

**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, NOVEMBER 9, 2005 AND THURSDAY, NOVEMBER 10, 2005

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

Briefing on issues related to development regulations over the Edwards Aquifer area. [Introduced by Michael D. Bernard, City Attorney; Presented by Russell Johnson, Bracewell & Guiliani, L.L.P. and Doug Young, Scanton, Buckle & Young, P.C.]

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

The "B" Session adjourned at 4:45 p.m.

The Regular Meeting was called to order at 9 a.m. on Thursday, November 10, 2005 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 Reverend John Glenn, District 3, Greater Good News Missionary Baptist Church.

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

Councilmember Kevin Wolff was sworn in as Mayor Pro Tem.

Ms. Sheryl Sculley was sworn in as City Manager.

The minutes of the City Council meeting of October 20, 2005 were approved as presented.

CONSENT AGENDA - CITIZEN'S COMMENTS

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council to welcome City Manager Sheryl Sculley to San Antonio.

INDIVIDUAL ITEMS FOR CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 101652

ACCEPTING \$49,622.68 FROM THE GREATER SAN ANTONIO CHAMBER OF COMMERCE, ADMINISTRATIVE AGENT OF THE SAN ANTONIO MILITARY MISSIONS (SAMM) TASK FORCE, AS REPAYMENT OF UNUSED FUNDS PREVIOUSLY ALLOCATED THROUGH AN AGREEMENT TO USE FUNDS.

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

Mr. Ed Davis, Economic Development Department, made a presentation on the acceptance of funds from the Greater San Antonio Chamber of Commerce, a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize the City Manager to accept the funds as the City's fair share refund of unused funds in the account of the San Antonio Military Missions (SAMM) Task Force. He spoke to the partnership established in 2004 with Bexar County, CPS Energy, and the Chamber of Commerce for the Task Force development in efforts to prepare the community for the 2005 round of Base Realignment and Closure (BRAC). He outlined the contributions made by the other partner entities, the recommendations for 2005 thereby completing the mission of the Task Force. He further amplified on the annual economic impact of the military to San Antonio, and how the military remains a key element in the City's Strategic Plan for Economic Development.

The following citizen(s) appeared to speak:

Mr. Charlie Amato, member of San Antonio Military Missions Task Force, discussed the role of the task force in the 2005 Base Realignment discussions. He stated that while the City experienced local military losses, it will gain 3000 new jobs and \$2 billion in new construction. He stated that the check being presented to the City represents the City's fair share refund of unused project contributions.

Mr. Joe Krier, of the Greater San Antonio Chamber of Commerce, thanked Council for its assistance with the task force and stated that preparatory discussions are in development between the Chamber of Commerce, the City and Bexar County to optimize benefits of the recent military losses.

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

The City Clerk read the following Resolution:

A RESOLUTION 2005-44-38

ALLOCATING THE VOTES FOR THE CITY'S CANDIDATE FOR THE BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS.

City Clerk Leticia Vacek explained the process to allocate the votes.

Councilmember Hall made a motion to approve the proposed resolution and allocate 834 votes to James McAden. Haass

Councilmember Radle made a motion to allocate the remaining votes to Santos Villarreal to represent San Antonio Independent School District. Councilmember Hall seconded the motion.

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

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE

Mayor Hardberger declared the public hearing to be open.

Mr. Malcolm Matthews, Director of Parks and Recreation made a presentation on the transfer ownership of park land within Spicewood Park in exchange for adjacent property, a copy of which is on file with the Office of the City Clerk. He stated that Southwest Independent School District (SWISD) had a need to build an elementary school in the vicinity of Spicewood Park in order to serve students in that area; however had been unsuccessful in locating the appropriate land. He added that SWISD was requesting to utilize an undeveloped 8 acre portion of Spicewood to build the new school

and in return would purchase another tract of land and exchange that land to the City as an extension of the park. He further expounded on the state requirements with respect to the transfer of ownership of public parks and the actions to be initiated by SWISD and assumption of land transfer costs. He outlined the coordination efforts, the approval of the transaction by the Planning Commission and the Parks and Recreation Board, and staff's recommendation.

Mayor Hardberger declared the public hearing to be closed.

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

AN ORDINANCE 101653

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 FROM PUBLIC PARK USE TO PUBLIC SCHOOL USE OF APPROXIMATELY 8 ACRES LOCATED IN SPICEWOOD PARK IN CITY COUNCIL DISTRICT 4 AND AUTHORIZING THE TRANSFER OF OWNERSHIP TO SOUTHWEST INDEPENDENT SCHOOL DISTRICT, IN EXCHANGE FOR APPROXIMATELY 8 ACRES OF ADJACENT PROPERTY TO BE DESIGNATED AS PARK LAND.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following Ordinance:

AN ORDINANCE 101654

AUTHORIZING THE RE-ALLOCATION OF FY 2006 ONE-TIME MONIES IN THE AMOUNT OF \$100,000.00 FROM THE CUSTOMER CONVENIENCE INITIATIVE TO CONTRIBUTIONS PAYABLE TO SOCIAL AND HEALTH RESEARCH CENTER THROUGH THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT (SAMHD); AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF \$100,000.00 WITH THE SOCIAL AND HEALTH RESEARCH CENTER TO CONDUCT A PROGRAM FOR THE PREVENTION AND STUDY OF CHILDHOOD DIABETES THROUGH THE BIENESTAR AND NEEMA

PROGRAMS; AND AUTHORIZING PAYMENTS, AS REQUESTED BY COUNCILMEMBER RICHARD PEREZ, DISTRICT 4 AND COUNCILMEMBER PATTI RADLE, DISTRICT 5.

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

Dr. Fernando Guerra, Director of Metropolitan Health District narrated a slide presentation on the Bienestar/NEEMA School-based Diabetes Prevention Programs, a copy of which is on file with the Office of the City Clerk. He stated this program was targeted to reduce or prevent type 2 diabetes in children attending schools located in primarily Hispanic, low-income neighborhoods. He noted that Type 2 diabetes was increasing in epidemic proportions among the youth due to poor nutrition and physical inactivity and presented statistical data for Bexar County and U.S. averages, specifically citing schools in the San Antonio Independent School District. He outlined the program strategy, program components, the targeted population and schools, success measures and collaboration with Steps-SA.

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

Item 9 is consideration of an appeal by Matisse restaurant, regarding the San Antonio Board of Adjustment's decision to deny a variance allowing an existing on-premise sign to exceed 40 feet in height, located at 13259 Blanco Road.

Councilmember Perez made a motion to continue the proposed Ordinance to the meeting of December 15, 2005. Councilmember Gutierrez seconded the motion.

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

Item 9 was continued to the meeting of December 15, 2005.

CONSENT AGENDA

Consent agenda items 12, 13, 14, 15, and 16 were pulled for individual consideration. The remaining items 11 through 20B were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

The following citizen(s) appeared to speak:

Ms. Leticia Vacek, City Clerk, read a written testimony submitted by Mr. Faris Hodge, Jr., 140 Dora which expressed his support of Item 11, and noted Council should have previously addressed this issue.

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

AN ORDINANCE 101655

ACCEPTING THE BID SUBMITTED BY AIRWAVE RADIO, INC. TO PROVIDE THE FIRE DEPARTMENT WITH HAM RADIO EQUIPMENT FOR A TOTAL COST OF \$51,970.00, FROM THE 2004 URBAN AREA SECURITY INITIATIVES FUND.

AN ORDINANCE 101656

AUTHORIZING THE PURCHASE OF MEDICAL PROFESSIONAL LIABILITY INSURANCE FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FROM NATIONAL FIRE & MARINE INSURANCE COMPANY THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE (1) YEAR PERIOD BEGINNING NOVEMBER 22, 2005 AND ENDING NOVEMBER 22, 2006, AT A COST OF \$127,514.25.

AN ORDINANCE 101657

AUTHORIZING THE EXECUTION OF A CONTRACT WITH AETNA FOR AN ESTIMATED ANNUAL AMOUNT OF \$864,178.00 TO PROVIDE MEDICARE HEALTH MAINTENANCE ORGANIZATION (HMO) PROGRAM SERVICES BEGINNING JANUARY 1, 2006 AND ENDING DECEMBER 31, 2008, WITH AN OPTION TO EXTEND THE CONTRACT FOR ONE (1) TWO (2) YEAR PERIOD, SUBJECT TO AND CONTINGENT UPON FUNDING AND APPROVAL BY CITY COUNCIL.

ITEM 19

CONFIRMATION OF A TRAVEL AUTHORIZATION REQUEST FROM COUNCILMEMBER SHEILA MCNEIL, DISTRICT 2, TO ATTEND THE 2005

ENTERPRISE NETWORK CONFERENCE IN WASHINGTON, D.C. DURING THE PERIOD OF NOVEMBER 8, 2005 THROUGH NOVEMBER 13, 2005.

AN ORDINANCE 101658

APPOINTING MICHAEL HOGAN (DISTRICT 6) (CATEGORY: REAL ESTATE/BUILDING INDUSTRY) AND REAPPOINTING VICTOR M. HEBLING (DISTRICT 10) (CATEGORY: COMMUNITY REPRESENTATIVE) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE NOVEMBER 10, 2007.

AN ORDINANCE 101659

REAPPOINTING JUDGE ANDY MIRELES (DISTRICT 7) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007; AND PROVIDING FOR THE WAIVER OF TERM LIMITATIONS OF CITY CODE SECTION 2-404(B) FOR THIS APPOINTMENT.

CONSENT ITEMS CONSIDERED INDIVIDUALLY

The City Clerk read the following Ordinance:

AN ORDINANCE 101660

ACCEPTING THE OFFER SUBMITTED BY FISHER SCIENTIFIC COMPANY, L.L.C. UTILIZING THE HOUSTON GALVESTON COUNCIL OF GOVERNMENTS CONTRACT, TO PROVIDE THE FIRE DEPARTMENT WITH SOFTWARE AND ACCESSORIES THAT WILL BE USED TO TRACK EQUIPMENT AND PERSONNEL ON THE GROUND AT THE SCENE OF AN INCIDENT, FOR A TOTAL COST OF \$33,265.00 FROM THE 2004 ASSISTANCE TO FIREFIGHTER ACT GRANT FUNDS.

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

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

The City Clerk read the following Ordinance:

AN ORDINANCE 101661

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$981,155.00 INCLUDING: SPOKEN WORD AUDIO BOOKS; SPANISH LANGUAGE BOOKS AND VIDEOCASSETTES; SPANISH LANGUAGE MATERIALS; READY MIX CONCRETE; REINFORCED CONCRETE STORM DRAIN AND SANITARY SEWER PIPE; MAINTENANCE FOR HVAC SYSTEMS FOR THE METROPOLITAN HEALTH DISTRICT; AKRON, ELKHART, RED HEAD BRASS AND TASK FORCE TIPS REPAIR PARTS TO MAINTAIN FIREFIGHTING EQUIPMENT; AND MAINTENANCE OF ELEVATORS FOR MARKET SQUARE FACILITIES.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 101662

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A DEVELOPER PARTICIPATION AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND RIO PERLA PROPERTIES, L.P, (RIO PERLA) FOR THE BROADWAY CORRIDOR STORM WATER DRAINAGE PROJECT IN THE AMOUNT OF \$454,486.87 FOR THE PEARL PARKWAY (BROADWAY TO AVENUE A) PROJECT LOCATED IN DISTRICT 1, FUNDING IN THE AMOUNT OF \$28,041.87 BY RIO PERLA, \$226,445.00 TRANSFERRED FROM THE BROADWAY CORRIDOR STORM WATER DRAINAGE PROJECT AND APPROPRIATING THE SUM OF \$200,000 FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS.

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

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

The City Clerk read the following Ordinance:

AN ORDINANCE 101663

AMENDING THE PERFORMANCE TERM AND AUTHORIZING ADDITIONAL FUNDING IN THE AMOUNT OF \$58,029.00 FROM 2006 CERTIFICATES OF OBLIGATIONS, AS NECESSARY FOR ENVIRONMENTAL REGULATORY COMPLIANCE, TO BE PAID TO STEARNS, CONRAD, AND SCHMIDT CONSULTING ENGINEERS, DBA SCS ENGINEERS, UNDER AND EXISTING 2004 AGREEMENT FOR STANDBY PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES-GEOTECHNICAL FOR LANDFILLS AND OTHER CITY PROJECTS; AND PROVIDING FOR PAYMENT.

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

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

CITY MANAGER'S REPORT

Ms. Sheryl Sculley, City Manager, reported the City and the San Antonio Fire Department (SAFD) are working diligently to address recent failures with firefighting equipment in order to ensure the safety of citizens and firefighters.

She stated SAFD recently experienced several problems in the use of Self Contained Breathing Apparatuses (SCBA) while responding to fire incidents. After a thorough review and analysis of an October 2005 incident and consultations with the manufacturer of the apparatus, modifications were made to all SAFD SCBAs. She added that five additional failures of SCBAs occurred since October while responding to alarms or during active firefighting operations.

Ms. Sculley stated the City's top priority is continued fire protection to the community and ensuring the safety of firefighters, and in response to concerns, a number of measures to find a definitive cause of the problem are being researched.

EXECUTIVE SESSION

The City Council recessed its regular session at 11:20 a.m. in order to convene in Executive Session to discuss the following:

Legal issues related to Summerglen Property Owner's Association, et al v. City of San Antonio, Cause No. 2005-CI-02005, 131st District Court, pursuant to Texas Government Code Section 551.071 (consultation with attorney); and

Legal issues related to Timberwood Park v. City of San Antonio, Cause No. 2005-Ci_12900, 45th District Court, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

The City Council adjourned the Executive Session at 2:00 p.m. and reconvened the regular session.

Councilmember Herrera recognized the Firefighters Association representative Chris Steele.

Mr. Steele spoke on behalf of all City firefighters, offering their appreciation to City Manager Sculley on quickly addressing the problems the Fire Department experienced with the SCBAs. He also stated that City fire personnel will continue to serve the community without interruption while the equipment concerns are corrected.

LAND USE PLAN AMENDMENTS AND ZONING CASES

The City Clerk read the following Ordinance:

AN ORDINANCE 101664

ADOPTING THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN UPDATE AS A COMPONENT OF THE MASTER PLAN OF THE CITY FOR AN AREA APPROXIMATELY 12 SQUARE MILES BOUND BY ALAMO STREET/UNION PACIFIC RAILROAD TRACKS TO THE NORTH, IH-37 TO THE EAST, S.W. MILITARY DRIVE TO THE SOUTH, AND IH-35 TO THE WEST; SUPERSEDING THE LAND USE ELEMENT IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN ADOPTED AUGUST 19, 1999

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

Councilmember Gutierrez made a motion to approve the proposed land use amendment. Councilman Perez seconded the motion.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 101665

AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/SOUTH ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.287 ACRES OF LAND LOCATED AT 6202 AND 6206 S. ZARZAMORA STREET AND 810 VICKERS AVENUE FROM LOW DENSITY RESIDENTIAL LAND USE TO NEIGHBORHOOD COMMERCIAL LAND USE.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, stated his concerns with several of the zoning requests being presented to Council.

Councilmember Perez made a motion to approve the proposed land use plan. Councilmember Gutierrez seconded the motion.

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

Z-2. ZONING CASE #Z2005208 (District 4): An Ordinance changing the zoning district boundary from “R-4” Residential Single-Family District to “NC” Neighborhood Commercial District on Lots 2 through 8 and Lot 27, Block 62, NCB 8012, 6206 and 6206 Zarzamora Street and 810 Vickers Avenue as requested by Spector Investments Limited Partnership, Applicant, for Spector Investments Limited Partnership, Owner(s). Staff has recommended denial and Zoning Commission has recommended approval pending plan development and.

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 Gutierrez seconded the motion.

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

AN ORDINANCE 101666

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 2 THROUGH 8 AND 27, BLOCK 62, NCB8012 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

The City Clerk read the following Ordinance:

AN ORDINANCE 101667

AMENDING THE HUEBNER/LEON CREEKS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY ADDING AN "OFFICE" LAND USE CATEGORY TO THE TEXT OF THE "LAND USE PLAN" SECTION OF THE "HEART OF THE NEIGHBORHOOD" CHAPTER AND CHANGING THE LAND USE OF APPROXIMATELY 3.71 ACRES LOCATED AT 8093 ECKHERT ROAD FROM MEDIUM DENSITY RESIDENTIAL LAND USE TO OFFICE LAND USE.

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

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

Z-3. ZONING CASE #Z2005041 (District 7): An Ordinance changing the zoning district boundary from “R-6” Residential Single-Family District to “O-1” Office District on Parcel 32, NCB 17970, 8093 Eckhert Road as requested by Dr. Guillermo Reyes, Applicant, for GMEJR Partners Ltd., Dr. Guillermo Reyes, general partner, Owner(s). Staff and Zoning Commission have recommended approval contingent on plan amendment.

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 Perez seconded the motion.

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

AN ORDINANCE 101668

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS PARCEL 32, NCB 17970 FROM “R-6” RESIDENTIAL SINGLE-FAMILY DISTRICT TO “O-1” OFFICE DISTRICT.

Z-4. ZONING CASE #Z2005234 (District 1): An Ordinance changing the zoning district boundary from “R-5” Residential Single-Family District to “R-5 CD (Bed and Breakfast)” Residential Single-Family District with Conditional Use for a Bed and Breakfast on Lot 18, Block 1, NCB 13441 as requested by Joseph N. Barfield, Applicant, for Joseph N. Barfield, 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.

The following citizen(s) appeared to speak:

Ms. Mary Lou Mabie, 311 Maria Ave., spoke against the zoning request.

Mr. Louis Beaumier, 7114 Hagy Circle, spoke in favor of the zoning request.

Mr. Joseph Barfield, 606 Jackson Keller, spoke in favor of the zoning request, noting deed restrictions would be placed on the property.

Ms. Zandra Celis-Hardin, 610 Jackson Keller, also spoke in favor of said item.

After consideration, the motion, Councilmember Flores made a motion to approve the proposed rezoning case with the stipulation that the owner shall notify the City if the conditional use is ever abandoned and, if the use is abandoned, the Director of Development Services is directed to initiate a zoning case to change the zoning district boundary to "R-5" Residential Single Family District. Councilmember Haass seconded the motion.

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

AN ORDINANCE 101669

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 18, BLOCK 1, NCB 13441 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5 CD (BED AND BREAKFAST)" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A BED AND BREAKFAST.

Z-5. ZONING CASE #Z2005183 S (District 2): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial district to "RE" S Residential Estate District with Specific Use Permit for One Manufactured Home on Lot 1, Lot 2 and Lot 3, NCB 10579, 1027 Creekview Drive as requested by Craig A. Slein, Applicant, for Craig A. Slein, Owner(s). Staff and Zoning Commission have recommended approval.

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

Councilmember Hall made a motion to continue the proposed rezoning case to the meeting of November 17, 2005. Councilmember Haass seconded the motion.

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

Zoning case Z2005183 S was continued to meeting of November 17, 2005.

Z-6. Zoning Case #Z2005219 (District 2): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on Lot 5, Block 1, NCB 10314, 1863 Rigsby Road as requested by the Estate of Susie Lee, Applicant, for the Estate of Susie Lee, Owner(s). Staff and Zoning Commission have recommended approval.

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

Councilmember Hall made a motion to continue the proposed rezoning case to the meeting of November 17, 2005. Councilmember Perez seconded the motion.

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

Zoning case Z2005219 was continued to the meeting of November 17, 2005.

Z-7. ZONING CASE #Z2004222 (District 3): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "MF-25" Multi-Family District on 14.000 acres out of NCB 10934, 6711 South New Braunfels Avenue as requested by the State of Texas (San Antonio State Hospital), Applicant, for the State of Texas, Owner(s). Staff and Zoning Commission have recommended approval contingent on Plan Amendment.

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

Councilmember Gutierrez made a motion to approve the proposed rezoning case subject to the stipulation of density. Councilmember Perez seconded the motion.

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

AN ORDINANCE 101670

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 14.000 ACRES OUT OF NCB 10934 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

Z-8. ZONING CASE #Z2005222 (District 3): An Ordinance changing the zoning district boundary from "C-2 NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District on Lot 21, Block 172, NCB 9456, 3505 Pleasanton Road as requested by Al and Armando Salazar, Applicant, for Al and Armando Salazar, Owner(s). Staff and Zoning Commission have recommended approval.

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

AN ORDINANCE 101671

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 21, BLOCK 172, NCB 9456 FROM "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-9. ZONING CASE #Z2005225 (District 4): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on Lots 5 and 6, NCB 12334, 1918 through 1964 Southwest Military Drive as requested by John L. Santikos, Applicant, for John L. Santikos, Owner (s). Staff and Zoning Commission have 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 Gutierrez seconded the motion.

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

AN ORDINANCE 101672

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 5 AND 6, NCB 12334 FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-10. ZONING CASE #Z2005210 CD (District 5): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "R-5" (CD-for a duplex) Residential Single-Family District with a Conditional Use for a Duplex on Lot 3, Block 2, NB 9160, 1618 West Malone Street as requested by Maria A. Acuna, Applicant, for Maria A. Acuna, Owner(s). Staff has recommended approval and Zoning Commission has recommended denial.

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

AN ORDINANCE 101673

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLOCK 2, NB 9160 FROM "C-2" COMMERCIAL

DISTRICT TO "R-5" (CD DUPLEX) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DUPLEX."

Z-11. ZONING CASE #Z2005212 CD (District 5): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "O-1" Office District on the west 100 feet of Lot A, NCB 7898 and "C-2NA" Commercial, Nonalcoholic Sales District on the east 256 feet of the west 356 feet of Lot A, NCB 7898, 803 Pleasanton Road as requested by Joseph A. Marotta, M.D., Applicant, for Jose Alonzo, Owner(s). Staff and Zoning Commission have recommended approval contingent on plan update.

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

The following citizen(s) appeared to speak:

Mr. Vincent Marotta, 6407 Regency Ave., spoke in favor of the zoning request.

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

AN ORDINANCE 101674

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 100 FEET OF LOT A, NCB 7898 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT AND THE EAST 256 FEET OF THE WEST 356 FEET OF LOT A, NCB 7898 TO "C-2 NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT.

Z-12. ZONING CASE #Z2005238 (District 5): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "NC" Neighborhood Commercial District on the North 50 feet of Lots 18, 19 and 20, Block 6, NCB 2137, 1123 North Zaramora as requested by Martin and Blanca Aguinaga, Applicant, for Martin and Blanca Aguinaga, Owner(s). Staff and Zoning Commission have 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, Gutierrez, Perez, Radle, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** McNeil, Guajardo.

AN ORDINANCE 101675

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE NORTH 50 FEET OF LOTS 18, 19 AND 20, BLOCK 6, NCB 2137 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

Z-13. ZONING CASE #Z2005217 CD (District 6): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD - Non-Commercial Parking Lot) Residential Single-Family District with a Conditional Use for a Non-Commercial Parking Lot on the north 50 feet of Lots 10 and 11, Block 10, NCB 13961 and "R-6" Residential Single-Family District to "C-2 NA" (CD – Food Products – Wholesale Warehouse) Residential Single-Family District with a Conditional Use for Food Products – Wholesale Warehouse on Lots 10 and 11, save and except the North 50 feet of Lots 10 and 11, Block 10, NCB 139611, 5470 Zupan Lane as requested by Porter Poultry & Egg Company, Inc., Owner(S). Staff has recommended denial 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 with stipulations. Councilmember Perez seconded the motion.

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

AN ORDINANCE 101676

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 10 AND 11, BLOCK 10, NCB 13961 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" (CD - NON-COMMERCIAL PARKING LOT) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT ON THE NORTH 50 FEET OF LOTS 10 AND 11, BLOCK 10, NCB 13961 AND "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" (CD - FOOD PRODUCTS - WHOLESALE WAREHOUSE) COMMERCIAL NON-ALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR A FOOD PRODUCTS - WHOLESALE WAREHOUSE ON LOTS 10 AND 11, SAVE THE NORTH 50 FEET, BLOCK 10, NCB 13961.

Z-14. ZONING CASE #Z2005224 CD (District 6): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lot 5 and Lot 9, block 1, NCB 17637, 10540 and 10480 Culebra Road as requested by Harold D. Johnson, Applicant, for Harold D. Johnson, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval of C-2NA" Commercial Nonalcoholic Sales District.

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 Haass seconded the motion.

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

AN ORDINANCE 101677

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 5 AND LOT 9, BLOCK 1, NCB 17637 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

Z-15. ZONING CASE #Z2005118 (District 8): An Ordinance changing the zoning district boundary from “R-6” Residential Single-Family District to “C-3” General Commercial District on Parcel 33G, Parcel 33 and Parcel 33D, Block 2, NCB 14864 10601 and 10631 Huebner Road as requested by Sue G. Renker, Applicant, for Alice E. Fogg, Roberta L. Mowery and Sue G. Renker, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval of “C-2” Commercial District.

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

Councilmember Perez made a motion to approve the proposed rezoning case with the C-3 designation with deed restrictions. Councilmember Gutierrez seconded the motion.

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

AN ORDINANCE 101678

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBER HEREIN AS PARCEL 33G, PARCEL 33 AND PARCEL 33D, BLOCK 2, NCB 14864 FROM “R-6” RESIDENTIAL SINGLE-FAMILY DISTRICT TO “C-3” GENERAL COMMERCIAL DISTRICT.

Z-16. ZONING CASE #Z2005218 CD S (District 8): An Ordinance changing the zoning district boundary from “C-3R” ERZD “GC-1” Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District Gateway Corridor Overlay District -1 and “C-3” ERZD “GC-1” General Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to “C-2” CD (Conditional Use for a Freight Depot) S ERZD “GV-1” Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 with a Conditional Use and a Specific Use Permit for a Freight Depot on 9.835 acres out of NCB 14881 and 14882. Property generally located East of I-10 and North of Loop 1604 as requested by Brown, P. C., Attorneys at Law, Applicant, for Fourth Quarter Properties d/b/a/Thomas Acquisition Corporation, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with a 65% impervious cover limitation and the condition that the freight depot is for the off loading and loading of lumber only.

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

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

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

Zoning case Z2005218 CD S was continued for 30 days.

Z-17. ZONING CASE #Z2005191 S (DISTRICT 9): An Ordinance changing the zoning district boundary from "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" S ERZD Commercial Edwards Recharge Zone District with a Specific Use Permit for a Car Wash on 1.0959 acres out of NCB 19223, 19000 Block of Huebner Road as requested by Texas Shine Express, LLC, Applicant, for Shops of Stone Oak, LP, Owner(s). Staff and Zoning Commission have recommended denial.

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

Councilmember Wolff made a motion to continue the proposed rezoning case to December 1, 2005. Councilmember Perez seconded the motion.

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

Zoning case Z2005191 was continued to December 1, 2005.

Z-18. ZONING CASE #Z2005233 S (DISTRICT 9): An Ordinance changing the zoning district boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Permit for a Bar on 0.0620 acres out of NCB 17608, 19141 Stone Oak Parkway, Suite 206 as requested by Jerry Arredondo, Applicant, for Stone Oak Enterprises, L. P., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with SAWS site-specific recommendations and conditions.

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

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

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

AN ORDINANCE 101679

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.0620 ACRES OUT OF NCB 17608 FROM "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 S ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE PERMIT FOR A BAR.

Z-19. ZONING CASE #Z2005226 (DISTRICT 9): An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "C-3" General Commercial District on Lot 22, NCB 12116, 8623 Perrin Beitel as requested by Jerry Arredondo, Applicant, for Universal Development Property, Owner(s). Staff and Zoning Commission have 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, Gutierrez, Perez, Radle, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** McNeil, Guajardo.

AN ORDINANCE 101680

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

DESCRIBED HEREIN AS LOT 22, NCB 12116 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Mayor Hardberger recessed the meeting at 3:30 pm.

Mayor Pro Tem Wolff reconvened the meeting at 6:00 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented A Resolution of Respect to the family of Police Officer John Wheeler.

A RESOLUTION 2005-44-39

WHEREAS, ON OCTOBER 14, 2005, DEATH BROUGHT TO A CLOSE THE LIFE OF JOHN R. WHEELER, A MUCH LOVED HUSBAND, FATHER, AND RESPECTED SAN ANTONIO POLICE OFFICER; AND

WHEREAS, OFFICE WHEELER DIED IN A FIERY CRASH JUST MINUTES AFTER A ROUTINE TRAFFIC STOP, WHEN A SPEEDING CAR REAR-ENDED HIM, SETTING BOTH CARS ON FIRE; AND

WHEREAS, OFFICER WHEELER ENJOYED HIS CAREER WITH THE SAN ANTONIO POLICE DEPARTMENT, WHICH HE JOINED IN 1993 AND BECAME THE FIRST OFFICER TO DIE IN THE LINE OF DUTY IN NEARLY FOUR YEARS; AND

WHEREAS, OFFICER WHEELER RECEIVED THE PURPLE HEART FOR VALOR IN 2003 AFTER BEING SHOT BY 2 OF 21 BULLETS FROM A SEMIAUTOMATIC RIFLE WHILE ANSWERING A ROBBERY CALL; AND

WHEREAS, OFFICER WHEELER WAS A TRUE SAN ANTONIO HERO WHO EARNED THE RESPECT AND ADMIRATION OF MANY CITIZENS; HIS ACCOMPLISHMENTS WILL LIVE ON TO SERVE AS OUTSTANDING EXAMPLES FOR FUTURE GENERATIONS TO EMULATE; AND

WHEREAS, ALTHOUGH HIS VOICE MAY HAVE BEEN SILENCED, HIS COMMITMENT TO SERVING THE CITIZENS OF THIS CITY WILL FOREVER LIVE IN THE HEARTS OF ALL SAN ANTONIANS; NOW, THEREFORE:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. THAT WITH THE DEATH OF JOHN R. WHEELER, THE CITY OF SAN ANTONIO HAS LOST A VALUABLE ASSET TO ITS PAST, PRESENT, AND FUTURE.

SECTION 2. THAT THE CITY COUNCIL JOINS WITH HIS FAMILY AND FRIENDS IN THEIR SORROW OVER HIS DEATH, AND EXTENDS ITS SINCEREST SYMPATHY AND PRAYERS OF COMFORT TO THOSE WHO WERE NEAR HIM.

SECTION 3. AND IT IS HEREBY DIRECTED THAT A COPY OF THIS RESOLUTION BE SPREAD UPON THE MINUTES OF THIS MEETING AND A COPY THEREOF BE PRESENTED TO HIS FAMILY AS A TOKEN OF OUR DEEPEST SYMPATHY.

Councilmember Perez made a motion to approve the Resolution. Councilmember Wolff seconded the motion.

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

Mayor Hardberger also presented the following honorariums:

A Proclamation to the Alpha Kappa Alpha Sorority Inc.

A Proclamation observing Employer Support of the Guard and Reserves Week.

A representative from the Indian Community in San Antonio presented a check for \$10,000.00 for the Mayor's Hurricane Relief Fund.

CITIZENS TO BE HEARD

Mr. Julio Ruiz addressed the City Council relating to the Mechanical Board of Appeals Board and asked the Council take action to fill the vacancies in Districts 2, 5 and 6.

Mr. Frank Bartlett spoke to the on-line application process which does not accept resumes, and the difficulties he has when applying for job with the city. He asked Council to look into the matter in order for the city to hire the best qualified people.

Mr. Jack M. Finger, PO Box 12048, spoke about the manner in which certain individuals were treated at the previous meeting. He also stated his concern that the Mayor has implemented new measures to reduce the number of citizens to appear at the "Citizens To Be Heard" portion of City Council meetings.

Mr. Faris Hodge, 140 Dora, welcomed the new City Manager and sang the Yellow Rose of Texas. He noted a quorum was not present although no action would be taken. He also sang the Marine's Hymn. He noted that public hearings are held during the day and is difficult for him to attend.

Ms. Nazarite Ruben Flores Perez, 627 Hearne, referenced Revelations 17:5 and 17:7 and distributed a picture showing a wild beast carrying a woman. He asked the Council to review same.

Mr. Glen Alan Graham addressed the Council relating to the October 20, 2005 meeting in which the Founder's Day Celebration proclamation was approved. He stated he has asked the Council not to begin the meetings with a prayer. He also asked the City Council to reconsider the PGA Project and say No to the project.

Ms. Lois Perkins stated the Code Compliance Office removed her 1952 Dodge from her lawn at her home. She failed to meet the court date due to her husband having a stroke. She asked if anyone can help her get her car back. She stated she has called Councilmember McNeil's Office and they were not able to help her.

Ms. Julie Iris Oldham addressed the Council and welcomed the new City Manager. She noted she has received her private investigator's credentials. She also noted she had palm tree seeds for the City Manager. She stated her streets in the Oakhills area are not in good shape.

Mr. Michael Muller spoke about the vote Tuesday on the proposition relating to a marriage between a man and woman. He stated it was a shame the City Council would not speak up on the proposition and for families. He also spoke on filters that are necessary at the Libraries and asked they be installed for the children.

Ms. Nikki Kuhns stated she was a concerned citizen relating to the \$500,000 loan to the Regional Mobility Authority, a political subdivision of the State of Texas and unelected Board with a Toll Road agenda. In conclusion, she stated the Council will be forgiven for congestion but not for selling out to private industry.

Ms. Janet Ahmad spoke about the money spent on the design of a toll road. She asked who will see to it that San Antonians get their fair share in these efforts. She also stated when Loop 1604 starts to be torn up, many will be upset. She added the City can

terminate the agreement at any time and noted that it is the same people being placed on the board all the time.

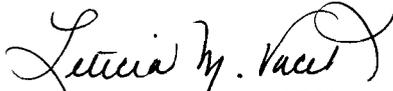
There being no further business to discuss, Mayor Pro Tem Wolff adjourned the meeting at 6:44 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk