

**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, JANUARY 4 AND THURSDAY, JANUARY 5, 2006**

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The City Council convened in an informal "B" Session at 3:00 pm, on Wednesday, January 4, 2006, Municipal Plaza Building "B" Room for the purpose of:

**Planning and Zoning Commission Worksession**

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

The "B" Session adjourned at 4:57 p.m.

The Regular Meeting was called to order at 9 a.m. on Thursday, January 5, 2006, 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 Father Jimmy Drennan, St. Paul's Catholic Church, guest of Councilmember Elena Guajardo, District 7.

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

The minutes of the City Council meeting of December 1, 2005 were approved as presented.

**CITY MANAGER'S REPORT**

City Manager Sheryl Sculley asked Mayor Hardberger to join her in recognizing David Preciado, 17-year-veteran Municipal Courts employee, for receiving the Texas Court Clerks Association Excellence Award.

The Excellence Award is recognizes the exemplary performance of an individual in the court profession in a non-judicial capacity who bring honor, public awareness or enhance the association's image. Recipients also demonstrate professionalism in the pursuit of excellence.

Mayor Hardberger presented Mr. Preciado a Citation from the City in recognition of his state award.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-1

CONFIRMING THE APPOINTMENT OF ALBERT A. ORTIZ AS CHIEF OF POLICE OF THE CITY OF SAN ANTONIO.

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

City Manager Sheryl Sculley spoke to the appointment of Albert A. Ortiz, Chief of Police for the San Antonio Police Department. She indicated that under the Texas Local Government Code, the City Manager must appoint the Chief of Police who must be confirmed by City Council, and this action is necessary even if said position is for an interim basis. She explained that this appointment is in compliance with state law, and will also provide for a smooth transition when a new police chief is selected.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, which stated his desire for an equitable selection process for the Chief of Police.

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 2006-01-05-2

APPROVING THE FY 2007 AND FY 2008 CONSOLIDATED HUMAN DEVELOPMENT SERVICES FUNDING GOALS AND INVESTMENT PRIORITIES; APPROVING FUNDING LIMITS FOR DELEGATE AGENCIES; AND APPROVING THE CONSOLIDATED HUMAN DEVELOPMENT SERVICES FUNDING PROCESS.

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

Mr. Dennis Campa, Director, Department of Community Initiatives, narrated a slide presentation regarding the consolidated funding process for Human Development Services, a copy of which is on file with the Office of the City Clerk. He stated the City implemented the two-year consolidated funding process for FY 05 and FY 06, which directed investments toward the purchase of services and outcomes, shifted focus away from the funding of agencies and the potential duplication of services and ensured integration with the City's direct services. He further noted that the Council added \$2.4 million in one-time investments to the consolidated funding pool in FY 06. He outlined the funding sources, and spoke to the investment priorities which include family strengthening, workforce development, youth development, and community safety net. He then spoke to the RFP evaluation process and what the funding recommendations were based on.

Councilmember Perez made a motion to amend the proposed Ordinance by changing the 65% funding limit match to a 50% funding limit match. Councilmember Wolff seconded the motion.

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

Councilmember Guajardo made a motion to retain the 65% funding limit match as proposed. Councilmember Radle seconded the motion.

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

Councilmember Perez made a motion to approve the proposed Ordinance with a 50% funding match limit as recommended by City Staff. Councilmember Hall seconded the motion.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-3

AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT WITH FERMIN RAJUNOV OF PRESTO TIERRA LTD, WITH CROSSWINDS AT SOUTH LAKE, L.P., ESTABLISHING LAND USE AND DEVELOPMENT STANDARDS FOR APPROXIMATELY 532.59 ACRES OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF STATE HIGHWAY 16 AND WATSON ROAD, KNOWN AS SOUTH LAKE.

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

Mr. Emil Moncivais, Director of Planning, narrated a slide presentation regarding the South Lake Development Agreement, a copy of which is on file in the Office of the City Clerk. He stated this ordinance would authorize the City Manager to execute a development agreement with Fermin Rajunov of Presto Tierra Ltd., with Crosswinds at South Lake, L.P., for 532.59 acres of land generally located at the southwest corner of State Highway 16 and Watson Road, known as South Lake. He expounded on the development agreement and the agreement provisions, and stated that if the agreement was not implemented in accordance with UDC Section 35-412 within 15 years, the agreement would expire, unless the terms of the agreement are renewed. He then cited the policy analysis and staff's recommendation.

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

ITEM NO. 7

Consideration of an appeal by Earl & Associates, P.C. on behalf of Mortgage Loan & Agency, Inc., regarding the Planning Commission's action to deny rights under Chapter 245, Texas Local Government Code for a proposed project on 1.722 acres out of 2.93 acres on Lot 1, Block 1, NCB 16329 located at 150 Voigt Drive.

Mr. Florencio Pena, Director of Development Services, narrated a slide presentation regarding an appeal by Earl & Associates, P.C., who applied for Vested Rights (VR) on June 14, 2005 for a tract located at the intersection of Loop 1604 and Voight Drive, a copy of which is on file with the Office of the City Clerk. He stated the applicant requested to vest the project to September 25, 1992, but staff recommended denial because the original project was dormant. He then explained the Planning Commission heard the appeal on September 14, 2005, but the appeal did not receive a majority vote to approve the Vested Rights. He further stated the applicant requested and staff agreed to review and reconsider its recommendation based on supplemental information from a project filed with TNRCC on March 30, 1987. He then provided specific details regarding the TNRCC project summary, and confirmed staff recommended denial.

The following citizen(s) appeared to speak:

Mr. Habib Erkan, presented a PowerPoint presentation to Council.

Mr. Jack M. Finger, P.O. Box 12048, stated City and State findings concur as they relate to this request, and that all businesses should be afforded equal consideration.

Councilmember Gutierrez made a motion to defer said item until after Consent Agenda items. Councilmember Guajardo seconded the motion.

After consideration, the motion to defer failed by the following vote: **AYES:** Gutierrez, Herrera. **NAYS:** Flores, McNeil, Perez, Radle, Guajardo, Hall, Wolff, Haass, Hardberger. **ABSENT:** Flores, Herrera.

Councilmember Hall made a motion to deny the appeal. Councilmember Perez seconded the motion.

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

**CONSENT AGENDA**

Consent agenda items 10A, 10B, 17, 18, 19, 26-30, 33, 35, 36, 37, 38, 39 were pulled for individual consideration. The remaining items 8 through 47E were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, asked Council to consider public opposition to toll roads when considering Item 43, dues for the San Antonio Mobility Commission. He asked if City employees responsible for the on-the-job vehicular accidents are reprimanded related to Item 44. He inquired as to the practicality of reselling seized eight-liner gambling devices, addressed in Item 10. He also voiced concern over Councilmembers approving contracts for businesses which provided campaign contributions.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, which stated his objection to widening Main Plaza, citing potential traffic and safety issues. He stated that the proposed \$10 million project funds should be used for street repair. He noted Judge Nelson Wolff pledged project funding, but the Bexar County Commissioners Court feels the money could be better allocated.

City Clerk Leticia Vacek stated Item 31 was pulled from the agenda.

City Clerk Leticia Vacek stated the Public Works Department will revise the project budget, appropriate the funds and provide for payment on Item Nos. 21, 22, 23 and 25.

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 2006-01-05-4

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$405,015.00 INCLUDING: STREET CUT PERMITTING SYSTEM MAINTENANCE AND SUPPORT; PRE-FILLED DISPOSABLE SYRINGES; TRUCK AND INDUSTRIAL TIRES; RIVER WALK SANITATION SERVICE; AND PERIODICALS AND NEWSPAPER SUBSCRIPTIONS.

AN ORDINANCE 2006-01-05-5

SELECTING YORK INTERNATIONAL CORPORATION TO PROVIDE ENGINEERING SERVICES AND CONSTRUCTION IN CONNECTION WITH AIR CONDITIONING AND ELECTRICAL CAPACITY UPGRADES AT THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT (ITSD) FACILITY-COMPUTER ROOM, AN AUTHORIZED 2001 CERTIFICATES OF OBLIGATION FUNDED PROJECT, LOCATED IN DISTRICT 1; AUTHORIZING THE

NEGOTIATION AND EXECUTION OF A DESIGN-BUILD CONTRACT IN AN AMOUNT NOT TO EXCEED \$785,444.46; AND AUTHORIZING \$54,555.54 FOR PROJECT CONTINGENCY, FOR A TOTAL AMOUNT OF \$840,000.00.

AN ORDINANCE 2006-01-05-6

APPROVING FIELD ALTERATION NUMBER 3 IN THE AMOUNT OF \$32,867.30 PAYABLE TO KGME, INC., IN CONNECTION WITH THE LANARK DRAINAGE PROJECT #92A, PHASE I PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECT LOCATED IN DISTRICT 2.

AN ORDINANCE 2006-01-05-7

AUTHORIZING AND APPROPRIATING FUNDS IN THE AMOUNT OF \$10,000.00 FOR MATERIAL TESTING AND ADVERTISING EXPENSES IN CONNECTION WITH THE LINDA LOU- PRESA TO HACKBERRY PROJECT AND THE HACKBERRY-STEVES TO SOUTHCROSS PROJECT, AUTHORIZED 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECTS LOCATED IN DISTRICT 3.

AN ORDINANCE 2006-01-05-8

AMENDING A CONSTRUCTION CONTRACT WITH RAM BUILDING SERVICES, L.L.C., AN MBE FIRM, BY ADDING TWO (2) ADDITIONAL CONSTRUCTION PROJECTS, AUTHORIZING PAYMENT IN THE AMOUNT OF \$120,760.83, AND \$8,993.37 FOR PROJECT CONTINGENCY, FOR A TOTAL AMOUNT OF \$129,754.20 FROM HEALTH AND HUMAN SERVICES GRANT FUNDS AND COMMUNITY CENTER PROJECT FUNDS, IN CONNECTION WITH THE FRANK GARRETT COMMUNITY CENTER PROJECT LOCATED IN DISTRICT 1 AND THE METROPOLITAN HEALTH DISTRICT PAD SITE # 1 PROJECT LOCATED IN DISTRICT 4.

AN ORDINANCE 2006-01-05-9

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$3,556,180.64 PAYABLE TO VALEMAS, INC., AUTHORIZING \$266,036.45 FOR PROJECT

CONTINGENCY, \$204,848.06 FOR CAPITAL ADMINISTRATION COST, AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$4,029,065.15, \$127,024.00 OF WHICH TO BE REIMBURSED BY CITY PUBLIC SERVICE ENERGY (CPS ENERGY) AND \$768,792.19 OF WHICH TO BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS), IN CONNECTION WITH THE AVE MARIA DRIVE – SAN PEDRO TO JACKSON KELLER PROJECT, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECT LOCATED IN DISTRICT 1.

AN ORDINANCE 2006-01-05-10

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,627,973.43 PAYABLE TO SAN ANTONIO CONSTRUCTORS, INC. (SBE), AUTHORIZING \$124,428.02 FOR PROJECT CONTINGENCY, \$95,809.57 FOR CAPITAL ADMINISTRATION COST, AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$1,850,211.02, \$383,693.28 OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM (SAWS), IN CONNECTION WITH THE CULEBRA AREA STREETS PHASE IV PROJECT, AN AUTHORIZED 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT LOCATED IN DISTRICT 7.

AN ORDINANCE 2006-01-05-11

AUTHORIZING AN EXPENDITURE OF UP TO \$24,360.75 PAYABLE TO DUGGER, CANADAY, GRAFE INC. FOR APPRAISALS IN CONNECTION WITH THE HAYS STREET BRIDGE REHABILITATION PROJECT LOCATED IN DISTRICT 2, LOCKHILL-SELMA: WEST AVENUE TO N. W. MILITARY PROJECT LOCATED IN DISTRICT 9, LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT LOCATED IN DISTRICTS 9 AND 10, MAYFIELD: IH-35 TO ZARZAMORA MPO PROJECT LOCATED IN DISTRICT 5; AND THE STAHL ROAD – O’CONNOR TO JUDSON PROJECT LOCATED IN DISTRICT 10; REVISING THE BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 2006-01-05-12

AUTHORIZING FUNDS IN THE AMOUNT OF \$23,100.00 PAYABLE TO SERVICE TITLE COMPANY AS ESCROW AGENT FOR HECTOR C. QUESADA AND

MARIANNE F. VISOSKY, AND QUESADA INVESTMENTS, L.L.C., FOR FEE SIMPLE TITLE ON TWO PARCELS OF LAND (\$22,500.00) AND TITLE FEES (\$600.00), \$100.00 PAYABLE TO HECTOR C. QUESADA AND MARIANNE F. VISOSKY, AND \$100.00 PAYABLE TO QUESADA INVESTMENTS, L.L.C. FOR RIGHT OF ENTRY AGREEMENTS, FOR A TOTAL AMOUNT OF \$23,300.00 IN CONNECTION WITH THE CLARK: FAIR TO SOUTHCROSS PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET BOND AND METROPOLITAN PLANNING ORGANIZATION PROJECT LOCATED IN DISTRICT 3.

AN ORDINANCE 2006-01-05-13

AUTHORIZING FUNDS IN THE AMOUNT OF \$1,222.50 PAYABLE TO LAWYERS TITLE OF SAN ANTONIO FOR TITLE SERVICES IN CONNECTION WITH THE JAMES PARK DEVELOPMENT AND HOLBROOK ROAD IMPROVEMENTS PROJECT (\$622.50) LOCATED IN DISTRICT 2 AND THE PRUE ROAD EXTENSION – PRUE TO HUEBNER MPO PROJECT (\$600.00) LOCATED IN DISTRICT 8, FROM GENERAL OBLIGATIONS OF THE CITY.

AN ORDINANCE 2006-01-05-14

AUTHORIZING FUNDS IN THE AMOUNT OF \$12,675.29 PAYABLE TO DAVIDSON & TROILO, P.C., FOR LEGAL SERVICES IN CONNECTION WITH THE BABCOCK ROAD/LEON CREEK IMPROVEMENTS-HAUSMAN TO DEZAVALA PROJECT (\$9,548.65), LOCATED IN DISTRICT 8; CULEBRA/LOOP 410 DETENTION POND PROJECT (\$1,677.60), LOCATED IN DISTRICT 6; LOOP 410 AT NACOGDOCHES DRAINAGE IMPROVEMENT PROJECT (\$1,251.04), LOCATED IN DISTRICTS 9 AND 10; AND THE MISSION TRAILS PACKAGE IV PROJECT (\$198.00), LOCATED IN DISTRICTS 1, 3, AND 5, FROM GENERAL OBLIGATIONS OF THE CITY AND COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS.

AN ORDINANCE 2006-01-05-15

DECLARING THE MARNEY PLAZA OUTFALL PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE AND/OR EASEMENT INTEREST TO CERTAIN REAL PROPERTY BY NEGOTIATION AND/OR CONDEMNATION, FOR A PUBLIC PURPOSE AS PUBLIC IMPROVEMENTS THAT ARE PART OF THE PROJECT; THE

PROPERTIES BEING DESCRIBED AS: (1) COSA PARCEL 17901, 0.012 ACRES OUT OF LOT 26, BLOCK 58, NEW CITY BLOCK, 8958, PLEASANTON PARK ADDITION, 5TH FILING SUBDIVISION; AND (2) COSA PARCEL 17901A-TE2, 0.032 ACRES OUT OF LOT 26, BLOCK 58, NEW CITY BLOCK 8958, PLEASANTON PARK ADDITION 5TH FILING SUBDIVISION, ALL IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS IN THE AMOUNT OF \$12,000.00 FROM 2003-2007 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BONDS FOR THE ACQUISITION AND OTHER MISCELLANEOUS ASSOCIATED EXPENSES SUCH AS APPRAISALS AND ATTORNEY'S FEES; AUTHORIZING COSA STAFF AND/OR DESIGNATED REPRESENTATIVES TO NEGOTIATE FOR AND ACQUIRE THE PROPERTY ON THE APPROVED TERMS; AUTHORIZING THE CITY ATTORNEY AND/OR DESIGNATED SPECIAL COUNSEL TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AUTHORIZING THE ENGAGEMENT OF SPECIAL COUNSEL AS NECESSARY TO ACQUIRE THE PROPERTY AND ESTABLISHING AN EFFECTIVE DATE.

AN ORDINANCE 2006-01-05-16

AUTHORIZING FUNDS IN THE AMOUNT OF \$2,544.39 PAYABLE TO OPPENHEIMER BLEND HARRISON TATE, INC. FOR LEGAL SERVICES PROVIDED IN *CITY OF SAN ANTONIO VS. ALAMO GARAGE ASSOCIATES, LTD., AND MARINE MIDLAND BANK*, CONDEMNATION CAUSE NO. 2005-ED-0035, IN CONNECTION WITH THE LOCKHILL-SELMA: WEST AVENUE TO N.W. MILITARY PROJECT, A METROPOLITAN PLANNING ORGANIZATION AND AUTHORIZED 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, LOCATED IN DISTRICT 9.

AN ORDINANCE 2006-01-05-17

AMENDING ORDINANCE NO. 101074 BY CHANGING THE DESIGNATED TERMS OF THE MAYOR PRO TEM OF THE CITY COUNCIL DURING 2005-2007.

AN ORDINANCE 2006-01-05-18

AUTHORIZING THE EXECUTION OF FOUR INTERLOCAL AGREEMENTS WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO PROVIDE FOR STORAGE OF EMERGENCY HEALTH SERVICES EQUIPMENT AND MATERIAL

AT VARIOUS SAN ANTONIO POLICE DEPARTMENT FACILITIES FOR THE PERIOD COMMENCING JANUARY 1, 2006, AND ENDING AUGUST 31, 2006, FOR A FEE OF \$10,000.00.

AN ORDINANCE 2006-01-05-19

AUTHORIZING THE EXECUTION OF A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$150,000.00, WITH THE SAN ANTONIO SPORTS FOUNDATION TO SUPPORT THE SOLICITATION OF SELECT AMATEUR REGIONAL, NATIONAL, AND INTERNATIONAL SPORTING EVENTS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 2006-01-05-20

AUTHORIZING THE EXECUTION OF THE EXTENSION AGREEMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO SPORTS FOUNDATION FOR SITE VISITS AND HOSTING OBLIGATIONS, EXERCISING THE SECOND YEAR OF A FOUR YEAR RENEWAL OPTION, IN AN AMOUNT NOT TO EXCEED \$350,000.00, IN ORDER TO AUGMENT THE BASE PROGRAM BY SUPPORTING THE DIRECT SOLICITATION OF EVENTS, INCLUDING HOSTING OBLIGATIONS, SITE INSPECTIONS AND BID FEES IN ORDER TO SECURE SELECT AMATEUR REGIONAL, NATIONAL, AND INTERNATIONAL SPORTING EVENTS, CONVENTIONS AND MEETINGS OF SPORT-RELATED ASSOCIATIONS FOR SAN ANTONIO; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 2006-01-05-21

AUTHORIZING THE EXECUTION OF INTERLOCAL AGREEMENTS WITH THE FOLLOWING SCHOOL DISTRICTS FOR THE PROVISION OF CHILD CARE DATA FOR A CUSTOMIZED, WEB-BASED CHILD CARE DATABASE SYSTEM TO BE USED IN CONNECTION WITH THE SINGLE PORTAL OF ENTRY/KID FIRST INITIATIVE: ALAMO HEIGHTS, BOERNE, COMAL, EAST CENTRAL, EDGEWOOD, FORT SAM HOUSTON, HARLANDALE, JUDSON, LACKLAND, MEDINA VALLEY, NORTHEAST, NORTHSIDE, RANDOLPH FIELD, SAN ANTONIO, SCHERTZ-CIBOLO-UNIVERSAL CITY, SOMERSET, SOUTH SAN ANTONIO, SOUTHSIDE, AND SOUTHWEST INDEPENDENT SCHOOL DISTRICT; AND AUTHORIZING THE EXECUTION OF PARTICIPANT AGREEMENTS WITH ALAMO WORKFORCE DEVELOPMENT, INC. D/B/A ALAMO WORKSOURCE, STATE-WIDE CHILD CARE SYSTEMS, STATE-WIDE

LICENSED CHILD CARE ORGANIZATIONS, STATE-WIDE RESOURCE AND REFERRAL AGENCIES, STATE-WIDE WORKFORCE SYSTEMS, UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY, AND UNITED WAY OF TEXAS FOR THE PROVISION OF CHILD CARE DATA FOR A CUSTOMIZED, WEB-BASED CHILD CARE DATABASE SYSTEM TO BE USED IN CONNECTION WITH THE SINGLE PORTAL OF ENTRY/KID FIRST INITIATIVE.

AN ORDINANCE 2006-01-05-22

AUTHORIZING THE EXECUTION OF A JOINT FUNDING AGREEMENT WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY, WATER RESOURCES DIVISION, APPROPRIATING FUNDS, AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$33,600.00 FOR SERVICES PERFORMED IN CONNECTION WITH SURFACE-WATER DATA COLLECTION ACTIVITIES FOR FLOOD/WATERSHED MANAGEMENT PURPOSES, FROM THE STORM WATER REGIONAL FACILITIES FUND.

AN ORDINANCE 2006-01-05-23

AUTHORIZING PAYMENT IN THE AMOUNT OF \$49,000.00 TO THE SAN ANTONIO MOBILITY COALITION, INC. (SAMCO), FOR ANNUAL MEMBERSHIP DUES FOR FEBRUARY 1, 2006 THROUGH JANUARY 31, 2007.

AN ORDINANCE 2006-01-05-24

AUTHORIZING PAYMENT OF A JUDGMENT IN THE AMOUNT OF \$97,500.00 TO RICHARD GRANATO, PLAINTIFF, IN THE LAWSUIT STYLED *RICHARD GRANATO V. CITY OF SAN ANTONIO*, CAUSE NO. 2003-CI-13525.

AN ORDINANCE 2006-01-05-25

REAPPOINTING PATRICIA PRATCHETT (DISTRICT 7) (CATEGORY: PATRON OF THE ARTS) AND APPOINTING RUDY R. MARTINEZ, JR. (DISTRICT 4) (CATEGORY: CULTURAL ARTIST) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-01-05-26

REAPPOINTING JULIE GONZALES (DISTRICT 7) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-01-05-27

APPOINTING JIMMY SALAZAR (DISTRICT 10) (CATEGORY: LAYPERSON) TO THE MECHANICAL BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MARCH 20, 2006.

AN ORDINANCE 2006-01-05-28

REAPPOINTING MARIANNA JONES (DISTRICT 7) (CATEGORY: HISTORIAN) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2006.

AN ORDINANCE 2006-01-05-29

APPOINTING DON GADBERRY (DISTRICT 3) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2007.

**CONSENT AGENDA ITEMS TO BE CONSIDERED INDIVIDUALLY**

The City Clerk read the following Ordinances:

AN ORDINANCE 2006-01-05-30

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE SAN ANTONIO PARKS FOUNDATION FOR THE EXPENDITURE OF UP TO \$600,000.00 FROM ONE-TIME GENERAL FUND DOLLARS FOR FACILITY INFRASTRUCTURE IMPROVEMENTS AT THE JAPANESE TEA GARDEN, LOCATED IN DISTRICT 9.

AN ORDINANCE 2006-01-05-31

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE SAN ANTONIO PARKS FOUNDATION FOR THE EXPENDITURE OF UP TO \$300,000.00 FROM ONE-TIME GENERAL FUND DOLLARS FOR FACILITY INFRASTRUCTURE IMPROVEMENTS AT THE SUNKEN GARDEN THEATER, LOCATED WITHIN BRACKENRIDGE PARK IN DISTRICT 9.

AN ORDINANCE 2006-01-05-32

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE SAN ANTONIO BOTANICAL CENTER SOCIETY FOR THE EXPENDITURE OF UP TO \$500,000.00 FROM ONE-TIME GENERAL FUND DOLLARS FOR FACILITY INFRASTRUCTURE IMPROVEMENTS AT THE SAN ANTONIO BOTANICAL GARDEN CONSERVATORY, LOCATED IN DISTRICT 9.

AN ORDINANCE 2006-01-05-33

AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE WITTE MUSEUM FOR THE EXPENDITURE OF UP TO \$464,300.00 FROM ONE-TIME GENERAL FUND DOLLARS FOR FACILITY INFRASTRUCTURE IMPROVEMENTS AT THE WITTE MUSEUM, LOCATED IN DISTRICT 9.

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

The following citizen(s) appeared to speak:

Ms. Lila Cockrell, San Antonio Parks Foundation, addressed Council to offer a history of the Parks Foundation and of future plans.

Ms. Bonnie Connor, San Antonio Parks Foundation, addressed Council and spoke of plans for the Japanese Tea Garden.

Councilmember Flores announced that he would abstain from voting on Items 35 and 36.

After consideration, the motion, carrying with it the passage of the Ordinances, prevailed by the following vote: **AYES:** Flores (Items 37, 38), McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSTAIN:** Flores (Items 35, 36) **ABSENT:** None.

Mayor Hardberger recessed the regular session for lunch at 12:35 p.m., and announced that Council would reconvene into Executive Session at 1:30 p.m. to discuss the following:

Discuss legal issues related to *Richard Granato v. City of San Antonio*, Cause No. 2003-CI-13525, pursuant to the Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the regular meeting at 2:03 p.m., at which time he stated City Council had been briefed on the above-styled matter and gave staff direction, but had taken no official action.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-34

ACCEPTING A BID SUBMITTED BY PHILIPS MEDICAL SYSTEMS TO PROVIDE THE FIRE DEPARTMENT WITH 12-LEAD ELECTROCARDIOGRAMS FOR A TOTAL COST OF \$512,656.34 FROM THE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE SPECIAL REVENUE FUND AND THROUGH A TAX-EXEMPT LEASE PURCHASE CONTRACT, CONTINGENT ON THE EXECUTION OF A LEASE PROGRAM AGREEMENT OR OTHER FINANCIAL OBLIGATIONS.

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

The City Clerk read the following Ordinances:

AN ORDINANCE 2006-01-05-35

AUTHORIZING THE EXECUTION OF A CONTRABAND FORFEITURE AGREEMENT, WITH A TERM COMMENCING OCTOBER 1, 2003 AND ENDING SEPTEMBER 30, 2006, AND A CONTRABAND FORFEITURE AGREEMENT FOR GAMBLING PROPERTY AND PROCEEDS, WITH A TERM COMMENCING SEPTEMBER 1, 2003 AND ENDING SEPTEMBER 30, 2006, WITH THE BEXAR

COUNTY CRIMINAL DISTRICT ATTORNEY'S OFFICE TO SHARE PROCEEDS FROM ASSET FORFEITURE CASES, AND PROVIDING FOR ANNUAL RENEWALS.

AN ORDINANCE 2006-01-05-36

ACCEPTING A BID SUBMITTED BY EXPRESS VIDEO, INC. FOR THE PURCHASE OF 135 GAMBLING DEVICES (EIGHT LINERS) IN THE AMOUNT OF \$41,985.00, SEIZED AS A RESULT OF CRIMINAL INVESTIGATIONS BY THE POLICE DEPARTMENT AND SUBSEQUENTLY FORFEITED BY ORDERS OF THE COURTS; AND AUTHORIZING PAYMENT TO THE BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE.

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

Councilmember Perez motioned to amend the proposed Ordinances to remove automatic renewal of the agreements and include a Council review on an annual basis at the end of the current term. Councilmember Hall seconded the motion.

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

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

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

**POINT OF PERSONAL PRIVILEGE**

Councilmember Perez asked Police Chief Albert Ortiz for a briefing of the uninsured driver vehicle impounds policy.

Chief Ortiz stated that since January 1, 2006, 80 cars have been towed. The department has seen a 50 percent impound increase. To retrieve vehicles, owners must present ID, proof of ownership and proof of insurance to drive the car from the impound lot. Cars may be removed by a tow truck if no proof of insurance is provided.

Councilmember Perez stated his office has received notice some tow truck operators have offered to tow impounded vehicles from the lot for a small fee, thereby circumventing the purpose of the law, allowing the vehicle owner to drive the car again. He added that he wants Council to consider a way to deter this, and asked the City Attorney to look into potential legal issues related to curbing this practice.

**CONSENT CONSIDERED INDIVIDUALLY**

AN ORDINANCE 2006-01-05-37

SELECTING PAPE DAWSON ENGINEERS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH THE BROADWAY CORRIDOR PHASE I, PART II PROJECT, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN DISTRICTS 1 AND 2; AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT IN AN AMOUNT NOT TO EXCEED \$137,200.00, \$13,720.00 FOR PROJECT CONTINGENCY, AND \$10,564.40 FOR CAPITAL ADMINISTRATIVE COSTS, FOR A TOTAL AMOUNT OF \$161,484.40.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-38

AN ORDINANCE AUTHORIZING THE INSTALLATION OF TRAFFIC SIGNALS AT FOUR INTERSECTIONS IN DISTRICTS 3, 4, 8, AND 10 AT A COST OF \$510,000.00 AND UPGRADES OF EXISTING TRAFFIC SIGNALS LOCATED THROUGHOUT THE CITY AT A COST OF \$250,000.00, IN CONNECTION WITH THE FY 2006 ANNUAL TRAFFIC SIGNAL INSTALLATION AND UPGRADE PROGRAMS, FOR A TOTAL AMOUNT OF \$760,000.00, FROM THE CAPITAL IMPROVEMENTS RESERVE FUND; AND PROVIDING FOR PAYMENT.

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

The City Clerk read the following:

ITEM NO. 19

An Ordinance declaring as surplus and authorizing the sale of fee simple title of City owned real property legally described as Lot 2, Block 1, New City Block 654, located at 704 Virginia Boulevard to Richard F. Gant, Jr. for a total sum of \$37,500.00 for the public purpose of providing affordable housing in connection with the Housing Asset Recovery Program; authorizing the payment of closing costs in an amount not to exceed \$485.00 to be subtracted from the sales proceeds at the time of closing; and authorizing the execution of any necessary documents.

Councilmember Perez made a motion to table Item 19. Councilmember Wolff seconded the motion.

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

Item 19 was tabled for consideration at a future date to be determined.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-39

AN ORDINANCE AUTHORIZING THE EXECUTION OF A STANDARD FIVE (5) YEAR LEASE AGREEMENT WITH RAINFOREST CAFÉ, INC., A RESTAURANT, FOR LEASE OF PATIO SPACE ON THE SAN ANTONIO RIVER WALK IN DISTRICT 1 FOR OUTDOOR DINING PURPOSES.

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

The following citizen(s) appeared to speak:

Mr. Robert Martinez, 114 Roberts, addressed the Council relating to offering small businesses the opportunity to lease space at the Riverwalk.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-40

APPROVING THE ASSIGNMENT OF AN EIGHT (8) YEAR LEASE AGREEMENT FROM MR. ANTONIO MARES, DBA MARES IMPORTS, TO MS. MARIA ROBLEDO, DBA MEMORIES OF MEXICO, IN THE EL MERCADO AT MARKET SQUARE LOCATED IN DISTRICT 1; AND AUTHORIZING AMENDMENTS TO THE AGREEMENT TO REFLECT CURRENT LEASE TERMS AND CONDITIONS.

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

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-41

AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT WITH VIA METROPOLITAN TRANSIT FOR A PERIOD OF TWO (2) YEARS FOR THE USE OF 725 SQUARE FEET OF RETAIL/OFFICE SPACE AT THE HOUSTON STREET PARKING GARAGE LOCATED AT 260 E. HOUSTON STREET, FOR THE TERM JANUARY 1, 2006 TO DECEMBER 31, 2007, AT A STARTING ANNUAL RENTAL RATE OF \$18.00 PER SQUARE FOOT, PLUS ADDITIONAL FEES FOR THE TENANT'S PROPORTIONATE SHARE OF UTILITIES AND COMMON AREA MAINTENANCE.

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

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-42

AN ORDINANCE AUTHORIZING A PERMANENT WATER MAIN EASEMENT TO CENTEX HOMES, AS REQUESTED BY THE CITY OF SAN ANTONIO WATER SYSTEM, FOR THE INSTALLATION OF A TWELVE INCH (12”), 575 LINEAR FOOT WATER MAIN LINE WITHIN THE CITY OF SAN ANTONIO VARIABLE WIDTH DRAINAGE PUBLIC RIGHT OF WAY, LOCATED BEHIND FIELDSTONE SUBDIVISION, IN DISTRICT 8, FOR THE TOTAL CONSIDERATION OF \$3,070.00.

Councilmember Guajardo made a motion to approve the proposed Ordinance. 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, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-43

AUTHORIZING AN AMENDMENT TO MULTIPLE USE AGREEMENTS WITH THE TXDOT TO RELEASE APPROXIMATELY 96 PARKING SPACES UNDER IH 37 BETWEEN NOLAN AND DAWSON STREETS LOCATED IN DISTRICT 2, FOR USE BY AN ADJACENT PROPOSED COMFORT SUITES HOTEL.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-01-05-44

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FOURTH AMENDMENT AND EXTENSION TO THE LICENSED USER AGREEMENT WITH TICKETMASTER, L.L.C. FOR TICKETING SERVICES AT THE ALAMODOME, HENRY B. GONZALEZ CONVENTION CENTER, LILA COCKRELL THEATRE, AND MUNICIPAL AUDITORIUM IN ORDER TO AMEND CERTAIN CHARGES AND FEES, EXERCISING THE AVAILABLE THREE-YEAR RENEWAL OPTION FOR A TERM BEGINNING JANUARY 1, 2006 AND ENDING DECEMBER 31, 2008.

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

The City Clerk read the following Ordinances:

ITEM NOS. 45 AND 46

An Ordinance approving the Final Project and Financing Plans for Tax Increment Reinvestment Zone Number Thirteen, City of San Antonio, Texas ("Zone"), known as the Lackland Hills TIRZ, authorizing the payment of all incremental ad valorem taxes in the zone into the Zone's Tax Increment Fund, and authorizing the City Manager to negotiate and execute an Interlocal Agreement with the Board of Directors for the Zone ("the Board") and Bexar County, and a Development Agreement with the Board and Lackland Hills Joint Venture.

An Ordinance approving the Final Project and Financing Plans for Tax Increment Reinvestment Zone Number Fourteen, City of San Antonio, Texas ("Zone"), known as the Sky Harbor TIRZ, authorizing the payment of all incremental ad valorem taxes in the zone into the Zone's Tax Increment Fund, and authorizing the City Manager to negotiate and execute Interlocal Agreements with the Board of Directors for the Zone ("the Board") and Bexar County and Alamo Community College District, and a Development Agreement with the Board and HLH Development, LP.

Councilmember Perez made a motion to table the proposed Ordinances for consideration on January 19, 2006. Councilmember Radle seconded the motion.

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

Items 45 and 46 were tabled until January 19, 2006.

### **PLAN AMENDMENTS AND ZONING CASES**

**P-1. PLAN AMENDMENT CASE #050012 (District 4):** An Ordinance amending the land use plan contained in the City South Community Plan, a component of the Master Plan of the City, by changing the use of an approximately 122.5-acre tract of land located at 14851 and 14970 Watson Road from Agriculture land use to Rural Living land use. Staff and Planning Commission have recommended approval.

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.

#### AN ORDINANCE 2006-01-05-46

AMENDING THE LAND USE PLAN CONTAINED IN THE CITY SOUTH COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 122.5 ACRES OF LAND LOCATED AT 14851 AND 14970 WATSON ROAD FROM AGRICULTURE LAND USE TO RURAL LIVING LAND USE.

**Z-1. ZONING CASE #Z2005235 CD (District 4):** An Ordinance changing the zoning boundary from "FR" Farm and Ranch District and "RD" Rural Development District to "RD" (CD-density up to 4 units/acre) Rural Development District with a Conditional Use for density up to 4 units/acre and "RD" Rural Development on 455 acres out of CB 4298, the Southwest corner of Watson Road and State Highway 16 as requested by Brown, P. C., Applicant, for Presto Tierra, Ltd., Owner(s). Staff and Zoning Commission have recommended approval with the condition the development does not exceed a total of 1,560 dwelling units.

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.

AN ORDINANCE 2006-01-05-47

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 455 ACRES OUT OF CB 4298, THE SOUTHWEST CORNER OF WATSON ROAD AND STATE HIGHWAY 16, FROM "FR" FARM AND RANCH DISTRICT AND "RD" RURAL DEVELOPMENT DISTRICT TO "RD" (CD-DENSITY UP TO 4 UNITS/ACRE) RURAL DEVELOPMENT DISTRICT WITH A CONDITIONAL USE FOR DENSITY UP TO 4 UNITS/ACRE AND "RD" RURAL DEVELOPMENT.

**Z-2. ZONING CASE #Z2005259 (District 6):** An Ordinance changing the zoning boundary from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 118.94 acres out of NCB 18288, 8788 Reed Road as requested by Regent Communities Partners, L. P., Applicant, for Frank G. Persyn, Owner(s). Staff and Zoning Commission have recommended approval.

Councilmember Herrera made a motion to table the proposed zoning request until January 19, 2006. Councilmember Gutierrez seconded the motion.

After consideration, the motion to table, 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 Z-2 was tabled until January 19, 2006.

**CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

- Presentation acknowledging the U.S. Army All-American Bowl;
- Citation to Jennifer Velasquez, San Antonio Public Library Teen Services Coordinator, as a recipient of *The New York Times* Librarian of the Year Award;
- Proclamation to Alamo Council of the Blind acknowledging January as “Braille Awareness Month”;
- Proclamation to South Texas Blood & Tissue Center acknowledging January as “Blood Donor Month.”

### **CITIZENS TO BE HEARD**

Mr. Michael John, 311 S. St. Mary, addressed the Council relating to the temporary retraining order as it relates to Ordinance 98918. He spoke of the permanent spots for vending on the river. He stated that he has been held up on said issue for too long and added that he sold roses.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave, addressed the Council regarding lying. He also quoted several Bible passages related to the subject.

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council with regard to the Library overcharging patrons. He also noted that he could not support the Main Plaza Project. He also sang a melody of songs to the Mayor and City Council.

Mr. Hal McClusky, 920 Cameron, addressed the Council with regard to the issue of Riverwalk vendor permits. He asked a question with regard to the protocol for selling outside a restaurant such as the Rainforest Cafe.

Mr. Tony Rays, PO Box 240022, representing a group of churches, invited City Council to attend a meeting on immigration reform. He noted that the meeting would be held January 9, 2006 at 6:00 p.m., 3700 Fredericksburg, Suite 114.

Mr. Rodolfo Macias, PO Box 240022, addressed Council and requested that it support a local soccer team with a \$200 per player amount in order to provide players uniforms and offset lodging expenses.

Mr. Nick Calzoncit, 66 Brees, addressed Council relating to a petition drive to name a street or school in San Antonio after Cesar Chavez. He noted several persons who have supported the drive.

Mr. Placido Salazar, 214 Parkview, requested City Council to cast support for a Veterans Hospital in the Valley. He also requested that the City keep its public access channel and requested good cable productions and equipment.

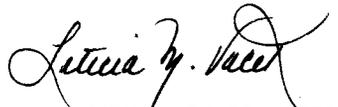
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:41 p.m.

**A P P R O V E D**



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk