

**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 21, 2005 AND THURSDAY, SEPTEMBER 22, 2005

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The City Council convened in an informal "B" Session on Wednesday, September 21, 2005, at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

Boards & Commissions At-Large appointment interviews.

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

The "B" Session adjourned at 4:20 pm.

The Regular Meeting was called to order on Thursday, September 22, 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 Pastor Dan Allen, District 8, Leon Springs First Baptist Church.

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

The minutes of the City Council meeting of September 8, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

20050922
September 22, 2005
YL/dl

AN ORDINANCE 101411

APPROVING AN UPDATE TO THE LAND USE ASSUMPTIONS PLAN AND THE WATER SUPPLY CAPITAL IMPROVEMENTS PLAN (THE "PLANS"), AMENDMENTS TO THE PLANS, AND MODIFICATIONS TO THE SAN ANTONIO WATER SYSTEM WATER SUPPLY IMPACT FEE.

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

Mr. Ben Gorzell, Director of Public Utilities, made a presentation on the SAWS Water Supply Impact Fee, a copy of which is on file with the Office of the City Clerk. He explained the purpose of the impact fee noting that it was under the Texas Local Government Code. He cited the various charges that comprise the impact fees, the current water supply impact fee of \$352 established in May 2001 to recover the costs identified in the Capital Improvements Program that included the Oliver Ranch Project and the BSR Project. He further reiterated on the consultant engaged to assist SAWS in the comprehensive update of all impact fees. He addressed the affordability issues, background on the SAWS Water and Sewer Impact Fee Waiver, eligibility for waivers and rebates and policy issues regarding the Edwards Aquifer Recharge Zone.

The following citizen(s) appeared to speak:

Mr. Larry Hoffman, 16206 Silver Spur, addressed the Council relating to time certain items listed on the agenda. He stated the new populations should bear the cost of water needed rather than existing customers being asked to bear that burden.

Mr. Jack M. Finger, PO Box 12048, addressed the Council and asked if developers will continue to rule at City Hall. He asked if developers would pay their share to develop their projects. He felt that the taxpayer should not have to subsidize the developers' projects.

Ms. Bebb Francis, 112 E. Pecan, addressed the Council of the significant costs that are unbudgeted.

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.

(At this point, Mayor Hardberger was obliged to leave the meeting. Mayor Pro Tem Flores presided.)

EXECUTIVE SESSION

Mayor Pro Tem Flores recessed the Regular Session at 10:10 am in order to convene in Executive Session for the purpose of:

Briefing on the City Attorney selection process, pursuant to Texas Government Code Section 551.074 (personnel matters).

Discuss legal issues related to *Zalman Resources, Inc. and Mark Abdelhak v. City of San Antonio*, Cause No. 2000-CI-00604, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

Discuss legal issues related to the selection of providers of third party claims administration and medical cost containment services for the city's self-insured worker's compensation and liability program, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Pro Tem Flores reconvened the Regular Session from Executive Session at 2:10 am, 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.

The City Clerk read the following ordinance:

AN ORDINANCE 101412

AUTHORIZING EXECUTION OF NECESSARY CONTRACTS TO PROVIDE THIRD PARTY CLAIMS ADMINISTRATION AND MEDICAL COST CONTAINMENT SERVICES FOR THE CITY'S SELF INSURED WORKERS' COMPENSATION AND LIABILITY PROGRAM.

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

Ms. Sharon De La Garza, Director of Human Resources narrated a slide presentation on the Third Party Administration and Medical Cost Containment Services, a copy of which is on file with the Office of the City Clerk. She outlined background information on the process utilized to handle the workers' compensation and liability claims, current contracts with Cambridge Integrated Services and Medical Audit Consultants, and the staff recommendation of contracting with CMI Barron for a period of 15 months to handle the third party administration of claims and services.

The following citizen(s) appeared to speak:

Mr. Travis Nixon spoke with regards to reconsidering staff's recommendation.

Mr. Morris Munoz also addressed the Council with regards to the savings to the City and the Council's recommendation.

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, Wolff, Haass. **NAYS:** None. **ABSENT:** Hall, Hardberger.

The City Clerk read the following ordinances:

AN ORDINANCE 101413

AUTHORIZING THE EXECUTION OF TEN (10) PROFESSIONAL ARTISTIC CONTRACTS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$110,000.00 FOR PERFORMANCES RELATED TO THE CARVER COMMUNITY CULTURAL CENTER'S 2005-2006 SEASON OF EVENTS; AUTHORIZING THE EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS FOR RELATED TECHNICAL SERVICES, AND THEATRE RENTALS AGREEMENTS; AUTHORIZING THE NEGOTIATION AND EXECUTION OF AGREEMENTS WITH COMPARABLE CONTRACTORS IN THE EVENT OF NON-PERFORMANCE OF SERVICES BY AN INTENDED CONTRACTOR; AUTHORIZING THE EXECUTION OF LETTERS OF INTENT TO RESERVE, SUBJECT TO CITY COUNCIL APPROVAL, PERFORMANCES FOR THE 2006-2007 SEASON; AUTHORIZING THE TRANSFER OF REVENUE FUNDS FROM THE COMMUNITY AND VISITOR'S FACILITIES FUND, TO THE CARVER ORGANIZATIONAL SUPPORT PROJECT IN THE AGGREGATE AMOUNT OF \$199,000.00; AUTHORIZING THE USE OF THE TICKET PRICE SCHEDULE FOR THE 2005-2006 CARVER SEASON OF EVENTS AND APPROVING THE CONTINUED USE OF SAID SCHEDULE; ADOPTING A BUDGET AND APPROVING A PERSONNEL COMPLEMENT.

AN ORDINANCE 101414

AUTHORIZING THE ACCEPTANCE OF \$51,000.00 IN FINANCIAL SUPPORT FROM THE CARVER DEVELOPMENT BOARD FOR THE FY 2005/2006 CARVER COMMUNITY CULTURAL CENTER SEASON, TO BE MANAGED IN THE ORGANIZATION SUPPORT PROJECT; ADOPTING A BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

AN ORDINANCE 101415

AUTHORIZING THE EXECUTION OF A MANAGEMENT SERVICES CONTRACT WITH THE CARVER DEVELOPMENT BOARD (CDB) IN AN AMOUNT UP TO \$55,598.00 FOR MANAGEMENT OF THE CARVER COMMUNITY CULTURAL CENTER (CCCC) FOR THE PERIOD ENDING SEPTEMBER 30, 2006.

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

Mr. Dennis Campa, Director of Community Initiatives, made a presentation on the FY 2006 Carver Season of Events Operational and Funding Support Management Services Agreement, a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize the execution of 10 professional artistic contracts related to the Carver Community Cultural Center's 2005-06 season, noting that this would also authorize negotiation with comparable contractors in the event a professional artist contract is cancelled. He further expounded on the Carver Community Cultural Center, the Carver Development Board and its relation to the City, and the management services agreement. He delineated the responsibilities of the Carver Development Board and the City, the various performances and artists' schedule, and accountability measures.

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.

CONSENT AGENDA

Consent agenda items 15, 16, and 18 were pulled for individual consideration. The remaining items 6 through 28G were approved upon motion made by Councilmember Perez 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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 101416

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 \$571,392.00

INCLUDING: LUBRICANTS; AERIAL LIFT TRUCK RENTAL; PROPANE REFUELING SYSTEM MAINTENANCE AND REPAIR; INSPECTION OF AERIAL APPARATUS AND GROUND LADDERS; AND LIQUID PROPANE GAS (LPG) EQUIPMENT PARTS AND SERVICE.

AN ORDINANCE 101417

ACCEPTING THE BID SUBMITTED BY KRUG FURNITURE, INC., USING ITS LOCAL DISTRIBUTOR, HERMAN MILLER WORKPLACE RESOURCE, UTILIZING THE TEXAS MULTIPLE AWARD SCHEDULES (TXMAS), TO PROVIDE THE CITY WITH LIBRARY FURNITURE FOR THE MAURY MAVERICK JR. BRANCH LIBRARY FOR A TOTAL COST OF \$80,268.49, FROM 1999 GENERAL OBLIGATION LIBRARY BOND FUNDS.

AN ORDINANCE 101418

RATIFYING A CONTRACT WITH STARLIGHT ENTERTAINMENT TO PROVIDE THE CITY OF SAN ANTONIO CONVENTION CENTER FACILITIES WITH APPROXIMATELY 900 FEET OF LIGHTING TRUSS FOR THE "VATICAN EXHIBIT" FOR A TOTAL COST OF \$33,490.00, FROM 2004 HOTEL MOTEL TAX SUBORDINATE LIEN REVENUE AND REFUND BONDS.

AN ORDINANCE 101419

AMENDING THE GENERAL OPERATING AGENCY AGREEMENT WITH THE GREATER KELLY DEVELOPMENT AUTHORITY (GKDA) BY EXTENDING THE TERM OF THE AGREEMENT BY ONE (1) YEAR TO PROVIDE FOR THE COMPLETION OF TWO (2) STREET PROJECTS AT KELLYUSA, AS PART OF THE 2003 BOND PROGRAM.

AN ORDINANCE 101420

AMENDING THE LEASE AGREEMENT WITH MAGIK THEATRE FOR BEETHOVEN HALL IN HEMISFAIR PARK, INCLUDING CHANGES TO THE PRESERVATION FEE SCHEDULE AND REPORTING REQUIREMENTS.

AN ORDINANCE 101421

AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH PROPERTY PARTNERS I, LTD FOR 4,913 SQUARE FEET OF OFFICE SPACE AT THE WESTSIDE PROFESSIONAL BUILDING LOCATED AT 700 SOUTH ZARZAMORA STREET FOR USE BY THE CITY OF SAN ANTONIO'S SENIOR SERVICES DIVISION AND OFFICE OF ELDERLY AFFAIRS FOR A TWO-YEAR TERM WITH TWO ONE-YEAR RENEWAL PERIODS, BEGINNING OCTOBER 1, 2005 AT A MONTHLY RENTAL OF \$5,306.04 FOR THE TERM OF THE LEASE AGREEMENT; AUTHORIZING THE EXECUTION OF ANY OTHER NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND AUTHORIZING THE PAYMENT OF THE MONTHLY LEASE RENTAL.

AN ORDINANCE 101422

AUTHORIZING THE ACCEPTANCE OF A CONTINUATION GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$36,174.00 FOR USE IN A SENIOR NUTRITION EVIDENCE-BASED PREVENTION DEMONSTRATION PROJECT FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS IN CONNECTION THEREWITH; ADOPTING A BUDGET; AND APPROPRIATING FUNDS.

AN ORDINANCE 101423

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$275,250.00 FOR THE CONTINUATION OF THE SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AUTHORIZING THE EXECUTION OF A GRANT CONTRACT IN CONNECTION THEREWITH; ADOPTING A BUDGET; APPROVING A PERSONNEL COMPLEMENT; APPROPRIATING FUNDS; AUTHORIZING THE ALLOCATION OF CARRY FORWARD FUNDS; AND AUTHORIZING THE ACCEPTANCE OF SUPPLEMENTAL FUNDS, IF AWARDED DURING THE CONTRACT PERIOD.

AN ORDINANCE 101424

AUTHORIZING THE ACCEPTANCE OF A \$500,000.00 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE DWI

SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FOR THE GRANT PERIOD OCTOBER 1, 2005, TO SEPTEMBER 30, 2006, AND AUTHORIZING AN IN-KIND MATCH OF \$39,342.00 AND A CASH MATCH OF \$16,215.00.

AN ORDINANCE 101425

REENACTING CHAPTER 35, TITLED UNIFIED DEVELOPMENT CODE (UDC), OF THE CITY CODE OF SAN ANTONIO, TEXAS THAT INCORPORATES THE CURRENT ACTIVE PROVISIONS OF THE 1987 UDC, THE 2001 UDC AND ALL AMENDMENTS THERETO THAT ARE EFFECTIVE PRIOR TO OCTOBER 1, 2005, PROVIDING FOR PUBLICATION AND CONTINUING ALL CIVIL AND CRIMINAL FINES AND ALL ADMINISTRATIVE FEES AND FINES IN FULL FORCE AND EFFECT.

AN ORDINANCE 101426

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO JOIN THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) ALAMO CLEAN AIR PARTNERSHIP (ACAP) ON BEHALF OF THE CITY OF SAN ANTONIO

AN ORDINANCE 101427

AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM IN CONNECTION WITH ITS COMMUNITY EDUCATION AND ENVIRONMENTAL CONSERVATION PROGRAM KNOWN AS GOLF FORE SA, ACCEPTING A \$100,000.00 GRANT FOR USE IN ESTABLISHING WATER CONSERVATION PROGRAMS, UPGRADES, MONITORING AND EDUCATION AT SIX SAN ANTONIO GOLF COURSES, AND APPROPRIATING FUNDS

AN ORDINANCE 101428

AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE THIRD AMENDMENT TO THE LICENSED USER AGREEMENT WITH TICKETMASTER, L.L.C. PROVIDING FOR A LICENSE TO UTILIZE THE TICKETMASTER ACCESSMANAGER SYSTEM, INCLUDING RELATED SOFTWARE AND HARDWARE, INSTALLATION, TRAINING AND MAINTENANCE IN THE AMOUNT OF \$93,067.78; AUTHORIZING THE EXPENDITURE OF \$22,564.40 FOR ADDITIONAL TELECOMMUNICATIONS

INFRASTRUCTURE INSIDE THE ALAMODOME; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 101429

APPROVING SETTLEMENT OF THE ADMINISTRATIVE APPEAL STYLED *CITY OF SAN ANTONIO V DEPARTMENT OF LABOR*, CASE NO. 2004-WTW-00003 IN THE AMOUNT OF \$80,960.00.

ITEM 23 IS A CONFIRMATION OF A TRAVEL AUTHORIZATION REQUEST FROM COUNCILMEMBER ELENA GUAJARDO (DISTRICT 7) FOR HER ATTENDANCE AT THE "INTERNATIONAL PUBLIC TRANSPORTATION EXPOSITION 2005" IN DALLAS, TEXAS ON SEPTEMBER 26, 2005.

AN ORDINANCE 101430

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR THE SBC CENTER IN CONNECTION WITH THE MS 150 BIKE TO THE BEACH TO BE HELD ON SATURDAY, OCTOBER 1, 2005 FROM 5:00 A.M. UNTIL 9:30 A.M., SPONSORED BY THE MULTIPLE SCLEROSIS SOCIETY.

AN ORDINANCE 101431

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR BENSON LIBRARY IN CONNECTION WITH THE ST. ANTHONY FUN RUN/WALK BEING HELD ON SATURDAY, OCTOBER 8, 2005 FROM 7:30 A.M. UNTIL 9:30 A.M., SPONSORED BY THE ST. ANTHONY CATHOLIC SCHOOL.

AN ORDINANCE 101432

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF PORTIONS OF CERTAIN STREETS NEAR MILAM PARK IN CONNECTION WITH THE LIGHT THE NIGHT WALK BEING HELD ON SATURDAY, OCTOBER 8, 2005 FROM 5:30 P.M. UNTIL 9:00 P.M., SPONSORED BY THE ST. ANTHONY CATHOLIC SCHOOL.

AN ORDINANCE 101433

APPROVING THE TEMPORARY STREET CLOSURE OF BELKNAP PLACE BETWEEN COURTLAND DRIVE AND ASHBY PLACE ON MONDAY AND TUESDAY, OCTOBER 3-4, 2005 FROM 6:00 P.M. TO 11:00 P.M., WEDNESDAY AND THURSDAY, OCTOBER 12-13, 2005 AND MONDAY, OCTOBER 24, 2005 FROM 8:00 A.M. TO 11:00 P.M. IN CONNECTION WITH THE TEMPLE BETH EL ANNUAL CHURCH FESTIVAL SPONSORED BY TEMPLE BETH EL.

AN ORDINANCE 101434

APPOINTING CALVIN COPELAND (DISTRICT 2) TO THE SOUTH TEXAS BUSINESS FUND BOARD (CATEGORY: TRUSTEE) FOR A TERM OF OFFICE TO EXPIRE ON SEPTEMBER 22, 2008.

AN ORDINANCE 101435

APPOINTING STANLEY MARSHALL, JR. (DISTRICT 2) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101436

APPOINTING RICHARD HOLGIN (DISTRICT 1) AND REAPPOINTING ROY E. LEE (DISTRICT 2) TO THE CITY COMMISSION ON VETERANS' AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101437

APPOINTING JASMINE STEWART (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101438

REAPPOINTING TERRY BATES (DISTRICT 2) TO THE DISABILITY ACCESS ADVISORY COMMITTEE (CATEGORY: CONSUMER OF HANDICAPPED SERVICES) FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

AN ORDINANCE 101439

REAPPOINTING BARBARA L. WITTE-HOWELL (DISTRICT 1) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

Item 28G being an ordinance appointing Jay "Scott" Shaver (District 1) to the Electrical Examining and Supervising Board (Category: layperson) for a term of office to expire on September 22, 2007 was pulled from consideration.

(Mayor Hardberger returned to the meeting and presided.)

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following ordinance:

AN ORDINANCE 101440

ASSIGNING THE OBLIGATIONS AS A PARTY TO A TAX PHASE-IN AGREEMENT BETWEEN THE CITY, PACIFICARE HEALTH CARE SERVICES AND WELLS OPERATING PARTNERSHIP, L.P. FROM WELLS OPERATING PARTNERSHIP, L.P. TO LEXINGTON SAN ANTONIO L.P.

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

Mr. Ramiro Cavazos, Director of Economic Development Department, made a presentation on the amendment to the Tax Phase-In Agreement with PacificCare Health Systems and Wells Operating Partnership, a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize the assignment which is the transfer of contractual obligations from one party to another of the Tax Phase-In Agreement, and outlined details of the respective firms and investment to the community.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101441

AUTHORIZING A ONE YEAR EXTENSION OF THE PROFESSIONAL SERVICES CONTRACT WITH STERLING'S PUBLIC SAFETY, INC., FOR A UNIFORM COMMISSARY SYSTEM FROM OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006, AND PROVIDING FOR AN AMENDMENT TO THE CONTRACT TO REQUIRE AVAILABILITY OF ADDITIONAL UNIFORM ITEMS.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 101442

AMENDING THE FISCAL YEAR 2004-2005 ANNUAL BUDGET BY REPROGRAMMING PREVIOUSLY APPROPRIATED DOWNTOWN STRATEGIC PLAN AND DOWNTOWN CORRIDOR REVITALIZATION PLANS FUNDS IN THE AMOUNT OF \$200,000.00 TO AN INDUSTRY GROWTH AND TOURISM BRANDING PLAN, INCORPORATING DOWNTOWN, ENTITLED DESTINATION SA AND AUTHORIZING THE TRANSFER OF \$75,000.00 OF THESE REPROGRAMMED FUNDS TO THE CONVENTION AND VISITORS BUREAU OPERATING BUDGET FOR THE CONTINUED DEVELOPMENT OF DESTINATION SA.

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

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

2:00 P.M. CONSIDERATION OF AMENDMENTS AND ZONING CASES

P-1 PLAN AMENDMENT CASE NUMBER 05009: 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 an 16.43-acre tract of land located at 3841 Commerce Street East from High Density Multi-family Residential land use to Light Industrial land use. Staff's recommendation is for approval. Planning Commission's recommendation is for approval. (Council District 2)

Councilmember McNeil made a motion to continue the proposed plan amendment case to the meeting of January 12, 2006. Councilmember Perez seconded the motion.

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

Plan amendment case 05009 was continued to the meeting of January 12, 2006.

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.

Councilmember McNeil made a motion to continue the proposed rezoning case to the meeting of January 12, 2006. Councilmember Perez seconded the motion.

After consideration, the motion to continue 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.

Zoning case z2005145 was continued to the meeting of January 12, 2006

Z-2 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 Lot 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.

Councilmember McNeil made a motion to continue the proposed rezoning case to the meeting of January 12, 2006. Councilmember Perez seconded the motion.

After consideration, the motion to continue 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.

Zoning case z2005121 was continued to the meeting of January 12, 2006.

Z-3 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 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 101443

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 13A, NCB 12867 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

Z-4 ZONING CASE #Z2005045 A (District 4): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-3NA" Commercial, Nonalcoholic Sales District on the east 180.2 feet of Lot 5, Block 10, NCB 8783 and "C-3NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District on the east 180.2 feet of Lot 4, Block 10, NCB 8783 to the east 180.2 feet of Lot 5, Block 10, NCB

8783 and the east 180.2 feet of Lot 4, Block 10, NCB 8783, 727 Bynum Avenue and 731 Bynum Avenue as requested by City of San Antonio, Applicant, for Ricardo Rodriguez and Roland Villarreal, 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 Radle 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 101444

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 180.2 FEET OF LOT 5, BLOCK 10, NCB 8783 AND THE EAST 180.2 FEET OF LOT 4, BLOCK 10, NCB 8783 FROM "C-2" COMMERCIAL DISTRICT TO "C-3NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT ON THE EAST 180.2 FEET OF LOT 5, BLOCK 10, NCB 8783 AND "C-3NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2" COMMERCIAL DISTRICT ON THE EAST 180.2 FEET OF LOT 4, BLOCK 10, NCB 8783.

Z-5 ZONING CASE #Z2005146 S (District 5): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (S-Child Day Care Center) Residential Single-Family District with Specific Use Permit for a Child Day Care Center on Lot 5, NCB 9611, 158 Darson Marie Drive as requested by Mariana P. Pena-Flores & Ricardo S. Flores, Applicant, for Mariana P. Pena-Flores & Ricardo S. Flores, 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 101445

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, NCB 9611 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" (S-CHILD DAY CARE CENTER) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH SPECIFIC USE PERMIT FOR A CHILD DAY CARE CENTER.

Z-6 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; 6406 and 6440 US 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.

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

After consideration, the motion to continue 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.

Zoning case z2005117 was continued to the meeting of October 6, 2005.

Z-7 ZONING CASE #Z2005195 (District 10): An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-2" Commercial District on Lot 5, Block 9, NCB 17306, 3338 Oakwell Court as requested by Marmom Mok, L. L. P., Applicant, for Oakwell Physicians, 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 Haass 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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

AN ORDINANCE 101446

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 9, NCB 17306 FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Mayor Hardberger recessed the meeting at 3:05 pm and reconvened at 5:00 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation congratulating the San Antonio SPURS for their 2005 NBA World Championship.

Ms. Leticia Vacek, City Clerk, administered the Oath of Office to newly appointed Board & Commission members.

CITIZENS TO BE HEARD

Mr. Faris Hodge, Jr. addressed the Council relating to the Public Hearing on the Budget and Citizens to be Heard items that were combined on the same sign-in sheet. He noted that it was against the law to combine the two hearings and not fair that he only received three minutes to speak rather than 6 minutes.

Mr. Nazarite Ruben Flores Perez addressed the Council and thanked the Mayor for a great job in opening his arms for the evacuees and taking care of all the evacuees from New Orleans that are in San Antonio.

Ms. Amanda Ramirez addressed the Council relating to the Frank Garrett Community Center whose air-conditioning is not working. She stated those children that are

transported are not given their medications timely. Lastly, she noted the Center was not opened at the specified hours.

Ms. Ruth Salas also addressed the Council relating to the Frank Garrett Community Center and noted that they have contacted the Director and nothing has been done. She noted that this issue with the air conditioning has been an issue every summer and that while the parts are on order – the center is very hot for their children.

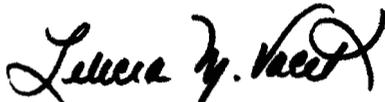
Mr. Cam Messina with Voices for the Children addressed the Council relating to their conference at Incarnate Word.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:23 pm.

A P P R O V E D


PHIL HARDBERGER
M A Y O R

Attest:


LETICIA M. VACEK
City Clerk