

**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, SEPTEMBER 7, 2005 AND THURSDAY, SEPTEMBER 8, 2005

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The City Council convened in an informal "B" Session on Wednesday, September 7, 2005, at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

Budget Work Session

- Administrative & Operational

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

The "B" Session adjourned at 6:40 pm.

The Regular Meeting was called to order on Thursday, September 8, 2005 at 1:00 P.M. 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 Sister Mary Lou Barba, MCDP, District 7, St. Andrew's Convent.

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

The minutes of the City Council meeting of August 25, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following resolution:

20050908
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YL/dl

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A RESOLUTION 2005-36-34

EXPRESSING THE CITY OF SAN ANTONIO'S INTENT TO CONSIDER THE CREATION OF A TAX INCREMENT REINVESTMENT ZONE ("TIRZ") TO FINANCE PUBLIC IMPROVEMENTS IN THE PALO ALTO TRAILS DEVELOPMENT (DISTRICT 4) AND AUTHORIZING STAFF TO PROCEED WITH THE STATUTORY PROCESS FOR THE CONSIDERATION OF THE CREATION OF A TIRZ.

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

Mr. David Garza, Director of Neighborhood Action, made a presentation on the proposed Tax Increment Financing (TIF) Programs for Medio Creek, Liberty Crossing and Palo Alto Trails, a copy of which is on file with the Office of the City Clerk. He presented background information on the use of the TIFs and the respective programs, the criteria, the development locations of each, and developers.

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 4B is a Resolution expressing the City of San Antonio's intent to consider the creation of a Tax Increment Reinvestment Zone ("TIRZ") to finance public improvements in the Liberty Crossing Development (District 3) and authorizing staff to proceed with the statutory process for the consideration of the creation of a TIRZ.

Councilmember Gutierrez made a motion to table the proposed resolution for 4 weeks. Councilmember Perez seconded the motion.

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

Item 4C is a Resolution expressing the City of San Antonio's intent to consider the creation of a Tax Increment Reinvestment Zone ("TIRZ") to finance public improvements in the Medio Creek Development (District 4) and authorizing staff to proceed with the statutory process for the consideration of the creation of a TIRZ.

Councilmember Perez made a motion to table the proposed resolution indefinitely. Councilmember Gutierrez seconded the motion.

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

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE APPROVING THE LEVY OF A SUPPLEMENTAL SPECIAL ASSESSMENT TO FUND SUPPLEMENTAL SERVICES FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT (PID).

Mr. Ramiro Cavazos, Director of Economic Development made a presentation on the Service and Assessment Plan and Via Interlocal Agreement related to the Downtown Public Improvement District (PID), a copy of which is on file with the Office of the City Clrk. He outlined information on the PID, noting the service area, the 15-member Board of Directors that manages the PID, and their role. He further spoke to the assessment plan comprised of six components and details on each: District Management/Administration, Operations, Maintenance, Landscaping, Public service representatives and marketing. He expanded on the projected revenues and expenditures and the VIA Interlocal Agreement.

Mr. Ben Brewer, Downtown Owners Association further expounded on the Amigos program and their role in the downtown area.

The City Clerk read the following ordinances:

AN ORDINANCE 101349

APPROVING THE LEVY OF A SPECIAL ASSESSMENT FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT (PID); LEVYING AN ASSESSMENT RATE FOR FISCAL YEAR 2006 AT \$0.12 PER \$100 VALUE OF REAL PROPERTY IN THE PID; AND APPROVING THE FISCAL YEAR 2006 SERVICES AND ASSESSMENT PLAN FOR THE PID.

AN ORDINANCE 101350

AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN INTERLOCAL AGREEMENT WITH VIA METROPOLITAN TRANSIT FOR A CONTRIBUTION TO THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT OF \$15,000.00 FOR THE REMAINDER OF FISCAL YEAR 2005; AND BEGINNING OCTOBER 1, 2005,

FOR AN ANNUAL CONTRIBUTION OF \$60,000.00; WITH A TERMINATION DATE OF SEPTEMBER 30, 2009.

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

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

CITY MANAGER'S REPORT

Mr. Roland Lozano Assistant to City Manager and Mr. Ben Brewer, Downtown Owners Association made a presentation on the proposed Downtown Street Fair to be held every last Saturday of the month beginning in October from 12:00 noon to 7 pm. They outlined details of the fair, types of activities, entertainment, and security issues.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following ordinances:

AN ORDINANCE 101351

RATIFYING THE EXECUTION OF AN AMENDMENT TO THE FY 2005 CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT WITH ALAMO WORKFORCE DEVELOPMENT, INC., D/B/A ALAMO WORKSOURCE (AWS) IN THE AMOUNT OF \$581,309.00 TO BE USED AS LOCAL MATCH TO GENERATE ADDITIONAL FEDERAL FUNDS IN THE AMOUNT OF \$1,100,000.00 AND EXTENDING THE TERM OF THE AGREEMENT THROUGH DECEMBER 31, 2005; AUTHORIZING THE EXECUTION OF A CONTRACT MODIFICATION WITH AWS IN THE AMOUNT OF \$97,713.00 FOR THE PROVISION OF QUALITY IMPROVEMENT ACTIVITIES WITHIN THE ALAMO AREA CCDS PROGRAM FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH OCTOBER 31, 2005; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FAMILY SERVICES ASSOCIATION OF SAN ANTONIO, INC. IN THE AMOUNT OF \$97,713.00 FOR THE PROVISION OF SAID ACTIVITIES FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH OCTOBER 31, 2005; AND ADOPTING A REVISED FY 2005 CCDS PROGRAM BUDGET.

AN ORDINANCE 101352

AUTHORIZING THE EXECUTION OF A CONTRACT MODIFICATION TO THE ALAMO AREA CHILD CARE DELIVERY SYSTEM (CCDS) CONTRACT WITH ALAMO WORKFORCE DEVELOPMENT, INC., D/B/A ALAMO WORKSOURCE (AWS) WHICH AWARDS FUNDS IN THE AMOUNT OF \$35,132,718.00 FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AUTHORIZING THE EXECUTION OF A CHILD CARE LOCAL MATCH CONTRIBUTION AGREEMENT WITH AWS IN THE AMOUNT OF \$1,882,555.00 TO GENERATE FEDERAL MATCH FUNDS OF \$3,628,488.00 IN CONNECTION WITH THE CCDS PROGRAM; AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ALAMO AREA DEVELOPMENT CORPORATION (AADC) IN THE AMOUNT OF \$709,012.00 TO PROVIDE CHILDCARE SERVICES IN CONNECTION WITH THE OPERATION OF THE CCDS PROGRAM; ADOPTING A FY 2006 CCDS PROGRAM BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

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

Mr. Dennis Campa, Director of Community Initiatives, made a presentation on Items 5A and 5B regarding the Alamo Area Child Care Delivery System (CCDS) and the 2005 Child Care Local Match Contribution Agreement with Alamo Workforce Development, a copy of which is on file with the Office of the City Clerk. He outlined the background on Alamo WorkSource (AWS) and Alamo CCDS, program eligibility, program operations, federal match guidelines, noting the number of children in subsidized care through its various programs, and accountability measures.

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

CONSENT AGENDA

Consent agenda item 18 was pulled for individual consideration. The remaining items 7 through 20B were approved upon motion made by Councilmember Flores and seconded by Councilmember McNeil.

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

AN ORDINANCE 101353

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF APPROXIMATELY \$470,751.00 INCLUDING: PROMOTIONAL TEXTBOOKS; AUTOMOTIVE SHOP EQUIPMENT PARTS & SERVICE; ACRYLIC WATERBORNE TRAFFIC PAINT; LEXAN MATERIALS; ONLINE COMPUTER LIBRARY CENTER (OCLC) AUTOMATED CATALOGING SERVICE; FIRE HELMETS AND REPAIR PARTS; DISPOSABLE BLANKETS; POLICE VEHICLE GRAPHIC KITS; HIGH PERFORMANCE PAVEMENT MARKING TAPE; DUST CONTROL SERVICE; AND PET FOOD.

AN ORDINANCE 101354

APPROVING CITY OF SAN ANTONIO FIELD ALTERATION NUMBER 10 IN THE AMOUNT OF \$7,288.09 AND FIELD ALTERATION NUMBER 11 IN THE AMOUNT OF \$10,505.08 PAYABLE TO ACCORD GENERAL CONTRACTING, INC., IN CONNECTION WITH THE FIRE STATION #25 PROJECT LOCATED IN COUNCIL DISTRICT 4 FOR A TOTAL AMOUNT OF \$17,793.17 FUNDED THROUGH CERTIFICATES OF OBLIGATION; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101355

ACCEPTING A PROPOSAL FOR AMENDMENT OF A PROFESSIONAL SERVICES AGREEMENT WITH MAESTAS & BAILEY, INC., A MBE FIRM IN THE AMOUNT OF \$41,858.58 FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MAYFIELD: ZARZAMORA TO IH-35 PROJECT, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION PROJECT AND A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101356

ACCEPTING A PROPOSAL FOR AMENDMENT OF A PROFESSIONAL SERVICES AGREEMENT WITH CHESNEY MORALES & ASSOCIATES, INC., A MBE/SBE FIRM, IN THE AMOUNT OF \$28,185.00 FOR ADDITIONAL ARCHITECTURAL

AND ENGINEERING SERVICES IN CONNECTION WITH THE RE-ROOFING AND EXTERIOR WATERPROOFING OF THE UNIVERSIDAD NACIONAL AUTONOMA DE MEXICO AS PART OF THE HENRY B. GONZALEZ CONVENTION CENTER PARTIAL RE-ROOFING PROJECT LOCATED IN COUNCIL DISTRICT 1; AUTHORIZING \$2,818.50 FOR PROJECT CONTINGENCY AND \$2,260.00 FOR ENVIRONMENTAL SERVICES COSTS FOR A TOTAL ORDINANCE AMOUNT OF \$33,263.50, FROM 2004 B HOTEL OCCUPANCY TAX REVENUE BOND FUNDS; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101357

AUTHORIZING THE AMENDMENT OF AN EXISTING AGREEMENT FOR FURNISHING AND INSTALLING OF TRAFFIC SIGNAL EQUIPMENT BY A MUNICIPALITY WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE PURCHASE OF MATERIALS AND INSTALLATION OF VIDEO IMAGING VEHICLE DETECTION SYSTEMS (VIVDS) ALONG LOOP 1604 AT ITS INTERSECTIONS WITH WISEMAN BLVD, W. MILITARY DRIVE, AND POTRANCO ROAD LOCATED IN COUNCIL DISTRICTS 4 AND 6; INCREASING THE AMOUNT REIMBURSED TO THE CITY BY TXDOT FROM \$50,325.00 TO \$123,550.00.

AN ORDINANCE 101358

ACCEPTING THE LOW, QUALIFIED BID BY DONSAN CONSTRUCTION, L.L.C., A SBE/MBE FIRM, TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE GARRETT COMMUNITY CENTER GYMNASIUM FLOOR REPLACEMENT PROJECT IN WEST END PARK IN CITY COUNCIL DISTRICT 1 FOR THE BASE BID AMOUNT OF \$87,500.00, AND WITH BID ALTERNATES 1 THROUGH 3 FOR A TOTAL AMOUNT OF \$117,841.00; AUTHORIZING THE EXECUTION OF A STANDARD CONSTRUCTION CONTRACT; ALLOCATING \$23,568.20 FOR CONSTRUCTION CONTINGENCY; APPROPRIATING \$141,409.20 FROM 2003-2007 PARK BOND FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101359

AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES WITH MARMON MOK, L.L.P. IN ORDER TO

PROVIDE FOR THE COMPLETION OF SEVERAL ARCHITECTURAL AND ENGINEERING PROJECTS AT THE ALAMODOME; INCREASING FEES IN AN AMOUNT NOT TO EXCEED \$464,430.29 AND ESTABLISHING A CONTINGENCY ACCOUNT OF \$46,835.00 FOR UNANTICIPATED EXPENSES, FOR TOTAL FEES TO DATE OF \$669,265.29 UNDER THIS AGREEMENT; AND PROVIDING FOR PAYMENT FROM REVENUE BONDS AND THE COMMUNITY AND VISITOR FACILITIES FUND; AND APPROPRIATING FUNDS AS NECESSARY.

AN ORDINANCE 101360

ACCEPTING THE LOW QUALIFIED BID OF AJ COMMERCIAL SERVICES, INC. D/B/A ASC PAVING IN THE AMOUNT OF \$665,907.43 TO PROVIDE CONSTRUCTION SERVICES FOR THE "PROJECT 10-VOLUME 1-ECONOMY PARKING LOT EXPANSION PROJECT" AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING CONSTRUCTION CONTINGENCIES IN AN AMOUNT NOT TO EXCEED \$66,600.00; AUTHORIZING EXECUTION OF A CONTRACT; APPROPRIATING FUNDS; REVISING THE BUDGET AND PROVIDING FOR PAYMENT FROM THE 2002 AIRPORT SYSTEM GENERAL AIRPORT REVENUE BONDS CONSTRUCTION FUND.

AN ORDINANCE 101361

AUTHORIZING THE FEE SIMPLE PURCHASE OF TWELVE (12) PROPERTIES LOCATED ALONG SALADO CREEK AND WITHIN COUNCIL DISTRICT 2 THAT WILL ADD A TOTAL OF 32.9539 ACRES OF CREEKWAY LINEAR PARK SPACE FOR A TOTAL PURCHASE PRICE OF \$175,600.00 UNDER THE PROPOSITION THREE CREEKWAYS LINEAR PARKS LAND ACQUISITION AND PARK EXPANSION PROJECT; AUTHORIZING \$4,657.00 IN CLOSING COSTS, FOR A TOTAL APPROPRIATED AMOUNT OF \$180,257.00; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101362

APPROVING THE EXECUTION OF A LICENSE AND FUNDING AGREEMENT WITH THE SAN ANTONIO CONSERVATION SOCIETY TO IMPLEMENT A STABILIZATION PROJECT FOR THE BERGARA-LECOMPTÉ HOUSE LOCATED AT 149 GUADALUPE STREET, ACCEPTING A TEXAS PRESERVATION SERVICES FUND DEVELOPMENT GRANT FROM THE TEXAS HISTORIC COMMISSION IN THE AMOUNT OF \$15,000.00, AND AUTHORIZING THE

APPROPRIATION OF \$15,000.00 IN GRANT FUNDS AND \$35,000.00 IN CERTIFICATES OF OBLIGATION.

AN ORDINANCE 101363

ACCEPTING A GRANT IN THE AMOUNT OF \$15,000.00 FROM THE SAN ANTONIO CONSERVATION SOCIETY TO FUND INTERNSHIPS IN THE PLANNING DEPARTMENT FOR WORK ON THE ONGOING 36 SQUARE MILE ARCHITECTURAL SURVEY.

AN ORDINANCE 101364

AUTHORIZING THE TEMPORARY CLOSURE OF KENTUCKY AVENUE BETWEEN N. ELMENDORF AND N. ZARZAMORA FROM 12:01 A. M. ON SATURDAY, OCTOBER 8, 2005 TO 11:30 P. M. ON SUNDAY, OCTOBER 9 FOR THE ANNUAL CHURCH FESTIVAL SPONSORED BY THE BASILICA OF THE NATIONAL SHRINE OF THE LITTLE FLOWER.

AN ORDINANCE 101365

APPOINTING JESUS MORENO (DISTRICT 7) TO THE DISABILITY ACCESS ADVISORY COMMITTEE (CATEGORY: CONSUMER) FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 8, 2007.

AN ORDINANCE 101366

APPOINTING ANGELICA MEDINA (DISTRICT 10) AND JESSICA KEMP (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

CONSENT ITEM CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101367

BESTOWING THE NAME "THELMA JACKSON SPORTS PAVILION" UPON A NEW SHADE STRUCTURE WITHIN ACME PARK LOCATED AT 534 S. ACME ROAD IN CITY COUNCIL DISTRICT 6.

Councilmember Hall 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, Radle, Herrera, Guajardo, Hall, Hardberger. **NAYS:** None. **ABSENT:** Perez, Wolff, Haass.

The Mayor recessed the Regular Session at 10:44 pm in order to convene in Executive Session, followed by lunch.

EXECUTIVE SESSION

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 relating to the provision of emergency relief, shelter, and assistance to individuals impacted by Hurricane Katrina, pursuant to Section 551.071 (attorney consultation).

Mayor Tem Haass reconvened the Regular Session from Executive Session at 1:31 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

PRESENTATION OF THE PROPOSED FY 2006 LIBRARY BUDGET, BY THE LIBRARY BOARD OF TRUSTEES

Mr. John Nicholas, Chair of the San Antonio Public Library Board of Trustees made a presentation on behalf of the Library Board of Trustees, a copy of which is on file with the Office of the City Clerk. He gave an overview of the various services and programs, the structure and budget, FY04 Entity Contributions to Library Services, adding that the Library System serves as the major resource center for the Alamo Area Library System which serves 1.8 million people in South Texas. He demonstrated the key performance

measures which show increase in usage which translates into a need for materials and maintenance. He spoke to the additional resources required due to the new branches, projects completed and in progress, their commitment to leveraging resources by developing partnerships to meet the growing demand, and the entity contributions to the Library Services.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger addressed the City Council with regards to the Library and whether the system is worth raising taxes. He noted several books referencing homosexuals and lesbians which are available to children.

LAND USE PLAN AMENDMENTS AND ZONING CASES

P-1. PLAN AMENDMENT CASE #05009 (District 2): An Ordinance amending the land use plan contained in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of a 16.43 acre tract of land located at 3841 Commerce Street East from High Density/Multifamily Residential land use to Light Industrial land use. Staff's recommendation is for approval. Planning Commission's recommendation is for approval.

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

Councilmember McNeil made a motion to continue the proposed plan amendment for two weeks. Councilmember Gutierrez seconded the motion.

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

Plan amendment case 05009 was continued for two weeks.

Z-1. ZONING CASE #Z2005145 (District 2): An Ordinance changing the zoning district boundary from "R-5" "EP-1" Residential Single-Family Event Parking District and "C-2" "EP-1" Commercial Event Parking District to "L" "EP-1" Light Industrial Event Parking District on 16.432 acres out of NCB 10578, 3841 East Commerce Street as requested by Brown, P. C., Applicant, for Rockhill Partners, Ltd., Owner(s). Staff has

recommended approval contingent on plan amendment and Zoning Commission has recommended approval contingent on plan amendment.

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

Councilmember McNeil made a motion to continue the proposed rezoning case for two weeks. Councilmember Gutierrez seconded the motion.

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

Zoning case Z2005145 was continued for two weeks.

Z-2. ZONING CASE #Z2005130 (District 1): An Ordinance changing the zoning district boundary to designate property "HS" Historic, Significant on 0.8462 acres out of NCB 14164, 312 Pearl Parkway as requested by City of San Antonio, Planning Department, 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 Gutierrez seconded the motion.

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

AN ORDINANCE 101368

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 0.8462 ACRES OUT OF NCB 14164 TO DESIGNATE PROPERTY "HS" HISTORIC SIGNIFICANT.

Z-3. ZONING CASE #Z2005121 (District 2): An Ordinance changing the zoning district boundary from “R-4” Residential Single-Family District to “L” Light Industrial District on Lots 13, 14 and 15, Block 1, NCB 10612, 458 North W. W. White Road as requested by Aggregate Plant Products Company, Applicant, for Aggregate Plant Products Company (BESSER), 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 continue the proposed rezoning case for two weeks. Councilmember Gutierrez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Bert Mazal asked to continue the proposed rezoning case for two weeks.

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

Zoning case Z2005121 was continued for two weeks.

Z-4. ZONING CASE #Z2005186 (District 2): An Ordinance changing the zoning district boundary from “R-5” Residential Single-Family District to “I-1” General Industrial District on Lot 13A, NCB 12867, 4955 Stout as requested by Robert & Richard Reece, Applicant, for Robert & Richard Reece, 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 continue the proposed rezoning case for two weeks. Councilmember Radle seconded the motion.

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

Zoning case #Z2005186 was continued for two weeks.

(Z-5 through Z-8 was considered at the end with one motion and one vote.)

Z-9. ZONING CASE #Z2005117 (District 6): An Ordinance changing the zoning district boundary from “I-1” General Industrial District to “MF-33” Multi-Family District on Parcel 69 and Parcel 69A, Block 55, NCB 13951, Old Highway 90 West as requested by Shelton & Valadez, P. C. c/o Bobby Perez, Applicant, for Highway 90 Joint Venture, 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 continue the proposed rezoning case to the meeting of September 22, 2005. Councilmember Hall seconded the motion.

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

Zoning case Z2005117 was continued to the meeting of September 22, 2005.

Z-10. ZONING CASE #Z2005194 (District 6): An Ordinance changing the zoning district boundary from “R-6” Residential Single Family District to “C-3” General Commercial District on 10.12 acres out of NCB 34392, 1615 West Loop 1604 North as requested by Northwoods Retail Phase III, Ltd., Applicant, for Northwoods Retail Phase III, 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 Herrera 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, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Perez.

AN ORDINANCE 101369

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 10.12 ACRES OUT OF NCB 34392 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-11. ZONING CASE #Z2005171 (District 8): An Ordinance changing the zoning district boundary from "C-2" Commercial District to PUD "MF-25" Planned Unit Development Multi-family District on 12 acres out of NCB 13665, 7886 Huebner Road as requested by Brown Engineering Company: attn Mark Brown, Applicant, for James A. Trautmann, 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 Herrera seconded the motion.

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, Hardberger. **NAYS:** None. **ABSENT:** Perez, Haass.

AN ORDINANCE 101370

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 12 ACRES OUT OF NCB 13665 FROM "C-2" COMMERCIAL DISTRICT TO PUD "MF-25" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT.

Z-12. ZONING CASE #Z2005175 (District 8): An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District to "C-2" Commercial District on 5.83 acres out of NCB 14864, 10300 Block of Huebner Road as requested by Brown, P. C., Applicant, for Prue Road 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 Hall made a motion to approve the proposed rezoning case with restrictions. Councilmember Wolff seconded the motion.

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, Hardberger. **NAYS:** None. **ABSENT:** Perez, Haass.

AN ORDINANCE 101371

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 5.83 ACRES OUT OF NCB 14864 FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-13. ZONING CASE #Z2005181 (District 8): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-3 NA" General Commercial Non-Alcoholic Sales District on 2.208 acres, "O-1" Office District on 1.055 acres, and "O-2" Office District on 1.645 on P-19, NCB 14861, 5726 West Hausman Road as requested by R. L. Worth & Associates, Inc, Applicant, for Margaret Guerra, Owner(s). Staff has recommended denial of "C-3 NA" and approval of "C-2NA", "O-1" and "O-2" and Zoning Commission has recommended approval of "C-3NA", "O-1" and "O-2".

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

Councilmember Hall made a motion to approve the proposed rezoning case as recommended by Zoning Commission. Councilmember Wolff seconded the motion.

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, Hardberger. **NAYS:** None. **ABSENT:** Perez, Haass.

AN ORDINANCE 101372

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 1.645 ON P-19, NCB 14861 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA" GENERAL COMMERCIAL NON-ALCOHOLIC SALES DISTRICT ON 2.208 ACRES, "O-1" OFFICE DISTRICT ON 1.055 ACRES, AND "O-2" OFFICE DISTRICT.

Z-14. ZONING CASE #Z2005187 (District 8): An Ordinance changing the zoning district boundary from "C-2 NA" (CD-Medical Clinic With Inpatient Care Limited To Six Beds) Commercial, Nonalcoholic Sales District with a Conditional Use for a Medical Clinic with Inpatient Care Limited To Six Beds to "C-2" Commercial District on Parcel 13A, Block 1, NCB 15656, 9396 Huebner Road as requested by Salah E. Diab, Applicant, for APTJV, 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 Hall made a motion to approve the proposed rezoning case. Councilmember Wolff seconded the motion.

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, Hardberger. **NAYS:** None. **ABSENT:** Perez, Haass.

AN ORDINANCE 101373

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 13A, BLOCK 1, NCB 15656 FROM "C-2 NA" (CD-MEDICAL CLINIC WITH INPATIENT CARE LIMITED TO SIX BEDS) COMMERCIAL, NONALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR A MEDICAL CLINIC WITH INPATIENT CARE LIMITED TO SIX BEDS TO "C-2" COMMERCIAL DISTRICT.

Z-15. ZONING CASE #Z2005182 (District 9): An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "C-2 NA" Commercial, Nonalcoholic Sales District on Lot 28, NCB 11888, 220 West Sunset Road as requested by Proportional Prosperity, LLC, Applicant, for Estate of Charles Day,

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 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, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Perez, Haass.

AN ORDINANCE 101374

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 28, NCB 11888 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT.

Z-16. ZONING CASE #Z2005068 (District 10): An Ordinance changing the zoning district boundary from "C-2" ERZD Commercial Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District on 26.45 acres out of NCB 17728, located at the northeast corner of Bulverde Road and North Loop 1604 East, as requested by Brown, P. C., Attorneys at Law, Applicant, for NEC BUL 1604, Ltd., Owner(s). Staff has recommended approval with SAWS recommendation of 65% impervious cover limit and Zoning Commission has recommended approval with 65% impervious cover limit.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger asked the location of the proposed Lowes Development. He pointed out that it was over the Aquifer. He also stated that this is where our drinking water is derived. He asked what will happen 25 years from now. Lastly, he asked that impervious cover should be down to 15%.

Councilmember Haass made a motion to continue the proposed rezoning case to the meeting of October 6, 2005. Councilmember Wolff seconded the motion.

After consideration, the motion to continue the proposed rezoning case to the meeting of October 6, 2005 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Zoning case Z2005068 was continued to the meeting of October 6, 2005.

Z-17. ZONING CASE #Z2005184 CD (District 10): An Ordinance changing the zoning district boundary from "C-1" Commercial District to "C-1" (CD-Laboratory-Testing) Commercial District with a Conditional Use for Laboratory-Testing on 2.037 acres out of Lot 2 , Block 9, NCB 17306, 3330 Oakwell Court as requested by Brown, P. C., Applicant, for Veranda 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 Haass 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, Radle, Herrera, Guajardo, Hall, Haass, Hardberger. **NAYS:** None. **ABSENT:** Perez, Wolff.

AN ORDINANCE 101375

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 2.037 ACRES OUT OF LOT 2 , BLOCK 9, NCB 17306 FROM "C-1" COMMERCIAL DISTRICT TO "C-1" (CD-LABORATORY-TESTING) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR LABORATORY-TESTING.

Z-5. ZONING CASE #Z2005170 CD (District 4): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3NA" (CD-Auto Parking and/or Storage-Long Term) General Commercial, Nonalcoholic Sales District with

Conditional Use for Auto Parking and/or Storage-Long Term on Lot 17, Block 9, NCB 8778, 350 Price as requested by Ernest Gonzales, Applicant, for Ernest Gonzales, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with conditions that no more than 30 vehicles for storage and/or sale on the site at any time and each vehicle on site for storage and/or sale is limited to a maximum of six months on site.

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

Councilmember Haass made a motion to continue the proposed rezoning cases Z-5 through Z-8 for one week. Councilmember Hall seconded the motion.

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

Zoning case Z2005170 CD was continued for one week.

Z-6. ZONING CASE #Z2005188 (District 4): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "R-3" Residential Single-Family District on Tract 2, NCB 15171, North of the Intersection of Ray Ellison Boulevard and Southwest Loop 410 as requested by Salah E. Diab, Applicant, for HLH Holdings, 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.

Zoning case Z2005188 was continued for one week.

Z-7. ZONING CASE #Z2005189 (District 4): An Ordinance changing the zoning district boundary from "NP-8" Neighborhood Preservation District to "R-6" Residential Single-Family District on 65.035 acres out of NCB 15269, as requested by Don Malooly, Applicant, for Don Malooly, 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.

Zoning case Z2005189 was continued for one week.

Z-8. ZONING CASE #Z2005192 (District 4): An Ordinance changing the zoning district boundary from “MF-33” Multi-Family District to “O-1” Office District on the north 70 feet of the east 100 feet of Lot 2A, Block 6, NCB 9306, 219 Escalon Avenue as requested by Wade Interests, Inc., Applicant, for SS Medical Building Limited 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.

Zoning case Z2005192 was continued for one week.

FY 2006 PROPOSED BUDGET WORK SESSION

- Convention/Tourism/Culture

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

A proclamation honoring the Korean War Veterans POW's and MIA's Day.

A proclamation for Literacy Awareness Month.

A proclamation for National Public Lands Day.

A proclamation for Tejano Heritage Month.

Councilmember Radle asked for a point of personal privilege to recognize Veysel Demir of the Institute of Interfaith Dialogue to invite the Mayor and Council to their first dinner.

FY 2006 PROPOSED BUDGET WORK SESSION CONTINUED

- Economic Development

Councilmember Herrera asked for a point of personal privilege to show a short video on the aid that has taken place for Hurricane Katrina evacuees at the Levi Strauss site.

CITIZENS TO BE HEARD AND PUBLIC HEARING ON THE FY 2006 PROPOSED TAX RATE.

Mayor Hardberger noted the Public Hearing and Citizens to be Heard list had been combined, and would be addressed in that manner.

Mr. Jack M. Finger noted the average that all tax bills have increased since 1999 is 20 percent. He stated that he is looking forward to the decrease.

Mr. Faris Hodge, Jr. noted that he should be allowed to speak on two different issues – the public hearing and citizens to be heard rather than combining the sign-in sheet. He stated that he would be in contact with the Attorney General's Office. He further spoke to various services provided by the City.

Mr. Nazarite Ruben Flores Perez showed a map of the area where he lives and pointed out the pollution on the colored coded map. He stated that Districts 6, 5, 4 and 3 are affected and noted the danger of the polluted areas.

Ms. Graciela Sanchez, Esperanza Peace and Justice Center, spoke relating to the contrary reports on WOAI. She stated they have discussed the issue with the Office of Cultural Affairs. They showed a video at this time. They referenced the lies that have been aired regarding their funding.

Mr. Antonio Diaz addressed the Council noting the freedom of speech right. He stated that with new mediums of communication – all of the City Council Meeting should be televised. He stated the City was censoring all of the citizens that speak during the Citizens to be Heard.

Mr. Terrell McCombs, North San Antonio Chamber of Commerce, addressed the Council relating to the roads and streets within the City of San Antonio. He noted that roadway infrastructure is necessary for an economic engine for the City as he described the medical center area in the northwest. He requested an increase in funds for improvement to roads.

Mr. Jose Perez addressed the Council relating to Ramiro Cavazos and economic development. He stated he needed help in his small business and contacted Mr. Cavazos. Mr. Perez stated the stumbling blocks needed to be removed in order for him to be successful.

Mr. Franklin Anderson addressed the Council relating to the Notice of the Tax Rate publication. He stated he was present to register his opposition to additional taxes. He stated he works for a construction company and noted the tax system is already too burdensome. He asked the Council not to increase the tax rate because it is already too high.

Mr. Ernest Murphy addressed the Council representing taxpayers of the City and referenced the publication of the public hearing. He stated to at least limit the increase to the point of inflation. He proposed a tax rate of .54296.

Ms. Cynthia Stanley addressed the Council stating how the City can claim there is no increase, but yet valuations increase. She noted the increase of \$100,000 in one year and added that she would like to keep her money and continue to stay home.

Mayor Hardberger stated City Council will vote on the FY2005-2006 tax rate at the meeting of September 15, 2005 immediately after considering the budget.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 7:28 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest:


LETICIA M. VACEK
CityClerk