

**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, THURSDAY, FEBRUARY 9, 2006

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There was no "B" Session on Wednesday, February 8, 2006.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, February 9, 2006 at 9:00 a.m.

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum with the following Council members present: McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. Absent: Flores

The Invocation was led by Rev. Melanie Welsh, Pastor, Los Angeles Heights Methodist Church, Guest of Councilmember Roger Flores, District 1.

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

The minutes of the January 26, 2006 City Council meeting were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-02-0170

AN ORDINANCE AUTHORIZING AN "ADDITIONAL CASH TRANSFER" OF \$7,838,362.52 FROM THE CPS ENERGY COMMUNITY INFRASTRUCTURE ECONOMIC DEVELOPMENT ("CIED") FUND IN ACCORDANCE WITH THE AMENDED CIED FUND POLICY (THE "POLICY") APPROVED BY THE CPS ENERGY BOARD OF TRUSTEES AND AUTHORIZING FUTURE "ADDITIONAL CASH TRANSFERS" ON AN ANNUAL BASIS IN AMOUNT NOT TO EXCEED ONE-PERCENT (1%) OF CPS ENERGY'S ANNUAL ELECTRIC RATE REVENUE

DEPOSITED INTO THE CIED FUND OR RESULT IN A TOTAL PAYMENT TO THE CITY WHICH EXCEEDS THE 14% OF GROSS REVENUES CAP AND THE ANNUAL CITY PAYMENT.

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

Mr. Ben Gorzell, Acting Director of Finance Department, made a presentation on the cash transfer from the CPS Energy Community Infrastructure Economic Development (CIED) Fund in the amount of \$7,838,326. He spoke to the history of the CIED fund which originated in 1993 as the Overhead Conversion Fund (OCF) which was for the purpose of enhancing the aesthetic appeal of public areas through the burial or relocation of overhead electric lines. He noted that with changes in state legislation in 1999, the use of the funds for that purpose became more limited, and therefore other alternatives were explored to use the CIED fund. The new CIED Fund was approved by the CPS Energy Board of Trustees in January 19, 2005 in order to expand the OCF and allow for funding of other types of projects such as for environment and economic development projects, and further expounded on the fiscal impact.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, recommended returning to taxpayers the additional CPS income rather than diverting the funds. Related to Item 4, he asked if City Council would follow staff recommendations or follow special interest motivators. He endorsed the regulation of motorized scooters, but asked for the inclusion of language that permits them to ride on sidewalks.

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

PUBLIC HEARING AND ORDINANCE: UDC CHAPTERS 34 AND 35 AMENDMENTS

Mayor Hardberger declared the Public Hearing to be open.

Mr. Florencio Pena, Director of Development Services, made a presentation on the Ordinance amending Chapters 34 and 35, Unified Development Code, a copy of which is on file with the Office of the City Clerk. He outlined background information on the respective meetings and actions of the Vested Rights Task Force, Quality of Life Council Committee, and Planning Commission. He spoke to SB 848, staff's recommendation on

Package A with regard to the terminology change and the current processes to be used for multi-phased developments. He further delineated Package B where three basic public policy questions were addressed, specifically to established rights under Local Government Code Chapter 245 when a multi- or single-phased project is modified, when a project is complete and what is required to demonstrate progress towards completion of a project. He added that the ordinances provide clarity and consistency to the process in which Vested Rights determinations will be recognized in the future.

Councilmember Hall stated that this issue had been in discussion for 18 months and went through City Council committees and City Staff review. He noted that two key issues came to light in the Quality of Life Committee: Inclusion of the site plan and Chapter 34 as it relates to impervious cover. He announced that the public hearing allows opportunity for citizens' input and those considerations may be included to further change the proposal, which will be discussed at a second public hearing at the February 16, 2006 City Council meeting, to be followed by a vote of the City Council.

Councilmember Guajardo requested one evening opportunity for a public hearing, as the changes will affect all citizens, many of whom work traditional workdays.

Mr. Scott Norman, 4204 Gardendale, representing the Greater San Antonio Builders Association and Texas Builders Association, spoke to the proposed "Fair Notice Form" possibly conflicting with the statutory intent enacted in the most recent State legislature. He stated because of the high level of detail the form requires, any project changes that deviate from the information submitted on the proposed form could be used to undo vested rights.

Mr. Phil Crane, 8706 Lockway, Real Estate Council (REC) of San Antonio President, distributed a letter addressing the REC's concerns with the proposed changes in the matters of process, legislative intent, and technicalities. He stated that the proposed "Fair Notice Form" will create a more burdensome and costly process. He referenced the letter detailing the same. He added that no comments were included on Chapter 34, as those recommendations are not immediately advancing.

Mr. Wade McGuiness, 8706 Lockway, Real Estate Council of San Antonio, addressed concerns with the Fair Notice Form's requirement for single-phase developments to submit site plans, including building footprints, which are often not available at the initial stage of development. He noted that retail developments can have numerous site plan changes, and requiring them will have adverse financial backlash on all parties.

Ms. Erin Zayko, 946 W. Mistletoe, AGUA, stated that the City cannot afford to use or interpret property rights irresponsibly and must consider opportunities to manage urban and suburban water resources more properly to protect the Edwards Aquifer.

Ms. Barbara Johnson, 107 King William St., San Antonio Conservation Society President, stated its support of smart growth principles in limiting future grandfathering of defined projects rather than raw land. She endorsed the inclusion of general footprint plans in the Fair Notice Form requirements, and stated that some zoning changes in developments of the recharge zone should trigger a loss of vesting. She noted support for an oversight committee made up of a cross-section of the citizenry.

Mr. Richard Alles, Citizens Tree Coalition (CTC), distributed a handout illustrating CTC's concerns. He stated the footprint requirement specifies only an approximation, and that the City historically permits unsubstantive changes without loss of grandfathering. He stated that the "Fair Notice Form" can be submitted at will; once filed it triggers grandfathering. He said that grandfathering has virtually nullified the Aquifer Protection Ordinance. He noted that the City needs to look at the big picture; if variances are needed, the City can permit them. He also noted concern over the grandfathering of CPS Energy Contracts, believing State law is being misinterpreted. He requested that Council consider permitting citizens the right to appeal vested rights approvals if they live within 500 feet of a project or represent a local homeowners association or environmental group.

Mr. George Rice, voiced overall support of Staff's proposal, but stated that it could be further improved. He stated that the City's proposal exceeds the State law requirements, and he sees no need for this. He advised Council to view and consider the comments submitted by attorney Doug Young on behalf of AGUA and the Citizens Tree Coalition.

Ms. Annalisa Peace, AGUA, requested that Council carefully consider attorney Doug Young's comments on miscellaneous items. She also stated that AGUA opposes the footprint requirements, but endorses the public's proposal for citizens' right to appeal in certain situations. She objected to the City not recognizing vested rights over and above those required by State law, and read legal commentary of potential ramifications in such cases.

Ms. Maria Berrizabal, stated this issue will be one of the most significant in Council history. She offered a history of the Lumberman's project at 1604 and 281, which involved vested rights interests. She stated her appreciation to the Council for their work and thought on the issue, and for endorsing an evening public hearing. She added that the City should make more readily accessible those ordinances for debate and consideration.

Ms. Francine Romero, Planning Commission member, stated that she was not appearing before Council as a Citizen to be Heard, but was requested to discuss the Planning Commission's vote on February 8, 2006. She said that the Commission did not vote on any issues related to Chapter 34, as they were instructed they did not have the authority to

do so. She said the Commission recommended three amendments, specifically, a recommendation that single-phase project plans not require the footprint or square footage. She stated that rationale was that developers would have to offer much more detail than multi-phase developments, and removing the requirement made the process more equitable. She also noted the Commission's recommendation to convene a new Vested Rights advisory group for oversight and recommendations.

Mayor Hardberger declared the Public Hearing to be closed.

Councilmember Hall made a motion to table the vote on the proposed Ordinance to February 16, 2006 with provisions that the public hearing and vote for this item will be conducted February 16, 2006 at 5:30 p.m. Additionally, he requested that City Staff web-post, for public review, the final and red-lined versions of the ordinance no later than 12 p.m., Wednesday, February 15, 2006, and that changes made after such time be considered by Council as amendments. Councilmember Guajardo seconded the motion.

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

INDIVIDUAL ITEMS CONTINUED

AN ORDINANCE 2006-02-09-172

AMENDING CHAPTER 19 OF THE CITY CODE IN THE INTEREST OF SAFETY TO PROHIBIT THE OPERATION OF MOTOR ASSISTED SCOOTERS, NEIGHBORHOOD ELECTRIC VEHICLES AND POCKET BIKES OR MINIMOTORBIKES ON STREETS, HIGHWAYS AND SIDEWALKS; TO PROHIBIT THE OPERATION OF POCKET BIKES OR MINIMOTORBIKES IN CITY PARKS; TO PROHIBIT MOT ASSISTED SCOOTERS IN CITY PARKS EXCEPT WHERE PERMITTED BY SIGN; TO PROHIBIT THE OPERATION OF ANY VEHICLES REGULATED UNDER THIS ORDINANCE BY A PERSON UNDER 21 YEARS OF AGE NOT WEARING A HELMET OR BY A CHILD NOT UNDER DIRECT SUPERVISION OF A PARENT; AND TO PROHIBIT THE OPERATION OF ANY MOTOR ASSISTED SCOOTER ALTERED FROM THE ORIGINAL MANUFACTURER'S DESIGN; AND PROVIDING FOR CRIMINAL FINES FOR VIOLATION OF THIS ORDINANCE.

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

Police Chief Albert A. Ortiz narrated a slide presentation on regulations for motor-assisted scooters, electric motor vehicles and mini-motorbikes, a copy of which is on file with the Office of the City Clerk. He outlined the definitions for each of the vehicles cited, presented photos of each of the vehicles, and outlined concerns and statistics according to the U.S. Consumer Product Safety Commission. He further cited the prohibitions under the new proposed ordinance, noting other Texas cities prohibiting scooters, namely City of Plano, Allen, Richardson, Sweeny, Greenville and La Porte.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Truman Mellies, which requested the exclusion of motorized wheel chairs for the disabled where sidewalks are not available. He also asked that the Council define if “motorized scooters” excludes wheelchairs.

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

CONSENT AGENDA

Consent agenda items 6, 9, 10, 11, 14, 18, 22, and 24 were pulled for individual consideration. The remaining items 7 through 26D were approved upon motion made by Councilmember Perez and seconded by Councilmember Gutierrez

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, asked if the grants will help pay for Fire Department overtime, related to Items 22 and 23. He inquired as to why, in Item 24, the symphony should receive a waiver when other organizations must pay. He objected to Item 25, travel authorization for Councilmember Flores to attend the 2006 International Summit for Waterfront Cities in Taiwan, as San Antonio has no waterfront.

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 requested that filters be placed on Library computers to prevent pornographic content access. He also stated that filters are required, in accordance with federal grant funding.

AN ORDINANCE 2006-02-09-0173

ACCEPTING THE BID SUBMITTED BY PATRIOT COURT SYSTEMS, INC. TO PROVIDE THE PARKS AND RECREATION DEPARTMENT WITH

RESURFACING OF TENNIS COURTS LOCATED AT THE MCFARLIN TENNIS CENTER FOR A TOTAL OF \$63,240.00, AND AUTHORIZING THE EXPENDITURE OF \$36,760.00 FOR PARK MATERIALS FOR ADDITIONAL INFRASTRUCTURE IMPROVEMENTS, FROM GENERAL FUND ONE-TIME IMPROVEMENT FUNDS.

AN ORDINANCE 2006-02-09-0174

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 \$49,584.00, INCLUDING: MAINTENANCE AND REPAIR OF TERMINAL #1 PAGING AND SPEAKER SYSTEM AT THE SAN ANTONIO INTERNATIONAL AIRPORT; AND HVAC MAINTENANCE AT VARIOUS MULTI-SERVICE CENTERS.

AN ORDINANCE 2006-02-09-175

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$596,310.00 PAYABLE TO BENTLEY SHEET METAL & ROOFING CO. INC., AND AUTHORIZING \$59,631.00 FOR PROJECT CONTINGENCY, \$45,915.87 FOR CAPITAL ADMINISTRATIVE COSTS, AND \$2,000.00 FOR ADVERTISING EXPENSES; APPROVING FIELD ALTERATION NO. 1, AND DEDUCTING \$148,620.00 FOR ARCHITECTURAL MODIFICATIONS, FOR A TOTAL AMOUNT OF \$555,236.87 FROM HUD 108 LOAN FUNDS IN CONNECTION WITH THE RE-ROOFING OF THE BOB ROSS MULTI-SERVICE HEALTH AND RESOURCE CENTER PROJECT, LOCATED IN DISTRICT 8.

AN ORDINANCE 2006-02-09-0176

AUTHORIZING FIELD ALTERATION NUMBER 4 TO THE BRACKENRIDGE PARK REHABILITATION PROJECT – PACKAGE B IN THE AMOUNT OF \$241,915.87, APPROPRIATING \$108,084.13 FOR CONSTRUCTION CONTINGENCY FOR A TOTAL APPROPRIATION OF \$350,000.00 FROM 2005 CERTIFICATES OF OBLIGATION FUNDS, AND AUTHORIZING PAYMENT.

AN ORDINANCE 2006-02-09-0177

AUTHORIZING A THREE-YEAR LEASE RENEWAL EFFECTIVE MARCH 1, 2006, BY THE UNITED SERVICES ORGANIZATION COUNCIL OF METROPOLITAN SAN ANTONIO, TEXAS FOR RETAIL SPACE IN THE RIVERBEND PARKING GARAGE IN DISTRICT 1, WITH USO PAYING A SHARE OF CHILLED WATER COSTS AT A RATE OF \$626.64 PER MONTH AND ALL OTHER OPERATING COSTS.

AN ORDINANCE 2006-02-09-0178

AUTHORIZING THE EXECUTION OF A CONTRACT IN THE AMOUNT OF \$150,000.00 WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL FOR DENTAL CARE SERVICES AT THE RICARDO SALINAS PUBLIC HEALTH CLINIC FOR THE PERIOD OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-02-09-1979

AUTHORIZING THE ACCEPTANCE OF GRANTS IN THE AMOUNT OF \$5,000.00 FROM THE FANNIE MAE'S HOUSING AND COMMUNITY DEVELOPMENT DIVISION, \$10,000.00 FROM BANK OF AMERICA, AND \$5,000.00 FROM JP MORGAN CHASE FOR A TOTAL OF \$20,000.00, BY THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. ACTING AS FISCAL AGENT FOR THE CITY OF SAN ANTONIO TO SUPPORT THE HOME BUYER COUNSELING ACTIVITIES FOR THE CITY OF SAN ANTONIO HOMEBUYERS CLUB (HBC) PROGRAM ADMINISTERED THROUGH THE CITY'S NEIGHBORHOOD ACTION DEPARTMENT.

AN ORDINANCE 2006-02-09-180

AUTHORIZING EXECUTION OF A CONTRACT WITH PICK-N-PULL, INC. TO PROVIDE THE CODE COMPLIANCE DEPARTMENT WITH THE REMOVAL AND DISPOSITION OF JUNKED VEHICLES FOR THE ABATEMENT PROGRAM, FOR \$35.00 PER VEHICLE REMOVED TO BE PAID TO THE CITY, FOR A TERM BEGINNING UPON AWARD AND ENDING SEPTEMBER 30, 2006, WITH UP TO FOUR ADDITIONAL ONE YEAR RENEWALS.

AN ORDINANCE 2006-02-09-0181

AUTHORIZING THE ACCEPTANCE OF THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FY 2006 LOAN STAR LIBRARIES GRANT AWARD IN THE AMOUNT OF \$88,667.00 TO BE USED FOR THE REPLACEMENT OF THIRTY LAPTOP COMPUTERS, THE PURCHASE OF MEETING ROOM RESERVATION SOFTWARE AND TECHNOLOGY-RELATED EQUIPMENT WITH A GRANT TERM OF SEPTEMBER 2005 TO AUGUST 2006.

AN ORDINANCE 2006-02-09-0182

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO SUBMIT VARIOUS REGIONAL SOLID WASTE PASS-THROUGH GRANT APPLICATIONS FOR APPROXIMATELY \$300,000.00 FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THROUGH THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) FOR FY 2006, TO SUPPORT ENVIRONMENTAL PROGRAMMING AND MUNICIPAL ENFORCEMENT; FURTHER AUTHORIZING EXECUTION OF GRANT CONTRACTS BETWEEN THE CITY AND AACOG AND ACCEPTANCE OF ALL AVAILABLE SUBSEQUENT FUNDING.

AN ORDINANCE 2006-02-09-0183

AUTHORIZING THE ACCEPTANCE OF ACCUMULATED DONATIONS TO THE SAN ANTONIO FIRE DEPARTMENT IN THE TOTAL AMOUNT OF \$21,575.00 FROM INDEPENDENT INSURANCE AGENT OF SAN ANTONIO (\$600), LAS PALAPAS ENTERPRISES (\$200), WAL-MART FOUNDATION (\$10,125), SECURITY SERVICE FEDERAL CREDIT UNION (\$50), SAM'S CLUB FOUNDATION (\$5,500), SAN ANTONIO PROFESSIONAL FIREFIGHTERS ASSOCIATION (\$1,000), SAN ANTONIO TELECOMMUNICATIONS EMPLOYEE GOLF ASSOCIATION (\$3500), HOLT COMPANY OF TEXAS (\$500), AND STATE FARM INSURANCE (\$100).

TRAVEL AUTHORIZATION

CONFIRMATION OF A TRAVEL AUTHORIZATION REQUEST FROM COUNCILMEMBER ROGER FLORES, DISTRICT 1, TO REPRESENT THE CITY AT THE 2006 INTERNATIONAL SUMMIT FOR WATERFRONT CITIES IN KAOHSIUNG, TAIWAN FROM FEBRUARY 7, 2006 TO FEBRUARY 12, 2006.

AN ORDINANCE 2006-02-09-0184

APPOINTING GEORGE ALVA (DISTRICT 10) TO THE TRANSPORTATION ADVISORY BOARD (CATEGORY: TAXICAB INDUSTRY) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-09-0185

APPOINTING ALEXANDER CHARLES GARCIA (DISTRICT 7) TO THE TAX PHASE-IN ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

AN ORDINANCE 2006-02-09-0186

APPOINTING GERALDO HERNANDEZ (DISTRICT 3) TO THE HOME IMPROVEMENT ADVISORY BOARD (CATEGORY: LAYPERSON) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 23, 2007.

AN ORDINANCE 2006-02-09-0187

REAPPOINTING JESSE F. JENKINS (DISTRICT 3) TO THE BOARD OF ADJUSTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE FEBRUARY 22, 2007.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0188

ACCEPTING THE BID SUBMITTED BY GRANDE TRUCK CENTER, BID NO. 2, TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH NINE REPLACEMENT TRACTOR TRAILER COMBINATION UNITS FOR A TOTAL OF \$919,611.00, FROM EQUIPMENT RENEWAL AND REPLACEMENT 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:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass. **NAYS:** None. **ABSENT:** Flores, Hardberger.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0189

SELECTING LOCKWOOD, ANDREWS & NEWNAM, INC. (LAN) TO PROVIDE PROGRAM MANAGEMENT SERVICES TO ASSIST THE PUBLIC WORKS DEPARTMENT WITH THE ADMINISTRATION OF THE ADVANCED TRANSPORTATION DISTRICT (ATD) PROJECTS, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$2,410,000.00 FOR A THREE YEAR TERM WITH ONE TWO (2) YEAR RENEWAL OPTION; AND APPROPRIATING FUNDS.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0190

AUTHORIZING THE APPROPRIATION OF FUNDS IN THE AMOUNT OF \$2,870,587.00 FOR PROGRAM MANAGEMENT SERVICES TO ASSIST THE PUBLIC WORKS DEPARTMENT IN CONNECTION WITH THE ADMINISTRATION OF VARIOUS 2005 STORM WATER REVENUE BOND PROGRAM PROJECTS AND VARIOUS LOCAL AGENCY MANAGED (LAM) PROJECTS; AND ESTABLISHING PROJECT BUDGETS, FUNDED FROM GENERAL OBLIGATIONS OF THE CITY.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0191

ACCEPTING THE LOWEST RESPONSIVE BID, APPROPRIATING FUNDS, AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$87,250.00 PAYABLE TO ARC ABATEMENT, AND AUTHORIZING \$8,725.00 FOR PROJECT CONTINGENCY AND \$2,000.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$97,975.00 FROM HUD 108 LOAN FUNDS IN CONNECTION WITH THE ENVIRONMENTAL REMEDIATION OF THE BOB ROSS SENIOR MULTI-SERVICE HEALTH AND RESOURCE CENTER PROJECT, LOCATED IN DISTRICT 8.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0192

AUTHORIZING A LICENSE AGREEMENT WITH BP SOUTH TEXAS BUILDING, INC. FOR USE OF PUBLIC RIGHT OF WAY OVER AND UNDER PORTIONS OF EAST HOUSTON, NAVARRO STREET, AND PEACOCK ALLEY IN DISTRICT 1 FOR AN EXISTING TUNNEL, BASEMENT, AND SIMILAR USES FOR A 10 YEAR TERM; AND WAIVING THE FEE OF \$38,727.00 UNDER THE CITY'S INCENTIVE SCORECARD PROGRAM.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0193

AUTHORIZING PAYMENT OF THE CITY'S ANNUAL MEMBERSHIP DUES TO THE ALAMO AREA COUNCIL OF GOVERNMENTS IN THE AMOUNT OF \$68,678.76 FOR CALENDAR YEAR 2006.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0194

AUTHORIZING THE ACCEPTANCE OF A 2005 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$138,072.00 FROM THE UNITED STATES FIRE ADMINISTRATION, WHICH REQUIRES A GENERAL FUND CASH MATCH OF \$34,518.00, FOR A TOTAL OF \$172,590.00, TO BE USED FOR A ROADSIDE SAFETY INITIATIVE DURING FY 2006.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-09-0195

WAIVING USAGE FEES FOR THE SAN ANTONIO SYMPHONY LEAGUE IN CONNECTION WITH THEIR 5K RUN TO BE HELD AT MCALLISTER PARK ON FEBRUARY 18, 2006, AS REQUESTED BY COUNCILMEMBER ART HALL, DISTRICT 8.

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

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 11:39 a.m. and announced that Council would reconvene at 1:30 p.m. in order to convene in Executive Session for the purpose of:

Discuss contemplated litigation related to the collection of outstanding local hotel occupancy taxes, pursuant to the Texas Government Code Section 551.071 (consultation with attorney).

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

PUBLIC HEARING AND MASTER PLAN AND ZONING CASES

P-1. PLAN AMENDMENT CASE #05017 (District 5): An Ordinance amending the land use plan contained in the Nogalitos/S. Zarzamora Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.33-acres located at 1126 Prado Street, 1128 Prado Street, and 943 Theo Avenue West from Medium Density Residential land use to Mixed Use land use. Staff and Planning Commission recommend approval.

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

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

AN ORDINANCE 2006-02-09-0196

AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS/S. ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.33-ACRES LOCATED AT 1126 PRADO STREET, 1128 PRADO STREET, AND 943 THEO AVENUE WEST FROM MEDIUM DENSITY RESIDENTIAL LAND USE TO MIXED USE LAND USE.

Z-1. ZONING CASE #Z2005299 (District 5): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "C-2" Commercial District on Lot 5 and the West 14.6 feet of Lot 6, NCB 7347 and Lot 113, Block 17, NCB 3460, 943 West Theo Avenue, 1126 and 1128 Prado Street as requested by Brown, P.C., Applicant, for Pablo and Guadalupe Mora, and Francisco P. and Mary Hererra, Owner(s). Staff and Zoning Commission recommend approval.

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

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

AN ORDINANCE 2006-02-09-197

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 THE WEST 14.6 FEET OF LOT 6, NCB 7347 AND LOT 113, BLOCK 17, NCB 3460, FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT

Z-2. ZONING CASE #Z2005278 CD (District 1): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD-Beauty Shop) Residential Single-Family District with a Conditional Use for a Beauty Shop on Lot 22, Block 3, NCB 9667, 2239 Basse Road as requested by Marissa Castro, Applicant, for Juan Castro, Owner(s). Staff recommends denial. Zoning Commission recommends denial of "O-2."

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

The following citizen(s) appeared to speak:

Mr. Humberto Gonzalez, 2218 Basse Rd., spoke on behalf of the applicant, to ask why the request was being denied. [He was informed that it is not being denied, but returned to the Zoning Commission.]

Ms. Marissa Castro, 2239 Basse Rd., applicant, stated in Spanish that she did not speak or understand English.

Mr. Charles Dove, 926 El Monte, Greater Delview Area Community Plan Committee, opposed the request as it counters the Committee's development plans. He stated that numerous violations of stipulations of the temporary exemption granted the property have been documented.

Ms. Joannette Gonzalez, 2239 Basse Rd., disputed the statements of Mr. Dove.

Councilmember Gutierrez made a motion, on behalf of Councilmember Flores, to refer Item Z-2 back to the Zoning Commission for further examination as the application was amended. Councilmember Perez seconded the motion.

After consideration, the motion to refer Item Z-2 back to the Zoning Commission prevailed by the following vote: **AYES:** Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, McNeil.

Z-3. ZONING CASE #Z2005293 (District 1): An Ordinance amending the zoning district boundary from "C-3 NA" General Commercial Non-Alcoholic Sales District to "IDZ" Infill Development Zone with uses permitted in "MF-33" Multi-Family District and "C-1" Commercial District on Lots 1 through 7, Block B, NCB 2559 and Lots A-2, A-3 and A-4, Block 4, NCB 2972, 1200 and 102 South Flores Street as requested by

Flores and Company, Applicant, for Mitchell Whiddon, Owner(s). Staff recommends approval and Zoning Commission recommendation is pending the February 7, 2006, public hearing.

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

Councilmember Gutierrez made a motion, on behalf of Councilmember Flores, 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:** Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, McNeil.

AN ORDINANCE 2006-02-09-0198

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 1 THROUGH 7, BLOCK B, NCB 2559 AND LOTS A-2, A-3, AND A-4, BLOCK 4, NCB 2972 FROM "C-3 NA" GENERAL COMMERCIAL NON-ALCOHOLIC SALES DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE WITH USES PERMITTED IN "MF-33" MULTI-FAMILY DISTRICT AND "C-1" COMMERCIAL DISTRICT.

Z-4. ZONING CASE #Z2005006 (District 4): An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "RM-5" Residential Mixed District on 8.53 acres out of NCB 11186, 11100 Block of Interstate 35 South as requested by Baptist University of the Americas, Applicant, for Barrett Brothers Interests, Owner(s). Staff and Zoning Commission recommend approval.

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

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

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

AN ORDINANCE 2006-02-09-0199

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 8.53 ACRES OUT OF NCB 11186 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "RM-5" RESIDENTIAL MIXED DISTRICT.

Z-5. ZONING CASE #Z2005276 (District 4): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on 18.627 acres out of NCB 16001, 5900 and 6000 Block of Ray Ellison Boulevard as requested by Morano Family Investment Company, Inc., Applicant, for Frank Morano, Owner(s). Staff and Zoning Commission recommend approval.

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

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

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

AN ORDINANCE 2006-02-09-0200

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 18.627 ACRES OUT OF NCB 16001 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Z-6. ZONING CASE #Z2006004 (District 4): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on 6.106 acres out of NCB 18164, 11115 Highway 90 West as requested by Brown, P.C., Applicant, for Lin Indrio, Inc., Owner(s). Staff and Zoning Commission recommend 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:** Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, McNeil.

AN ORDINANCE 2006-02-09-0201

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 6.106 ACRES OUT OF NCB 18164 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-7. ZONING CASE #Z2005279 (District 5): An Ordinance amending the zoning district boundary from "I-1" General Industrial District and "I-2" Heavy Industrial District to "IDZ" Infill Development Zone District with uses permitted in "O-1" Office District, "C-2" Commercial District, and "MF-25" Multi-Family District on the South 116 feet of Lots A1 and A2 except for the Northwest 25 feet by 54 feet, NCB 2569, 1512 South Flores Street as requested by Billy A. Lawrence/Magnificent So Flo Seven Ltd., Applicant, for Billy A. Lawrence/Magnificent So Flo Seven Ltd., Owner(s). Staff and Zoning Commission recommend 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.

The following citizen(s) appeared to speak:

Ms. Christina Castro, 503 Drake, read a letter from Rev. Monsignor Emil Waleskowski endorsing the request. She also offered her endorsement of the request.

Ms. Mary Ozuna, 140 Simon, Precinct Chair, thanked the Zoning Commission and Councilmember Radle for their assistance with this item. She also stated that at a recent

public hearing, a few citizens who did not live in the immediate area were told they couldn't speak. She said this is incorrect. She stated she would like better communication between City planners and citizens regarding zoning and development.

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

AN ORDINANCE 2006-02-09-0202

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 SOUTH 116 FEET OF LOT A1 AND A2, NCB 2569 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "I-2" HEAVY INDUSTRIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "O-1" OFFICE DISTRICT, "C-2" COMMERCIAL DISTRICT, AND "MF-25" MULTI-FAMILY DISTRICT.

Z-8. ZONING CASE #Z2005284 (District 5): An Ordinance amending the zoning district boundary from "I-1" RIO-4 General Industrial River Improvement Overlay 4 to "IDZ" RIO-4 Infill Development Zone River Improvement Overlay 4 on 7.528 acres out of NCB A-14, the 300 and 400 Blocks of Blue Star as requested by James G. Lifshutz, Applicant, for Big Tex San Antonio, Owner(s). Staff and Zoning Commission recommend approval, with a density limit of 40 units per acre.

Mr. John Jacks, Senior Planner, Development Services Department, stated that Item Z-8, Zoning Case #Z2005284 (District 5) was postponed at the request of the applicant.

The following citizen(s) appeared to speak:

Mr. Stephen J. Bowles, 815 E Guenther St., opposed the request as the structure and property have asbestos contamination. He added that if the ground is disturbed, it could be hazardous to the surrounding community.

No action was taken on Item Z-8.

Z-9. ZONING CASE #Z2006005 S (District 5): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "O-1" S Office District with a Specific Use Permit for buildings exceeding 10,000 square feet on Lots 40

and 42, Block 1, NCB 8857, 3014 Rivas Street as requested by Edgewood Independent School District, Applicant, for Edgewood Independent School District, Owner(s). Staff and Zoning Commission recommend 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:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores.

AN ORDINANCE 2006-02-09-0203

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 40 AND 42, BLOCK 1, NCB 8857 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" S OFFICE DISTRICT WITH A SPECIFIC USE PERMIT FOR BUILDINGS EXCEEDING 10,000 SQUARE FEET.

Z-10. ZONING CASE #Z2005264 CD (District 7): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD - Two-Family Dwelling) Residential Single-Family District with a Conditional Use for a Two-Family Dwelling on the East 64.3 feet of Lot 8, NCB 8377, 702 John Adams Drive as requested by Ana Elizabeth Sandoval, Applicant, for Ana Elizabeth Sandoval, Owner(s). Staff and Zoning Commission recommend approval.

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

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

AN ORDINANCE 2006-02-09-0204

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 EAST 64.3 FEET OF LOT 8, NCB 8377 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" (CD- TWO-FAMILY DWELLING) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A TWO-FAMILY DWELLING.

Z-11. ZONING CASE #Z2005218 CD S (District 8): An Ordinance amending the zoning district boundary from "C-3 R 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" GC-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 and Zoning Commission recommend approval with SAWS Site Specific recommendations including 65% impervious cover and 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 table Item Z-11 to February 16, 2006. Councilmember Wolff seconded the motion.

After consideration, the motion to table Item Z-11 prevailed by the following vote: **AYES:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores.

Zoning Case #Z2005218 CD S was tabled to February 16, 2006.

Z-12. ZONING CASE #Z2006003 (District 8): An Ordinance amending the zoning district boundary from PUD "C-3" Planned Unit Development General Commercial District and PUD "MF-33" Planned Unit Development Multi-Family District to "C-3" General Commercial District on 2.435 acres out of Lot 18, Block 1, NCB 15017, 10739

IH 10 West, as requested by Greg Spence, Applicant, for Bullish Resources, Owner(s). Staff and Zoning Commission recommend approval.

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

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

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

AN ORDINANCE 2006-02-09-0205

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 15017 FROM PUD "C-3" PLANNED UNIT DEVELOPMENT GENERAL COMMERCIAL DISTRICT AND PUD "MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-13. ZONING CASE #Z2005231 (District 9): An Ordinance amending the zoning district boundary from PUD "R-6 ERZD" Planned Unit Development Residential Single-Family Edwards Recharge Zone District to "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on Lot P-10, NCB 19219, 1600 Block of Evans Road as requested by Brown, P. C., Attorneys at Law, Applicant, for Big Spring, Ltd., Owner(s). Staff and Zoning Commission recommend approval with SAWS recommendations and Site Specific 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 SAWS recommendations and conditions. Councilmember Perez seconded the motion.

After consideration, the motion, carrying with it the passage of the Ordinance, prevailed by the following vote: **AYES:** McNeil, Gutierrez, Perez, Hall, Wolff, Haass, Hardberger. **NAYS:** Radle, Herrera, Guajardo. **ABSENT:** Flores.

AN ORDINANCE 2006-02-09-0206

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 P-10, NCB 19219 FROM PUD "R-6 ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "MF-33 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

Z-14. ZONING CASE #Z2006017 (District 10): An Ordinance amending the zoning district boundary from "BP" Business Park District to "R-5" Residential Single-Family District on 32.37 acres out of NCB 16588, 16700 Block of Dolente Road and Mandolino Lane as requested by Brown P.C., Applicant, for Leinguer Ventures, LLC, Owner(s). Staff and Zoning Commission recommend 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 Perez seconded the motion.

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

AN ORDINANCE 2006-02-09-0207

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 32.37 ACRES OUT OF NCB 16588 FROM "BP" BUSINESS PARK DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Z-15. ZONING CASE #Z2006018 (District 10): An Ordinance amending the zoning district boundary from "I-1" IH-1 Industrial Northeast Gateway Corridor Overlay District-1 and "C-3" IH-1 General Commercial Northeast Gateway Corridor Overlay District-1 to "L" IH-1 Light Industrial Northeast Gateway Corridor Overlay District-1 on 8 acres out of NCB 17622, 11000 Block of IH 35 North, as request by 35 North Property,

LTD, Applicant, for 35 North Property, LTD, Owner(s). Staff and Zoning Commission recommend 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 Perez seconded the motion.

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

AN ORDINANCE 2006-02-09-0208

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 8 ACRES OUT OF NCB 17622 FROM "I-1" IH-1 INDUSTRIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1 AND "C-3" IH-1 GENERAL COMMERCIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1 TO "L" IH-1 LIGHT INDUSTRIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1.

CITY MANAGER'S REPORT

City Manager Sheryl Sculley announced the promotions of Assistant City Manager Jelynn Burley to Deputy City Manager, Assistant to the City Manager Eric Walsh to Assistant City Manager, and Communications Manager Diane Galvan to Director of Department of Communications and Public Affairs, a newly created department. She also announced the hiring of Mr. Patrick DiGiovanni as Deputy City Manager.

Ms. Sculley updated the Council regarding the Fire Department equipment and discussed the matter of Fire Department overtime compensation, which was a recent media item.

Mayor Hardberger recessed the meeting at 2:52 pm and announced that Council would convene at 5:00 p.m.

Mayor Hardberger reconvened the regular session at 5:00 p.m.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Alcalde to the Hon. Mario Marín Torres, Governor, State of Puebla, Mexico, who led a 35 member delegation of business and civic leaders to San Antonio.

CITIZENS TO BE HEARD

Mr. Allen Ellebracht, 4915 Dave Ln., addressed Council regarding events related to the suicide of George "Tripp" Dickerson. He stated that Councilmember Guajardo should resign as a result of her affiliation in the matter.

Mr. Hal McCloskey, 920 Cameron, stated to Council that he recently went to Municipal Court with three fellow vendors ticketed by Park Police in December for selling on private or leased property. He said the three individuals pleaded "no contest," due to precedent; another vendor appeared in court for the same reason, pleaded not guilty, but was fined \$2000 and given 500 hours of community service by a jury. He stated that a prosecutor in the courtroom announced that no vending was permitted on the River Walk on private or leased property, so he presented evidence to the contrary and was threatened with contempt of court. He said all the vendors that appeared in court received fines, community service hours or both. He reiterated problems vendors have with Park Police, and stated a fear that prosecutors will now be a new problem. He said the vendor permit is neither reasonable nor fair, and asked Council to develop a new permit, and to seek the participation of vendors in the planning.

Mr. Chris Steele, representing the San Antonio Professional Fire Fighters Association, addressed Council regarding recently publicized Fire Department matters. Regarding overtime paid to the fire inspectors, he presented statistics indicating the City is dramatically understaffed in comparison to other Texas municipalities, and it is therefore necessary for inspectors to work overtime to maintain workloads. He noted that building contractors fund overtime expenses via inspection fees. He stated that Chief Ojeda has not made increasing the number of inspectors a priority, and routine public safety inspections are not being performed. He added that EMS is inadequately staffed, and the City has experienced many times where there are no available response units. He noted that the recently acquired Self-Contained Breathing Apparatuses (SCBAs) were a public waste of \$2 million, as were the new emergency radios. He stated that neither work properly, and both jeopardize the health of personnel and represent bad planning. He said the three highest ranking fire officers are responsible for poor management and fiscal irresponsibility. He concluded by stating that City Manager Sculley has offered the Department a renewed sense of hope that these issues will be addressed.

Mr. Gary Minter, 1903 S. St. Mary's, spoke to the regulation of motorized scooters, which effectively destroyed his business. He expressed his displeasure at the rapid process used to prohibit motorized scooters on streets and sidewalks. He stated that the City should have attempted "to define" rather than implement a blanket prohibition, citing the advantages and differences of scooters.

Mr. Faris Hodge, Jr., 140 Dora, spoke to the scooter issue, and said they are used all over town. He stated that public hearings need to be conducted in the evening so citizens can participate in discussion. He said that the City Attorney can't pass an ordinance to prevent someone from selling their riverfront property. He stated that all City employees need to attend diversity training. He sang "If I Had a Hammer."

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., stated that Item 5 will interfere with the Americans with Disabilities Act. He noted that the City will be required to repair, at great expense, all sidewalks for scooter use. He addressed recent news of FEMA and those employees that are exempt and non-exempt that were paid. He showed several articles that were published in the newspaper relating to Jesus.

Mr. John A. Torres, 105 Dillon, River Walk vendor, stated that two complaints against vendors are that they sell tacky gifts and obstruct pedestrian traffic. He then showed a videotape depicting several River Walk businesses obstructing the public right of way with various objects, and showing the souvenir product line available at Dick's Last Resort. He stated that the number of citations issued to vendors is not reflective of illegal practices, as most tickets are issued while on private property. He presented a memo issued by Park Police which prohibits them from such action, then played an audio taped exchange between a vendor and a Park Police Officer, during which the officer tells the individual that even though she's on private property, she can't sell on the River Walk.

Mr. Glen Alan Graham, 6900 N. Vandiver, wished the Council a Happy New Year. He explained that San Antonio's uniqueness drew him to the city. He expressed concern over homogenization of the River Walk, with out-of-town and national corporations replacing local businesses. He also asked for a reconsideration of the PGA development.

Ms. Ann John, River Walk vendor, addressed the Council regarding Park Police harassing vendors. She stated that Park Police treat them "like trash and lowlives." She invited the Council to the Riverwalk to observe how the vendors there conduct themselves.

Mr. Joe Fox, 1111 Henderson Pass Creek, spoke on the issue of the Constitution's Ninth and Tenth Amendments. He said that the City needs to know how many National Security Agency teams are located in the City and how many are working for the United

States, as this agency is located in San Antonio. He said a pending invasion is imminent. He also noted that the current Presidential administration is the worst in U.S. history.

Mr. Bob Thompson, 3510 N. St. Mary's, spoke of freeway congestion. He suggested that on-ramps meter traffic onto the freeways. He stated that TxDOT urged he get the City to take an explorative initiative on this matter. He also suggested that traffic accidents be more expeditiously removed and investigations done elsewhere. He also questioned the need for Fire Department response to fender benders, especially in light of the staffing shortages mentioned earlier in the meeting. He called for a "traffic czar" to study the relief of traffic congestion caused by accidents. He said addressing these issues would increase the quality of life in the City.

Ms. Roxanne Cuevas, 159 Leroux, District 5 representative, Animal Care Services Advisory Board, thanked Councilmembers Guajardo and Wolff for attending the board's previous meeting. She stated that her duty as a board member is to make unannounced facility inspections. She noted that facility was without vaccines, dog food, and cat litter for weeks. She reported witnessing acts of animal cruelty inflicted by City employees and described unsuitable living conditions. She stated that many of the animals being rescued and adopted are returned sick or dead. She said that she was refused access to areas of the facilities and was forced to leave on her last visit. She called the facility a "concentration camp" and "house of horrors," and requested a full investigation.

Mr. John Bachman, 515 Mebane, thanked Councilmembers Guajardo and Wolff for attending the aforementioned meeting. He stated that many individuals described witnessing cruel animal handling, overcrowded conditions, and mismanagement at the facility. He stated that animal overcrowding and animal handling practices at the facility violate state code. He noted that he would be filing a complaint. He noted the mismanagement and violations at the shelter. He asked that staff contact the SPCA to conduct an inspection of the facility. He asked that "trap, neuter and return" be instituted.

Mr. Michael John, 238 Tansyl Dr., thanked Council members for their efforts and service.

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:05 p.m.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk