPOSITION 3 CREEKWAY LINEAR PARKS LAND ACQUISITION AND PARK EXPANSION PROJECT (PROJECT) TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF THE FEE SIMPLE TITLE INTEREST TO PRIVATELY OWNED REAL PROPERTY DESCRIBED BELOW, BY NEGOTIATIONS AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT, ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE ACQUISITION OF THE PROPERTIES AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL

COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING NEGOTIATIONS AND ACQUISITION OF THE FOLLOWING PROPERTIES ON THE APPROVED TERMS:

Lot	Block	NCB or County Block
	Gonafacio Rodriguez Survey No. 131 Tract A - 7.018 acre tract of land being the remaining portion of that 10.44 acre tract described in volume 3864, page 1431 of the real property records of Bexar County, Texas, "Exhibit D", said tract being in the Bonafacio Rodriguez Survey NO. 131, County Block 5078, Bexar County Texas	5078
	G. Rodriguez survey, No. 131, Tract A - 2.2.80 acre tract called 2.3075 acres re orded in volume 2449, page 1430 of the real property records of Bexar County, Texas, being a part of a 10.44 acre tract conveyed in volume 3864, page 1431 of the real property records of Bexar County, Texas, County Block 5078, G. Rodriguez survey, No. 131, Bexar County, Texas.	5078
	Guillermo Nunez Survey No. 151 & S.A. M.G.R.R., A 17.991 acre tract of land situation in the C.F. King Survey No. 15, abstract 395, the G. Nunez Survey No. 151 abstract 548 and the S.A. & M.G.R.R. Survey No. 152, abstract 719, Bexar County, Texas, and being all of a 17.507 acre tract of land as described in Volume 3364, page 182, Official Public Records of Real Property of Bexar County, Texas.	10573
17	23	10704
25	32	10713
7	34	10715
25 & 28	41	10722
1, 38, 39, 44, & 45	45	10726
20	4	10730
4	5	10731
	South irregular .130 of Tract A, Block 22 New City Blck 10732 an addition to the City of San Antonio, Bexar County, Texas, being known as 3640 Martin Luther King Dr.	10732

Arb D .149 acres out of the East irregular 127.8 of Abr D (.611) Blk 22 New City Block 10732, Grandview Addition, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in Volume 105, page 13, Deed and Plat Records of Bexar County, Texas	10732
The west 50 ft of north irregular 404.7 ft of Tract D or Arb Tract- D1, Block 22, New City Block 10732, Grandview Addition, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in Volume 105, page 13,	10732
The west 6.9309 acres out of Tract 2, Kahn and Gray Subdivision, as recorded in Volume 105, page 227, Deed and Plat records of of Bexar County and being out of New City Block 10749, an addition to the City of San Antonio, Texas	10749
Being 22.55 acres out of Tract 3 & 4, Kahn and Gray Subdivision, New City Block 10749, an addition to the City of San Antonio, Bexar County, Texas according to the map or plat thereof, recorded in Volume 105, Page 327, Deed and Plat Records of Bexar County	10749
All that certain tract or parcel containing 1.04 acres of land in the City of San Antonio, Bexar County, Texas, New City Block 10770, being a portion of that certain tract called 11 acres being a portion of that certain 12.95 acre tract described in conveyance from John H. Covington to Henry F. Hein of record in Volume 2391, Page 295, Deed Records of Bexar County, Texas	10770
8.76 Acres out of Maria Gertrudis De Alanis Survey Number 20, Abstract Number 22, New City Block 10770, in the City of San Antonio, Bexar County, Texas	10770
Being 20.991 acres out of Maria G. De Alanis Survey Number 20, Abstract Number 22, New City Block 10832, in the City of San Antonio, Bexar County, Texas	10832
Tract A - 4.654 acres, called 4.7213 acres in volume 5207, page 1407 of the official property records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey no. 131, New County Block 12174, Bexar County, Texas.	12174
Tract 9 - 1.690 acres, tract out of that original 104.83 acre tract recorded in volume 1803, page 593 of the deed records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey no. 131, New County Block 12174, Bexar County, Texas.	12174
Tract 10 - 0.733 acre tract, the remainder of a 1.232 acre tract recorded in volume 10933, page 2027 of the official property records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey no. 131, New County Block 12175, Bexar County.	12175

	Tract A - 4.579 acre tract out of that original remainder 30.55 acre tract recorded recorded in volume 2867, page 84 of the deed records of Bexar County, Texas, said tract being in the Gonafacio Rodriguez survey No. 131, New County Block 12175, Bexar County, Texas.	12175
6	3	16513
	Being 81.714 acres, more or less, out of Elizabeth Plunkett Survey Number 72, Abstract Number 573, New City Block 18083, San Antonio, Bexar County, Texas	18083
	Tract A - 0.802 acre of land being a variable width drainage easement as shown in volume 9529, page 144, of the plat records of Bexar County, Texas.	
	Tract 6 - 5.888 acres being the remaining portion of an 8.61 acre tract described in volume 3864, page 1431 of the real property records of Bexar County, Texas, "Exhibit A" said tract being in the Gonagacio Rodriguez Survey No. 131, Bexar County, Texas.	
	Tract 7 - 0.853 acre tract, the remainder of a 1.3916 acre tract recorded in volume 4168, page 550 of the deed records of Bexar County, Texas.	

AN ORDINANCE 101275

AUTHORIZING FUNDS IN THE AMOUNT OF \$20,598.40 FROM GENERAL OBLIGATIONS OF THE CITY PAYABLE TO BRACEWELL & GIULIANI, L.L.P., FOR LEGAL SERVICES NECESSARY TO THE REAL ESTATE ACQUISITIONS FOR THE FOLLOWING APPROVED CITY PROJECTS: BITTERS ROAD – WEST AVENUE TO HEIMER MPO PROJECT, LOCATED IN COUNCIL DISTRICT 9; BLANCO ROAD & JACKSON KELLER INTERSECTION MPO PROJECT, LOCATED IN COUNCIL DISTRICTS 1 & 9; CHERRY STREET DRAINAGE #15B PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 2; CULEBRA DRAINAGE PROJECT #58F PHASE II PROJECT, LOCATED IN COUNCIL DISTRICT 7; ESCALON STREET #1008 DRAINAGE PROJECT, LOCATED IN COUNCIL DISTRICT 3; HI-LIONS DRAINAGE #80 PHASES III & V, LOCATED IN COUNCIL DISTRICT 3; HOUSTON STREET – WALTERS TO ONSLOW MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; LADDIE PLACE DETENTION POND PROJECT, LOCATED IN COUNCIL DISTRICT 1; OCTAVIA DRAINAGE #63, PHASE II, PART I PROJECT, LOCATED IN COUNCIL DISTRICT 5; PECAN VALLEY – I.H. 10 TO J STREET MPO PROJECT, LOCATED IN COUNCIL DISTRICT 2; PLEASANTON ROAD – SOUTHCROSS TO MAYFIELD PROJECT, LOCATED IN COUNCIL DISTRICT 3; SAN ANTONIO RIVER IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 1; SOUTH FLORES DRAINAGE

#70-70A PHASE II-PART 3 PROJECT, LOCATED IN COUNCIL DISTRICT 4; WESTERN AVENUE DRAINAGE #74 IIIA PROJECT, LOCATED IN COUNCIL DISTRICT 9; W. W. WHITE-RIGSBY TO LORD ROAD PROJECT, LOCATED IN COUNCIL DISTRICT 2; THE FAY PHASE I COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROJECT, LOCATED IN COUNCIL DISTRICT 5; AND REVISING THE PROJECT BUDGETS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101276

AUTHORIZING 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$81,470.00 AND 2001 CERTIFICATES OF OBLIGATION IN THE AMOUNT OF \$170,718.00 FOR A TOTAL AMOUNT OF \$252,188.00 FOR THE ACQUISITION OF FEE SIMPLE TITLE AND/OR EASEMENT INTERESTS IN CONNECTION WITH THE EIGHT TRACTS OF LAND DESCRIBED BELOW; DECLARING THE STAHL AT O’CONNOR AND JUDSON PROJECT (THE “PROJECT”), A “PUBLIC PROJECT” LOCATED IN COUNCIL DISTRICT 10; DECLARING A PUBLIC NECESSITY AND PUBLIC PURPOSE FOR THE ACQUISITION OF THE FEE SIMPLE TITLE AND/OR EASEMENT INTERESTS TO OR IN THIS PRIVATELY OWNED REAL PROPERTY BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS A PART OF THE PROJECT; ALL PROPERTY BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS, AUTHORIZING THE NEGOTIATION AND ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; AUTHORIZING THE ACQUISITION OF THE PROPERTY; APPROPRIATING FUNDS FOR THE ACQUISITION AND OTHER MISCELLANEOUS EXPENSES SUCH AS APPRAISALS AND ATTORNEY’S FEES; AUTHORIZING THE CITY ATTORNEY AND/OR SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; ON THE APPROVED TERMS:

ACREAGE	LOT(S)	BLOCK	NCB
0.077	4	B	15705
0.005	6	15	16425
0.017	8	15	16425
0.014	10	15	16425
0.014	11	15	16425
0.014	12	15	16425
0.060	40	1	17759
0.022	1	1	17787

AN ORDINANCE 101277

AUTHORIZING PAYMENT IN THE AMOUNT OF \$3,350.00 TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR RUDY S. BENAVIDES AND WIFE, GLORIA M. BENAVIDES, FOR FEE SIMPLE TITLE TO ONE PARCEL (\$2,500.00) AND TITLE FEES (\$850.00), AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$500.00 TO JAMES W. PONTON, LLC FOR APPRAISAL SERVICES FOR A TOTAL AMOUNT OF \$3,850.00 IN CONNECTION WITH THE WINGATE/ORIENTAL/FLOYD DRAINAGE #1050 PROJECT, AN AUTHORIZED 1994 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 5; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101278

AUTHORIZING PAYMENT OF \$32,150.00 OF PREVIOUSLY APPROPRIATED 1999-2003 AND 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDS FOR THE ACQUISITION OF FEE SIMPLE TITLE TO ONE PARCEL OF LAND BEING DESCRIBED AS A 0.002 ACRE TRACT OF LAND, OR 92 SQUARE FEET OUT OF LOT 60, A STATE OF TEXAS TRACT A-72372 IN THE JUNE PARK ADDITION SUBDIVISION, SAN ANTONIO, BEXAR COUNTY, TEXAS, FOR A PUBLIC PURPOSE, NAMELY THE ACQUISITION, IMPROVEMENT AND MAINTENANCE OF THE ANSLEY BOULEVARD DRAINAGE #1091 PROJECT, LOCATED IN COUNCIL DISTRICT 4; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS AND EMPLOYEES OF THE CITY TO ACQUIRE SUCH PROPERTY; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS.

AN ORDINANCE 101279

AUTHORIZING THE RENEWAL AND EXTENSION OF THE LEASE AGREEMENT FOR THE DISTRICT 10 CONSTITUENT OFFICE FOR THE PERIOD OF SEPTEMBER 1, 2005 TO AUGUST 31, 2007; WITH A RENTAL RATE OF \$817 PER MONTH FOR THE FIRST YEAR OF THE LEASE AND \$857.85 PER MONTH FOR THE SECOND YEAR OF THE LEASE, AS REQUESTED BY COUNCILMAN CHIP HAASS OF COUNCIL DISTRICT 10.

AN ORDINANCE 101280

RE-ADOPTING THE SELF-MONITORING STANDARDS FOR THE AFTER SCHOOL CHALLENGE PROGRAM AND THE KID QUEST SUMMER RECREATION PROGRAM, AS REQUIRED TO BE DONE ANNUALLY BY STATE LAW, AND AUTHORIZING STAFF TO NEGOTIATE AND EXECUTE INTERLOCAL AGREEMENTS WITH PUBLIC SCHOOL DISTRICTS FOR THEIR PARTICIPATION IN THESE PROGRAMS.

AN ORDINANCE 101281

AUTHORIZING THE ACCEPTANCE OF A \$91,559.00 GRANT FOR THE GRANT PERIOD OF JULY 1, 2005 TO JUNE 30, 2006, FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) FOR PROJECT EDUCATE, ASSESS, SERVE AND EMPOWER (EASE) OF THE VICTIMS ADVOCACY SECTION.

AN ORDINANCE 101282

AUTHORIZING THE ACCEPTANCE OF A \$50,000.00 GRANT FOR THE GRANT PERIOD SEPTEMBER 1, 2005 TO JUNE 30, 2006, FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) FOR THE CRISIS ASSISTANCE TEAM ADMINISTRATION (CATA) PROGRAM OF THE VICTIMS ADVOCACY SECTION.

AN ORDINANCE 101283

AUTHORIZING THE ALLOCATION OF \$1,674.15 TO BE PAID FROM FY99 DISTRICT 7 ONE TIME PROJECT FUNDS TO THE ANIMAL RESOURCE CENTER TO PROVIDE FOR FREE SPAY/NEUTERING SERVICES; AS REQUESTED BY COUNCILMEMBER ELENA K. GUAJARDO OF COUNCIL DISTRICT 7.

AN ORDINANCE 101284

AUTHORIZING PAYMENT IN THE AMOUNT OF \$171,906.91 TO GERRY RICKHOFF, COUNTY CLERK, FOR FINAL JUDGMENT AND INTEREST IN CONDEMNATION CAUSE NO. 99-ED-0029, CITY OF SAN ANTONIO VS. ARTEMIO A. ALANIS AND NANCY K. ALANIS, ET AL IN CONNECTION WITH

THE HILDEBRAND AVENUE – I.H. 10 TO BREEDEN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION PROJECT, A 1996 CERTIFICATES OF OBLIGATION PROJECT, LOCATED IN COUNCIL DISTRICT 1; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101285

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE SAN ANTONIO ZOO IN CONNECTION WITH THE CTCRC RUN 4 LIFE TO BE HELD ON SATURDAY, SEPTEMBER 10, 2005 FROM 7:30 A.M. UNTIL 9:30 A.M., SPONSORED BY THE CANCER THERAPY RESEARCH CENTER.

AN ORDINANCE 101286

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE WEST SIDE OF SAN ANTONIO IN CONNECTION WITH THE AGA 24TH ANNUAL GUADALUPE STREET PARADE TO BE HELD ON SATURDAY, SEPTEMBER 10, 2005 FROM 9:00 A.M. UNTIL 2:30 P.M., SPONSORED BY THE AVENIDA GUADALUPE ASSOCIATION, INC

AN ORDINANCE 101287

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS ADJACENT TO TRAVIS PARK IN COUNCIL DISTRICT 1 AND RESTRICTION ON USE OF PARKING METERS AROUND THE PARK FROM SEPTEMBER 16, 2005 THROUGH SEPTEMBER 19, 2005 SO THAT THE CITY OF SAN ANTONIO AND THE SAN ANTONIO PARKS FOUNDATION MAY CONDUCT THE 22ND ANNUAL JAZZ'SALIVE FESTIVAL IN TRAVIS PARK.

AN ORDINANCE 101288

APPROVING THE TEMPORARY STREET CLOSURE OF GUADALUPE STREET BETWEEN SOUTH BRAZOS STREET AND SOUTH SAN JACINTO STREET IN CONNECTION WITH THE ANNUAL GUADALUPE STREET PARADE AND CALLE GUADALUPE FESTIVAL TO BE HELD FROM 9:00 A.M. ON SATURDAY,

SEPTEMBER 10, 2005 TO 6:00 A.M. ON SUNDAY, SEPTEMBER 11, 2005,  
SPONSORED BY THE AVENIDA GUADALUPE ASSOCIATION, INC.

AN ORDINANCE 101289

APPROVING THE TEMPORARY STREET CLOSURE OF S. SAN SABA BETWEEN  
DOLOROSA AND W. COMMERCE STREET IN CONNECTION WITH THE  
KABB/KRRT FAMILY EVENT-TREAT STREET 2005 TO BE HELD ON OCTOBER  
29, 2005 FROM 8:00 A.M. TO 10:00 P.M., SPONSORED BY KABB/KRRT.

AN ORDINANCE 101290

REAPPOINTING EDDIE MASSON (DISTRICT 5) TO THE DISABILITY ACCESS  
ADVISORY COMMITTEE (CATEGORY: CONSUMER OF HANDICAPPED  
SERVICES) FOR A TERM OF OFFICE TO EXPIRE ON AUGUST 25, 2007.

AN ORDINANCE 101291

APPOINTING MARY M. DENNIS (DISTRICT 2) AND REAPPOINTING CRISTA  
MARICHALAR (DISTRICT 10) TO THE AFFIRMATIVE ACTION ADVISORY  
COMMITTEE FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101292

REAPPOINTING GLORIA M. MALONE (DISTRICT 2) TO THE SAN ANTONIO  
PUBLIC LIBRARY BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE  
ON AUGUST 25, 2007.

AN ORDINANCE 101293

REAPPOINTING STEPHANIE JAMES (DISTRICT 10) TO THE HOUSING TRUST  
FUND BOARD OF TRUSTEES FOR A TERM OF OFFICE TO EXPIRE MAY 31,  
2007.

AN ORDINANCE 101294

REAPPOINTING JOE C. SOULES (DISTRICT 10) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 101295

REAPPOINTING BOBBIE J. MENZEL-BUTTS (DISTRICT 10) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 101296

REAPPOINTING ROY R. BOTELLO (DISTRICT 5) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 101297

REAPPOINTING DANIEL LOPEZ (DISTRICT 5) TO THE SOUTH TEXAS BUSINESS FUND BOARD (CATEGORY: DIRECTOR) FOR A TERM OF OFFICE TO EXPIRE AUGUST 28, 2007.

AN ORDINANCE 101298

APPOINTING VICTOR SALAS (DISTRICT 3) TO THE HISTORIC AND DESIGN REVIEW COMMISSION (CATEGORY: HISTORIC PRESERVATION) FOR A TERM OF OFFICE TO EXPIRE AUGUST 28, 2007.

AN ORDINANCE 101299

REAPPOINTING ALEX GARZA (DISTRICT 1) TO THE PLUMBING APPEALS AND ADVISORY BOARD (CATEGORY: LAYMAN/CONSUMER) FOR A TERM OF OFFICE TO EXPIRE AUGUST 25, 2007.

**CONSENT ITEMS CONSIDERED INDIVIDUALLY**

The City Clerk read the following ordinance:

AN ORDINANCE 101300

ACCEPTING THE SINGLE SOURCE BID FROM ANDELA PRODUCTS, LTD. TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH GLASS PULVERIZER PARTS AND ACCESSORIES FOR A TOTAL COST OF \$82,546.00, FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FY2005 REGIONAL SOLID WASTE PASS-THROUGH GRANT.

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

The following citizen(s) appeared to speak:

Mr. Leon Thomas requested a plan for flood control and to lower the watershed at Leon and Salado Creeks relating to Item 17. He asked for an ordinance specifying the clearing of the creeks. He added that no citizen should lose their home.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101301

ACCEPTING BIDS TO PROVIDE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR A COMBINED ANNUAL COST OF APPROXIMATELY \$1,874,547.00 INCLUDING: GARBAGE DISPOSAL SERVICE FOR THE CITY OF SAN ANTONIO; ICE AND ICE STORAGE BINS AT VARIOUS CITY FACILITIES; LAWN MOWERS, EDGERS AND CHAIN SAW PARTS AND SERVICE; GRAVELY LAWN MOWERS, EDGERS, AND CHAIN SAW PARTS AND SERVICE; SPRINKLER ASSEMBLY COMPONENTS AND REPAIR KITS; CROUSE-HINDS AIRFIELD LIGHTING PARTS; MEDIUM DUTY GMC AND PETERBILT TRUCK PARTS AND SERVICE; AMANO PARKING REVENUE CONTROL SYSTEM; MICROSOFT PREMIER TECHNICAL SUPPORT AND SERVICES; VEHICLE LOGO DECALS, LETTERS AND NUMBERS FOR IDENTIFICATION OF CITY VEHICLES; CONTRACEPTIVES; INTERNET AND PRINT MANAGEMENT SYSTEM; MULTI-FUNCTION DEVICES; AUTO & LIGHT TRUCK DRUMS AND

BRAKE PARTS; FIRE AND PUMPER VEHICLE BODY REPAIR SERVICE; TRAFFIC LIGHT MOUNTING ASSEMBLIES; LAWN MAINTENANCE FOR FLOOD BUY OUT PROPERTIES; AND PLASTIC BAGS.

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

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

Item 18 being an Ordinance authorizing acceptance of interests in 12 parcels of real estate, the interests consisting of fee title, drainage easements, and temporary construction easements, each interest subject to a right of reentry in the grantor if a road construction contract is not timely awarded, all in connection with the Prue Road Extension—Prue to Huebner, an authorized Metropolitan Planning Organization project and a 1999 General Obligation Street Improvement Bond project located in Council District 8 was postponed by consensus of the Council.

(At this point, Mayor Hardberger was obliged to leave the meeting at 11:35 am. Mayor Pro Tem Perez presided.)

The City Clerk read the following ordinance:

AN ORDINANCE 101302

CONSENTING TO A SUBLEASE OF APPROXIMATELY 1409 SQUARE FEET OF CITY OWNED PROPERTY ON THE RIVER WALK IN CITY COUNCIL DISTRICT 1 FROM AZTEC ON THE RIVER, LTD. TO IRON CACTUS SAN ANTONIO RIVERWALK LIMITED PARTNERSHIP, INC.

Councilmember Flores made a motion to approve the proposed Ordinance. Councilmember Guajardo seconded the motion.

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

**PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE.**

Councilmember Perez opened the public hearing.

Mr. Malcolm Matthews, Director of Parks and Recreation made a presentation on the land exchange between the City of San Antonio and the Edgewood I.S.D., a copy of which is on file with the Office of the City Clerk. He outlined background information on the subject property, the use of the land, the proposed future uses of the property, future fiscal impact and coordination efforts.

The following citizen(s) appeared to speak:

Ms. Elva Martinez, member of Board of Trustees commended the Council and thanked City staff for their work on said project.

Mr. Joe Alderete addressed the Council and stated that this is the first time a land swap of this type has taken place and thanked the Council for their support.

Mr. Mario Garza addressed the Council and stated that this is a good partnership involving the City and school, noting also that this was a historical event. He also thanked Councilmember Radle for her work in this project.

Councilmember Perez closed the public hearing.

The City Clerk read the following ordinance:

**AN ORDINANCE 101303**

**MAKING A FINDING, PURSUANT TO THE REQUIREMENTS OF TEXAS PARKS AND WILDLIFE CODE CHAPTER 26, THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE CHANGE IN USE OF APPROXIMATELY 4.7 ACRES LOCATED IN THE NORTHEAST CORNER OF ROSEDALE PARK IN CITY COUNCIL DISTRICT 5 FROM PUBLIC PARK USE TO PUBLIC SCHOOL USE AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CONTRACT FOR THE TRANSFER OF OWNERSHIP OF THE 4.7 ACRES TO EDGEWOOD INDEPENDENT SCHOOL DISTRICT, IN EXCHANGE FOR APPROXIMATELY 5.9 ACRES OF ADJACENT SCHOOL PROPERTY LOCATED ON RUIZ STREET TO BE DESIGNATED AS PARK LAND.**

Councilmember Radle made a motion to approve the proposed Ordinance. Councilmember Guajardo seconded the motion.

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

Councilmember Perez recessed the meeting at 12:10 pm to break for lunch and reconvened the meeting at 1:10 pm.

(Mayor Hardberger returned to the meeting at 12:53 pm and presided.)

### **EXECUTIVE SESSION**

The Mayor recessed the Regular Session at 1:10 pm in order to convene in Executive Session for the purpose of:

Deliberate the duties, appointment and employment of the City Manager, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to Reed S. Lehman Grain, Ltd, v. City of San Antonio (CoSA), Cause No. 2004-CI-00238, 17461, 07714 and 05442, Brooks Hardee Trustee, et al v. CoSA Cause No. 2004-CI-05439 and 05440, En Seguido, Ltd. V CoSA, Cause No. 2005-CI-09689, Schaefer, et al v. CoSA, Cause No. 2004-CI-07394, WWC, Ltd. v. CoSA, et al, Cause No. 2004-CI-03264 and Lakeside Joint Venture, et al v CoSA, Cause No. 2003-CI-05618, in the US District Court, pursuant to Texas Government Code Section 551.071 ( consultation with attorney).

The Mayor reconvened the Regular Session from Executive Session at 2:25 pm, at which time he stated City Council had been briefed on the above-styled matters and gavè staff direction, but had taken no official action.

### **ZONING.**

The City Clerk read the following ordinance:

#### **AN ORDINANCE 101304**

**AMENDING THE LAND USE PLAN CONTAINED IN THE CITY SOUTH COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 479.9 ACRE TRACT OF LAND LOCATED AT 16196 AND 16700 HIGHWAY 281 SOUTH AT THE MEDINA RIVER FROM**

AGRICULTURE LAND USE AND RURAL LIVING LAND USE TO URBAN LIVING LAND USE.

Mr. Emil Moncivais, Director, Planning Department, explained the proposed land use plan amendment.

Councilmember Gutierrez made a motion to approve the eastern portion of Hwy. 281 of the proposed rezoning case. Councilmember McNeil seconded the motion.

The following citizen(s) appeared to speak:

Mr. Bobby Perez addressed the Council and stated the western portion (west of 281) would be withdrawn.

Ms. Barbara Johnson of the Conservation Society addressed the Council and stated that the society was happy to hear that the western portion would be withdrawn. She added that areas of the City South should retain their character of ranch land.

Mr. Daryl Bird of the Zoning Commission addressed the Council and stated the position of the Zoning Commission relating to said item.

Mr. Jack M. Finger spoke on multiple items and stated that this is ranchland and is incompatible. He noted the second case (land plan) and stated that once again the idea is bad and not compatible. With regards to item Z-22 he stated that SAWS calls for impervious cover.

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

Councilmember Gutierrez noted the position of the Wetland Society on this item (in favor).

**Z-19. ZONING CASE #Z2005168 (District 8):** An Ordinance changing the zoning district boundary on 28.3 acres out of NCB 13663 (Tract 2D), from "R-5" Residential Single-Family District to "C-3NA" General Commercial, Non-alcoholic Sales District, 8000 Block of Wurzbach Road, as requested by San Antonio Medical Foundation, Applicant, for San Antonio Medical Foundation, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

#### AN ORDINANCE 101305

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 28.3 ACRES OUT OF NCB 13663 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3NA" GENERAL COMMERCIAL, NON-ALCOHOLIC SALES DISTRICT.

**Z-1. ZONING CASE #Z2005066 (District 3):** An Ordinance changing the zoning district boundary from "FR" Farm and Ranch District and "RD" Rural Development District to "UD" Urban Development District on P-10, P-10B, P-10C, P-10D, and 16.4 acres out of P-10A and P-62, CB 4006, 16795, 16196, and 16700 Highway 281 South as requested by Manuel Gonzales, Applicant, for Day, McDaniel, and Fight for the Family of Texas Inc., Owner(s). Staff has recommended approval of east side and denial of west side of Hwy 281 and Zoning Commission has recommended approval of east side and denial of west side of Hwy 281.

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

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

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

AN ORDINANCE 101306

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-10, P-10B, P-10C, P-10D, AND 16.4 ACRES OUT OF P-10A AND P-62, CB 4006, 16795, 16196, AND 16700 HIGHWAY 281 SOUTH FROM "FR" FARM AND RANCH DISTRICT AND "RD" RURAL DEVELOPMENT DISTRICT TO "UD" URBAN DEVELOPMENT DISTRICT.

Item P-2 is an ordinance amending the land use plan contained in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of a 0.425 acre tract of land located at 106 Halsey Road from Low-Density Residential land use to General Commercial land use. Staff's recommendation is for denial. Planning Commission's recommendation is for denial.

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

Councilmember Perez made a motion to deny the proposed land use plan. Councilmember Guajardo seconded the motion.

The following citizen(s) appeared to speak:

Mr. Tony Renteria, 106 Halsey, addressed the Council requesting the change, noting he did not feel traffic congestion would be a problem.

After consideration, the motion to deny the proposed land use plan prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** Gutierrez. **ABSENT:** None.

**Z-2. ZONING CASE #Z2005138 (District 4):** An Ordinance changing the zoning district boundary on Lot 11, Block 4, NCB 8055, from "O-2" Office District to "C-3" General Commercial District, 106 Halsey, as requested by Tony Renteria, Applicant, for Tony Renteria, Owner(s). Staff has recommended denial and Zoning Commission has recommended denial.

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

Councilmember Perez made a motion to deny the proposed rezoning case. Councilmember Wolff seconded the motion.

The following citizen(s) appeared to speak:

Mr. Tony Renteria, 106 Halsey, spoke in favor of the zoning change and stated it would not be intrusive to have a car dealership at the location.

Mr. Leonard Garza addressed the Council against the proposed zoning change and stated that traffic would be a concern.

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

Item Z-3, **ZONING CASE #Z2005130 (District 1):** An Ordinance changing the zoning district boundary on 0.8462 acres out of Lot 1, Block 1, NCB 6637, to designate "HE" Historic Exceptional, 312 Pearl Parkway, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Rio Perla Properties, L. P., Owner(s) was pulled from consideration.

Z-4. **ZONING CASE #Z2005131 (District 1):** An Ordinance changing the zoning district boundary on the East 25 Feet of Lot 11, Lot 12, and the West 24.7 feet of Lot 13, NCB 6859, to designate "HS" Historic Significant, 339 and 349 West Josephine Street, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for The Josephine Theatrical Company, Inc., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101307

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS EAST 25 FEET OF LOT 11, LOT 12, AND THE WEST 24.7 FEET OF LOT 13, NCB 6859 TO DESIGNATE "HS" HISTORIC SIGNIFICANT.

**Z-5. ZONING CASE #Z2005132 (District 1):** An Ordinance changing the zoning district boundary on the East 33 feet of Lot 2, Block 2, NCB 214, to "HS" Historic Significant, 708 Marshall Street, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for James Wuneburger, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101308

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS EAST 33 FEET OF LOT 2, BLOCK 2, NCB 214, TO "HS" HISTORIC SIGNIFICANT.

**Z-6. ZONING CASE #Z2005162 (District 1):** An Ordinance changing the zoning district boundary on Lot 9 and Lot 10, NCB 112, to "HS" Historic Significant, 211 Belvin Street, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Estate of Lester J. Reetz, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Ms. Ann McGlone, Planning Department, stated the property in question once belonged to the first African American school principal in San Antonio.

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

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

#### AN ORDINANCE 101309

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 9 AND LOT 10, NCB 112, TO "HS" HISTORIC SIGNIFICANT.

**Z-7. ZONING CASE #Z2005164 (District 1):** An Ordinance changing the zoning district boundary on 0.2348 acres out of NCB 14164, to "HS" Historic Significant, 312 Pearl Parkway as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Rio Perla Properties, L.P., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

#### AN ORDINANCE 101310

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 0.2348 ACRES OUT OF NCB 14164, TO "HS" HISTORIC SIGNIFICANT.

**Z-8. ZONING CASE #Z2005133 (District 2):** An Ordinance changing the zoning district boundary on the West 77 feet of Lot 18, Block 109, NCB 1386, to "HS" Historic Significant, 701 Montana, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Winston & Bobbie Jane Butler, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

The following citizen(s) appeared to speak:

Ms. Dorothy Mase addressed the Council in favor of the zoning.

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

#### AN ORDINANCE 101311

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS WEST 77 FEET OF LOT 18, BLOCK 109, NCB 1386, TO "HS" HISTORIC SIGNIFICANT.

**Z-9. ZONING CASE #Z2005161 (District 2):** An Ordinance changing the zoning district boundary on Lots 11 and 12, Block 14, NCB 610, to "HS" Historic Significant, 1029 Wyoming Street, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Clare Carrillo, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101312

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 11 AND 12, BLOCK 14, NCB 610, TO "HS" HISTORIC SIGNIFICANT.

**Z-10. ZONING CASE #Z2005006 (District 4):** An Ordinance changing the zoning district boundary on 8.53 acres out of NCB 11186, from "I-1" General Industrial District to "RM-5" Residential Mixed District, the southeast side of Interstate Highway 35 South northwest of the Poteet Jourdanton Freeway (State Highway 16), as requested by Baptist University of the Americas, Applicant, for Barrett Brothers Interests, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Councilmember Perez made a motion to continue the proposed rezoning case to the meeting of October 27, 2005. Councilmember Gutierrez seconded the motion.

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

Zoning case Z2005006 was continued to the meeting of October 27, 2005.

**Z-11. ZONING CASE #Z2005113 CD (District 4):** An Ordinance changing the zoning district boundary on Lot 8, Block 13, NCB 15504, from "C-1" Commercial District to "C-2" (CD-Light Automotive Maintenance) Commercial District with a Conditional Use for Light Automotive Maintenance, 8209 Landing Avenue, as requested by Faili Enterprises, Inc., Applicant, for Faili Enterprises, Inc., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

#### AN ORDINANCE 101313

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 8, BLOCK 13, NCB 15504 FROM "C-1" COMMERCIAL DISTRICT TO "C-2" (CD-LIGHT AUTOMOTIVE MAINTENANCE) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR LIGHT AUTOMOTIVE MAINTENANCE.

**Z-12. ZONING CASE #Z2005173 (District 4):** An Ordinance changing the zoning district boundary on 2 acres out of NCB 11067, from "R-4" Residential Single Family District to "O-1" Office District, 1100 Block of Poteet Jourdanton Freeway (State Highway 16), as requested by Elliott and Dusti Clemeace, Applicant, for Marcus Crassus Land Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

#### AN ORDINANCE 101214

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 2 ACRES OUT OF NCB 11067 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "O-1" OFFICE DISTRICT

**Z-13. ZONING CASE #Z2005163 (District 5):** An Ordinance changing the zoning district boundary on the North 112 feet of Lots 10, 11, and 12, Block 3, NCB 2353, to "HS" Historic Significant, 2004 Monterey Street, as requested by City of San Antonio, Historic Preservation Officer, Applicant, for Tony & Delia Diaz, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Councilmember Radle made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

#### AN ORDINANCE 101315

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 112 FEET OF LOTS 10, 11, AND 12, BLOCK 3, NCB 2353, TO "HS" HISTORIC SIGNIFICANT.

**Z-14. ZONING CASE #Z2004218 (District 6):** An Ordinance changing the zoning district boundary District on Lot P-5, Block 35, NCB 17875, Southwest corner of Cable Ranch Road and Waters Edge Drive, from "C-2NA" Commercial, Nonalcoholic Sales District to PUD "R-5" Planned Unit Development Residential Single-Family as requested by Earl & Associates, P. C., Applicant, for William E. Cooper, Inc., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Councilmember Herrera made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

AN ORDINANCE 101316

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-5, BLOCK 35, NCB 17875 FROM "C-2NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT TO PUD "R-5" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY.

**Z-15. ZONING CASE #Z2005084-A (District 6):** An Ordinance changing the zoning district boundary District on P-16, NCB 34361, from "C-3" General Commercial District to "C-2" Commercial District, Northwest corner of the intersection of Potranco Road and West Loop 1604 North, as requested by City of San Antonio, Applicant, for Madison Realty & Development Corporation, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Councilmember Herrera made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

AN ORDINANCE 101317

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-16, NCB 34361, FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**Z-16. ZONING CASE #Z2005174 (District 6):** An Ordinance changing the zoning district boundary on Lot 26, Block 2, NCB 34400B, from "R-6" Residential Single-Family District to "C-2NA" Commercial Non-Alcoholic Sales District, the Northeast corner of the intersection of West Loop 1604 North and Kilmamoch Lane, as requested by John L. Santikos, Applicant, for John L. Santikos, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

#### AN ORDINANCE 101318

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 26, BLOCK 2, NCB 34400B, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2NA" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT.

**Z-17. ZONING CASE #Z2005176 (District 6):** An Ordinance changing the zoning district boundary on P-15, NCB 34361, from "R-6" Residential Single-Family District to "C-2" Commercial District, North of the intersection of Potranco Road and West Loop 1604 North, as requested by Madison Realty & Development Corporation, Applicant, for Sally H. Eckhoff, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Councilmember Herrera made a motion to approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

#### AN ORDINANCE 101319

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY

DESCRIBED HEREIN AS P-15, NCB 34361, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**Z-18. ZONING CASE #Z2005178 (District 6):** An Ordinance changing the zoning district boundary on P-15, NCB 34392, from "R-6" Residential Single-Family District to "C-2NA" Commercial Non-Alcoholic Sales District, as requested by Psencik Family Partners, Inc., Applicant, for Psencik Family Partners, Inc., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

#### AN ORDINANCE 101320

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-15, NCB 34392, FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2NA" COMMERCIAL NON-ALCOHOLIC SALES DISTRICT.

**Z-20. ZONING CASE #Z2005109 (District 9):** An Ordinance changing the zoning district boundary on Lots 4, 5, and 6, NCB 11886, from "R-5" Residential Single-Family District to PUD "R-5" Planned Unit Development Residential Single-Family District, 321, 329 and 339 East Sunset Road, as requested by Regent Communities Partners, L. P., Applicant, for Paula Moore, John Eiler, Hart Interests, L. P. and Douglas Hart, Owner(s). Staff has recommended approval and Zoning Commission has recommended 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 Perez seconded the motion.

The following citizen(s) appeared to speak:

The City Clerk read into the record an objection to the zoning case from Dr. Dorothy Callihan.

Ms. Sarah Moore, 339 E. Sunset, spoke to the work of the developer and the neighborhood. She also noted the setbacks, easements and drainage issues relating to the case which were all taken into account by the developer.

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

AN ORDINANCE 101321

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 4, 5, AND 6, NCB 11886, FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO PUD "R-5" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.

**Z-21. ZONING CASE #Z2005154 (District 9):** An Ordinance changing the zoning district boundary on 14.68 acres out of NCB 19219, from "C-2" ERZD Commercial Edwards Recharge Zone District to "R-6" ERZD Residential Single-Family Edwards Recharge Zone District, 1500 Block of Evans Road, as requested by KB Home Lone Star LP, a Texas Limited Partnership by KBSA, Inc., its General Partner, Applicant, for Oak Stone (San Antonio) PPI III Limited Liability Limited Partnership, A George Limited Liability Partnership, Owner(s). Staff has recommended approval and Zoning Commission has recommended 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 Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Carlos Contreras, KB Home, addressed the Council in favor of the zoning case. He stated that they are complying with the impervious cover percentage (30%) to protect the Aquifer.

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

#### AN ORDINANCE 101322

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 14.68 ACRES OUT OF NCB 19219, FROM "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

**Z-22. ZONING CASE #Z2005166 S (District 9):** An Ordinance changing the zoning district boundary on Lot 5, Block 51, NCB 19221, from "C-2" ERZD Commercial Edwards Recharge Zone District and "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-2 ERZD S" Commercial Edwards Recharge Zone District with Special Use Permit for a Medical Laboratory and "C-3 ERZD S" General Commercial Edwards Recharge Zone District with Specific Use Permit for a Medical Laboratory, 607 East Sonterra Boulevard, as requested by Concord Corporation, Applicant, for Concord Corporation, Owner(s). Staff has recommended approval and Zoning Commission has recommended

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 Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council relating to Councilmember Radle keeping her stance on protecting the recharge zone. He added that the San Antonio River is filthy as well as various creeks.

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

#### AN ORDINANCE 101323

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5, BLOCK 51, NCB 19221 FROM "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD S" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH SPECIAL USE PERMIT FOR A MEDICAL LABORATORY AND "C-3 ERZD S" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE PERMIT FOR A MEDICAL LABORATORY.

#### **FY 2006 PROPOSED BUDGET WORK SESSION**

Health and Human Services  
Parks and Youth Development

#### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

A proclamation for American Payroll Week.

A Citation to the UTSA Roadrunner Baseball Team.

A proclamation highlighting the "*Dinosaurus Tex Days*" Exhibit at the San Antonio Botanical Garden.

A proclamation for The Milk Mustache *Got Milk?* Campaign.

#### **CITIZENS TO BE HEARD**

Mr. Mike Phillips, COPS Metro Alliance addressed the Council relating to Project Quest and requested that it be funded at \$3 million and that it be moved to the Department of

Economic Development. He noted Project Quest participants pay back the monies by paying taxes and reducing financial assistance. Mr. Bain also asked the Council restore Quest's funding and noted it was an investment for future generations.

Mayor Hardberger asked the Council if their will was to recess and reconvene at 9:00 am the following day or continue the meeting at this time. It was the consensus of the Council to continue the meeting.

Mr. Raymundo Aleman of the Libertarian Party addressed the City Council relating to the editorial in the newspaper that was published in today's edition. He stated the Council should not do business with the private company that will use public monies to get out of the situation they are in.

Mr. Faris Hodge, Jr, 140 Dora, addressed the Council with regards to not charging to use public restrooms. He proceeded to sing "Deep in the Heart of Texas".

Ms. Juanita Walker representing SEIU addressed the Council with regards to cleaning the Riverwalk as that is her job. She stated she loves her job but she does not understand why the city is proposing outsourcing the maintenance of the Riverwalk, adding it does not include cleaning and pulling garbage out of the river.

Mr. Joe Perez addressed the Council and specifically Councilmember McNeil. He stated that it is not who you know but how hard one works that makes your business a success. He stated a Spanish saying that says The person who has less does more than the one that has wealth.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council relating to the time of Noah. He also noted the pyramid on the dollar bill and read several words from it and translated those.

Mr. Charles English, Jefferson Heights Neighborhood Association, addressed the Council and stated they have raised \$200,000 for a gateway. He noted Mr. Ken Brown is trying to do something counterproductive and thus communication was needed. He presented Mayor Hardberger a plaque.

### **THE BUDGET WORKSESSION CONTINUED**

Library Budget presentation by Ramiro Salazar.

Malcolm Matthews presented the Parks and Recreation Budget.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 10:16 pm.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk