

**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, FEBRUARY 22, 2006 AND THURSDAY, FEBRUARY 23, 2006

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, February 22, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Discussion and consideration of issues related to the Tree Mitigation Plan and Amendments to the Unified Development Code. [Presentation by Florencio Peña, Director, Development Services; Jelynne LeBlanc Burley, Deputy City Manager]

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

The "B" Session adjourned at 4:22 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, February 23, 2006 at 2:00 p.m.

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

The Invocation was led by Rev. Dr. Allan F. Cope, Pastor, Trinity Lutheran Church, Guest of Councilmember Roland Gutierrez, District 3.

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

The minutes of the February 9, 2006 City Council meeting were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-23-0242

AUTHORIZING NEGOTIATION AND EXECUTION OF PROFESSIONAL SERVICES AGREEMENTS WITH BAKER BOTTS, L.L.P., BROWN CONSULTING, DENTON, NAVARRO, ROCHA & BERNAL, P.C., CHRISTOPHER S. SHIELDS, P.C., AND TX CAPITOL CONSULTING GROUP, L.L.C. FOR STATE REPRESENTATION SERVICES, FOR A TOTAL MONTHLY AMOUNT OF \$25,000.00, BEGINNING UPON EXECUTION OF THE AGREEMENTS AND ENDING SEPTEMBER 30, 2007, WITH AN ADDITIONAL TWO-YEAR EXTENSION, SUBJECT TO CITY COUNCIL APPROVAL; AND PROVIDING FOR PAYMENT.

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

Mr. Ray Baray, Intergovernmental Relations Manager, made a presentation on the State Representation Contract - Request for Proposals (RFP), a copy of which is on file with the Office of the City Clerk. He spoke to the RFP process for state representation services which utilized evaluation criteria that emphasized municipal policy expertise, legislative experience and bipartisan relations. He further amplified on the timeline, evaluation process, evaluation scoring, and the proposed Lobby Team comprised of J.E. "Buster" Brown, Tristan "Tris" Castañeda, Susan Rocha, and Christopher Shields. He compared other Texas cities to San Antonio with respect to number of lobbyists and monies expended, and expounded on the RFP scoring summary.

Councilmember Hall made a motion to amend the proposed Ordinance to include James Jonas. Councilmember Wolff seconded the motion.

Councilmember Wolff made a motion to amend the proposed Ordinance to include Harold Oliver. Councilmember Flores seconded the motion.

Councilmember Gutierrez made a motion to suspend the rules. Councilmember Radle seconded the motion.

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

After consideration, the amendment as presented by Councilmember Wolff prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** Radle. **ABSENT:** None.

After consideration, the amendment as presented by Councilmember Hall prevailed by the following vote: **AYES:** Flores, McNeil, Perez, Herrera, Hall, Wolff, Haass, Hardberger. **NAYS:** Gutierrez, Radle, Guajardo. **ABSENT:** None.

After consideration, the main motion as amended, 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.

Mayor Hardberger recessed the City Council meeting at this point in order to convene and take necessary action as the governing Board of Directors of the San Antonio Housing Trust Finance Corporation.

The City Clerk read the following Resolution:

A RESOLUTION 2006R-02-23-0243

ADOPTING RULES FOR FINANCING AND REFINANCING MULTIFAMILY RENTAL RESIDENTIAL DEVELOPMENTS; AND OTHER MATTERS IN CONNECTION THEREWITH.

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

Mr. John Kenny, San Antonio Housing Trust, made a presentation on the proposed rules for financing and refinancing multifamily residential development, a copy of which is on file with the Office of the City Clerk. He presented background information on the San Antonio Housing Trust Finance Corporation, its creation, goals, and membership. He then presented the proposed rules for financing multifamily development, citing the required notification to the neighborhood association, school district and residents within 200 feet of the property, application fees, developer fees, and the recommended small board to streamline the process. He also spoke to the proposed inducement resolution for the Landing Apartments on Item 4B. He presented background information noting that the proposed project totaled \$12.7 million of which \$7.5 million would be payable by the owner and \$3.6 million would be in housing tax credits. He stated that final approval

would be given by the San Antonio Housing Trust Fund Corporation Board and the City Council.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council related to Item 4A. He stated that homeowners should be given a break via a tax reduction. He asked of the dramatic increase in the acceptable median for public housing, adding that the posted level nears upper middle class. Regarding Item 5, he noted the commission is being increased, which is a retraction from earlier Council steps a few years ago.

After consideration, the motion, carrying with it the passage of the Resolution, 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 Resolution:

A RESOLUTION 2006R-02-23-0244

CONCERNING THE PROPOSED ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE LANDING APARTMENTS PROJECT LOCATED IN CITY COUNCIL DISTRICT 2 FOR SAAHC LANDING APARTMENTS, L.P., A TO-BE-FORMED AFFILIATE OF SAN ANTONIO ALTERNATIVE HOUSING CORPORATION; AUTHORIZING PRELIMINARY ACTIONS; AND OTHER MATTERS IN CONNECTION THEREWITH.

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

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

Mayor Hardberger adjourned the San Antonio Housing Trust Finance Corporation Board of Directors meeting and convened the regular City Council session.

A RESOLUTION 2006R-02-23-0245

APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE SAN ANTONIO HOUSING TRUST FINANCE CORPORATION (SAHTFC) TO REDUCE THE NUMBER OF BOARD MEMBERS FROM ELEVEN TO FIVE; APPROVES THE FORM OF THE AMENDMENT; AND APPOINTS FIVE BOARD MEMBERS TO THE SAHTFC.

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

CONSENT AGENDA

Consent agenda items 7, 12, and 14 were pulled for individual consideration. The remaining items 6 through 15D were approved upon motion made by Councilmember Guajardo and seconded by Councilmember Hall.

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.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated that City Council should help the citizens by lowering the tax rate.

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, related to Item 14. He recommended that the Alamo Dome be renamed in his honor, as other buildings are named to honor individuals for their good achievements.

AN ORDINANCE 2006-02-23-0246

ACCEPTING THE LOWEST RESPONSIVE BID WITH ADDITIVE ALTERNATE 1, APPROPRIATING FUNDS, AND AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$86,853.00 PAYABLE TO BELDON ROOFING COMPANY,

AND AUTHORIZING \$1,445.00 FOR PROJECT CONTINGENCY AND \$970.00 FOR ADVERTISING EXPENSES, FOR A TOTAL AMOUNT OF \$89,268.00 IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED CLAUDE BLACK COMMUNITY CENTER ROOFING PROJECT, LOCATED IN DISTRICT 2.

AN ORDINANCE 2006-02-23-0247

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH JETT CARE AEROSPACE GROUP FOR 1,130 SQUARE FEET OF CARGO SPACE IN THE AIR CARGO BUILDING WEST AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF THIRTY-TWO (32) MONTHS COMMENCING MARCH 6, 2006, FOR A MONTHLY RENTAL OF \$713.42.

AN ORDINANCE 2006-02-23-0248

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY FOR 22,613 SQUARE FEET OF GROUND SPACE AND 8,400 SQUARE FEET OF BUILDING SPACE AT 8523 MISSION ROAD, AT STINSON MUNICIPAL AIRPORT, FOR A FIVE YEAR TERM COMMENCING MARCH 3, 2006, FOR A MONTHLY RENTAL OF \$723.13 TO INCREASE IN OCTOBER 2006 TO A MONTHLY RATE OF \$779.66.

AN ORDINANCE 2006-02-23-0249

AUTHORIZING A LEASE AGREEMENT WITH SEALY ALAMO BUILDINGS, L.P FOR THE USE OF 1,926 SQUARE FEET OF SPACE FOR THE DISTRICT 6 CONSTITUENT OFFICE AT 7042 ALAMO DOWNS PARKWAY, SUITE 500, FOR A MONTHLY RENTAL RATE OF \$1,369.07, FOR A TWO YEAR TERM BEGINNING MARCH 1, 2006 WITH TWO ADDITIONAL TWO-YEAR RENEWAL OPTIONS, SUBJECT TO CITY COUNCIL APPROVAL AND CONTINGENT UPON APPROPRIATION OF FUNDS, AS REQUESTED BY COUNCILMEMBER DELICIA HERRERA, DISTRICT 6.

A RESOLUTION 2006R-02-23-0250

ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-

EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2006" AND "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2006"; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE.

AN ORDINANCE 2006-02-23-0251

APPROVING THE CITY OF SAN ANTONIO'S 2006 FEDERAL INITIATIVES PROGRAM FOR THE 2ND SESSION OF THE 109TH CONGRESS.

AN ORDINANCE 2006-02-23-0252

REAPPOINTING WAYNE ALEXANDER (DISTRICT 9) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2006.

AN ORDINANCE 2006-02-23-0253

APPOINTING SUSAN WRIGHT (DISTRICT 9) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2006.

AN ORDINANCE 2006-02-23-0254

APPOINTING SAMUEL LUNA (DISTRICT 4) TO THE HISTORIC AND DESIGN REVIEW COMMISSION (CATEGORY: GENERAL/NEIGHBORHOOD REPRESENTATIVE) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2006.

AN ORDINANCE 2006-02-23-0255

APPOINTING CLAYTON BINFORD TO THE CONSERVATION ADVISORY BOARD (CATEGORY: MEDINA COUNTY) FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-02-23-0256

AUTHORIZING THE ACQUISITION OF FOUR PROPERTIES TOTALING APPROXIMATELY 48.83 ACRES OF LAND ALONG LEON AND SALADO CREEKS IN DISTRICTS 2, 6, AND 10 IN CONNECTION WITH THE LINEAR CREEKWAYS DEVELOPMENT PROJECT FOR A TOTAL OF \$117,500.00, AUTHORIZING \$3,432.84 FOR CLOSING COSTS AND TITLE INSURANCE, AND APPROPRIATING \$120,932.84 FROM PROPOSITION 3 FUNDS.

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

At this point, Mayor Hardberger was obliged to leave the meeting. Councilmember Wolff presided.

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. **NAYS:** None. **ABSENT:** Hardberger.

AN ORDINANCE 2006-02-23-0257

APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) FUNDING PRIORITIES FOR THE FY2007 CDBG AND HOME PROGRAM BUDGETS; AND APPROVING THE PUBLIC HEARING AND BUDGET SCHEDULE REQUIRED FOR THE CITY'S CDBG, HOME, AMERICAN DREAM DOWN-PAYMENT INITIATIVE (ADDI), HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) AND EMERGENCY SHELTER GRANT (ESG) CONSOLIDATED ACTION PLAN/BUDGET PROCESS.

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

AN ORDINANCE 2006-02-23-0258

AMENDING TECHNICAL BOARD REGULATIONS TO ALLOW FOR THE SELECTION OF MEMBERS BY PREFERRED CATEGORIES RATHER THAN REQUIRED CATEGORIES.

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

Councilmember Haass added a statement to the Ordinance that when making appointments, the City Council shall endeavor to appoint union and non-union members in an equal representation.

Councilmember Perez further directed City staff to assist with filling board vacancies, specifically to ensure certain categories are fulfilled.

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.

ZONING CASES

Z-1. ZONING CASE #Z2005263 (District 2): An Ordinance amending the zoning district boundary from "I-1" General Industrial District and "R-4" Residential Single-Family District to "C-3" General Commercial District on Lots 21 and 22, and Lot D, NCB 10594, 532 and 542 North W. W. White Road as requested by Pinnacle Ranch, Ltd., Applicant, for Pinnacle Ranch, Ltd., Owner(s). Staff and Zoning Commission recommend Approval of "C-3" on Lot 21 and "C-2NA" on Lot 22 and Lot D.

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

The following citizen(s) appeared to speak:

Ms. Renee Brown, 1785 Leissner School Rd., applicant, spoke in support of the request, noting that they have been a good East Side community partner for many years, and that participation from the nearby school was sought in conjunction with the zoning proposal.

Councilmember McNeil made a motion to approve the proposed rezoning case with staff recommendations. Councilmember Gutierrez seconded the motion.

Mayor Hardberger returned to the meeting at 4:30 p.m. and presided.

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 2006-02-23-0259

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 21 AND 22, AND LOT D, NCB 10594 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT ON LOT 21 AND "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT ON LOT 22 AND LOT D.

Z-2. ZONING CASE #Z2006039 C (District 4): An Ordinance amending the zoning district boundary from "C-3" General Commercial District to "RM-4" (CD- Five Senior Dwellings) Residential Mixed District with a Conditional Use for Five Senior Dwellings on the West 45 feet of Lot 5 and that portion of Lot 18, Block 8, NCB 8777 located North of the New Laredo Highway (U. S. Highway 81), 1103 New Laredo Highway as requested by the City of San Antonio, Applicant, for Big Town Plaza, Owner(s). Staff recommends Approval and Zoning Commission recommendation is pending February 21, 2006 public hearing.

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

AN ORDINANCE 2006-02-23-0260

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS THE WEST 45 FEET OF LOT 5 AND LOT 18, BLOCK 8, NCB 8777 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "RM-4" (CD-FIVE SENIOR DWELLINGS) RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR FIVE SENIOR DWELLINGS.

Z-4. ZONING CASE #Z2005292 CD S (District 8): An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "R-6 ERZD" GC-1 Residential Edwards Recharge Zone Gateway Corridor District-3, , "C-3 ERZD" General Commercial Edwards Recharge Zone District, "C-3 ERZD" GC-1 General Commercial Edwards Recharge Zone Gateway Corridor District-3 and "I-1 ERZD" General Industrial Edwards Recharge Zone District to "C-3 CD S ERZD" (CD-Freight Depot) General Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Freight Depot and "C-3 CD S ERZD" GC-1 (CD-Freight Depot) General Commercial Edwards Recharge Zone Gateway Corridor District with a Conditional Use and Specific Use Permit for a Freight Depot on 21.23 acres out of NCB 14881, NCB 14882, NCB 14853 and 4.260 acres out of NCB 34760, NCB 34761, and NCB 14747, 17000 Block of IH-10 West as requested by Brown, P.C., Applicant, for La Cantera Partnership, Owner(s). Staff and Zoning Commission recommend Approval with SAWS recommendations.

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

The following citizen(s) appeared to speak:

Mr. Gary Kram, P.O. Box 690265, stated his opposition to the request based upon the possibility of aquifer contamination from potential train derailments and runoff from treated lumber. He stated he would prefer the lumber be trucked in.

Mr. Carol Mendoza, 1809 Blanco, AGUA, stated that this zoning request came up in December, and was to be discussed later with improved recommendations for water quality control, but the current proposal addresses no improvements. She read a scholastic article on water contaminants. She added that AGUA does not support the request, and requested a continuation or denial of the request.

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 it does not make sense to approve the request. He added that the City should stop development over the Edwards Aquifer.

Councilmember Hall made a motion to table discussion on Items Z-3 and Z-4 until the end of the zoning cases. Councilmember Wolff seconded the motion.

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

Z-5. ZONING CASE #Z2005298 (District 8): An Ordinance amending the zoning district boundary from "MF-33" Multi-Family District to "C-3" General Commercial District on Lot P-22, NCB 13667, 8103 Babcock Road as requested by Hawk Ventures Inc., DBA Hawk Development, Applicant, for Hawk Ventures Inc., DBA Hawk Development, Owner(s). Staff and Zoning Commission recommend Approval of "C-2 S," Commercial District with a Specific Use Permit for an automatic car wash with conditions.

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

Councilmember Hall made a motion to approve the proposed Ordinance with staff and Zoning Commission recommendations. Councilmember Wolff seconded the motion.

The following citizen(s) appeared to speak:

Mr. Nelson Karaklis, representing the owners, stated that the request is to return the property to its previous zoning status.

Mr. Ken Curren, 1040 Kerwick, stated that the conditions were not addressed by the Zoning Commission. He expressed his concern that both a vegetation landscape buffer and a wall are being required, but believes this is overkill. He asked what the normal buffering requirement is on C-3 property.

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 2006-02-23-0261

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 P-22, NCB 13667 FROM "MF-33" MULTI-FAMILY DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR AN AUTOMATIC CAR WASH.

Z-6. ZONING CASE #Z2005294 (District 10): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lots 6 and 7, Block 2, NCB 14948, 5735 Randolph Boulevard as requested by W. G. Carlisle Enterprises, Inc., Applicant, for William G. Carlisle, Owner(s). Staff and Zoning Commission recommend Approval of "C-2."

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

Councilmember Haass made a motion to approve the proposed rezoning request as recommended by staff. Councilmember Perez seconded the motion.

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

AN ORDINANCE 02-23-0262

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 6 AND 7, BLOCK 2, NCB 14948 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

CONTINUATION OF ITEM Z-4

Councilmember Hall made a motion to approve the proposed rezoning case with the following conditions: A conditional or specific use for "freight depot" limited to lumber offload and onload; that there be no permanent structure associated with the conditional use; that there can be no rail spur; that SAWS be required to inspect twice a year; that there be no storage or overnight storage of the lumber on site; that the Director of

Development Services shall initiate proceedings to remove the conditions and special use when the freight depot is abandoned; that the Director of Development Services shall initiate these proceedings in five years; that the owner of the land agree not to oppose the proceedings to remove the conditions and special use; that for that five-year period, impervious cover be limited to 35 percent, and that after removal of conditional use, a 60 percent impervious cover shall be implemented in place of the 65 percent impervious cover; and that the applicant be allowed to provide due notice within 90 days of termination of such use to the Director of Development Services, and that the Director of Development shall initiate the case upon notice the applicant has ceased activity as described in the zoning request. Councilmember Wolff seconded the motion.

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

AN ORDINANCE 2006-02-23-0263

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 19.44 ACRES OUT OF NCB 14881, 14882, 14853 AND 4.60 ACRES OUT OF NCB 34760, 34761, AND 14747 FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT, "R-6 ERZD" GC-1 RESIDENTIAL EDWARDS RECHARGE ZONE GATEWAY CORRIDOR DISTRICT-3, , "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT, "C-3 ERZD" GC-1 GENERAL COMMERCIAL EDWARDS RECHARGE ZONE GATEWAY CORRIDOR DISTRICT-3 AND "I-1 ERZD" GENERAL INDUSTRIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-3 CD S ERZD" (CD-FREIGHT DEPOT) GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE AND SPECIFIC USE PERMIT FOR A FREIGHT DEPOT AND "C-3 CD S ERZD" GC-1 (CD-FREIGHT DEPOT) GENERAL COMMERCIAL EDWARDS RECHARGE ZONE GATEWAY CORRIDOR DISTRICT WITH A CONDITIONAL USE AND SPECIFIC USE PERMIT FOR A FREIGHT DEPOT.

Z-3. 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 NCB 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 the condition that the freight depot is for the off loading and loading of lumber only.

Mr. John Jacks, Senior Planner, Development Services Department, stated that Item Z-3 was pulled by the applicant.

No action was taken on Item Z-3.

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 5:40 p.m. in order to convene in Executive Session for the purpose of:

Deliberate the deployment, or specific occasions for implementation, of security personnel or devices at the San Antonio International Airport, pursuant to the Texas Government Code Section 551.076 (Security Devices).

The Mayor reconvened the Regular Session from Executive Session at 5:55 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.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Special Presentation for ceremonial swearing-in of newly appointed Board and Commission members. City Clerk Leticia Vacek administered the Oath of Office, followed by a presentation of Certificates of Appointment.

CITIZENS TO BE HEARD

Ms. Rosa Murray, 1405 N. Main, SEIU, expressed that the City is in the midst of economic development and has the potential for great opportunities, and that City employees should be a component of this growth. She stated they are hoping that City Manager Sculley will present incentives to City employees similar to those in Phoenix,

such as skills training, pay incentives, healthcare assistance, and recognizing employee organizations. She expressed SEIU's interest in forming a partnership with City management regarding consultation.

Mr. Buddy Villejo, SEIU, addressed the Council relating to the common goals of SEIU and city management to move the City forward. He stated that the City is working with SEIU to improve the September 2004 consultation ordinance. He stated an improved ordinance will be presented in March 2006 to address improved accountability. He asked Council to work with the union to improve the consultation process.

Mr. Alfred Ybarra, Jr, SEIU, stated there is no process for employees to talk to managers for improving City services. He said the Environment Service Task Force is a failure, and believes local consultation is a viable solution. He spoke in regard to part-time employee pay, health and safety benefits. He stated a process needs to be created to make department heads accountable to employees.

Mr. Ted Guerra, Jefferson Neighborhood Association, and other constituents of District 7 homeowners' associations expressed their support of Councilmember Guajardo. He also extended sympathies to George Dickerson's family. He stated that Councilmember Guajardo has done a fantastic job, and that she meets with all association presidents monthly and all constituents weekly, while staying focused and dedicated to the needs of the district. It was noted that Councilmember Guajardo has diligently worked to address flooding, drainage, and street issues in District 7. He stated the associations support their Councilmembers and urged the media to follow Councilmember Guajardo to see her dedication.

Mr. Harold Antoniotti, 1614 N. Pine, spoke about faith. He defined faith and distributed a definition for same. He stated that he was reported to Code Compliance by both a friend and neighbor in Government Hill. He said City government is vindictive toward those who disagree with its beliefs.

Mr. Jack M. Finger, P.O. Box 12048, commended Councilmember Guajardo for believing in what she says and does, and following up with action. He also complimented her fiscal responsibility and devotion. He stated that sexual relations outside a marriage are not appropriate, nor are pro-abortion or homosexual agendas.

Ms. Analisa Peace, 1809 Blanco, thanked Councilmember Guajardo for her hard work and urged her to not resign from City Council.

Ms. Maria de Jesus Gonzalez, 1030 Commercial Ave., referred to a packet she distributed to Councilmembers regarding a property tract she has tried to acquire since 1968. She said the land was recently sold to another individual as part of a larger land acquisition,

but she was told for years these were separate land tracts. She stated her investigation of deeds showed an error was made in deeding, and she presented this information to the City, which acknowledged the error. She stated she is being offered an opportunity to now purchase the land by the new owner, but only as it is erroneously deeded, which includes a large, adjacent property. She expressed frustration that no one is working with her to correct the error, so that she can have an opportunity to purchase the small tract she's sought since 1968.

Ms. Mary Abbott, 337 Seeling Blvd., distributed a letter to Councilmembers regarding the City's Animal Control facility. She summarized several examples of inhumane conditions at the facility. She stated that there is no management, leadership or supervision at the facility, and that the City needs to hire an animal welfare professional.

Ms. Linda Soudal, 337 Seeling Blvd., spoke to the matter of animal welfare at Animal Control. She described cages falling apart and overcrowded conditions. She added that vital supplies are allowed to run out and the animals subsequently suffer. She stated that there are many positions that have gone unfilled at the animal shelter and that current employees are guilty of inhumane treatment to the animals.

Mr. John Bachman, Medina Lake Rd., presented copies of a proposal to hire a qualified animal care administrator and shelter manager, seek a facility inspection report by a qualified agency, and preparation of a budget based on that agency's recommendation. He endorsed a no-kill policy and called for definitive action to remedy the facility's many problems.

Ms. Roxanne Cuevas addressed the Council relating to her experience at the Animal Control facility. She read an email from a volunteer asking for supplies that were needed at the center. She stated that she disputes staff reports indicating improvements at the facility.

Mr. Jaime Martinez, 1504 E. Commerce, expressed his support for Councilmember Guajardo, and asked all to pray for the Dickerson family. He also stated that she is dedicated to her role and cares about the community.

Ms. Maria Berriozabal, 1148 W. Russell, representing the Sanctuario Sister Farm Board of Directors, spoke in support of Councilmember Guajardo and stated that the event affected all Council Districts. She noted Councilmember Guajardo spoke for her and many others. She stated that Councilmember Guajardo broke the silence and created an opportunity for peacemaking in the community. She offered condolences to the Dickerson family. She asked that sensitivity and diversity training be offered by all employers. She asked the Council to enact a policy in a form of a resolution for such a measure. She also stated that in the past no personal attacks directed at Councilmembers

were allowed. She closed by reading an email calling for a unified city in today's diverse society.

Mr. Faris Hodge, Jr., 140 Dora, stated he is pleased to see media coverage of the animal control and Councilmember Guajardo matters. He requested the Alamo Dome be named in his honor. He stated that City employees need diversity training. He noted the Public hearings are scheduled at inopportune times. He stated the Library needs to implement internet filters. He urged the media to put pressure on the City by reporting on the Citizens to be Heard segment of Council meetings. He closed by singing a musical medley.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., spoke on Holy Wars, predicting one is imminent. He also distributed a letter from his EOC investigator, related to a complaint he filed against the City. He noted that he previously spoke of the matter to City Council, and that he had followed through with action.

Mr. Ray Saenz, 922 San Pedro, representing Esperanza Peace and Justice Center, noted that Councilmember Guajardo is a strong and dedicated person. He stated that she is an active member and seeks to do more than is required. He asked that those on the Council also show their support for Councilmember Guajardo. He also read a quote, which he said reminded him of Councilmember Guajardo's experience with verbal violence, recently orated at Coretta Scott King's funeral.

A representative of Esperanza Peace and Justice Center stated Councilmember Guajardo's experience is representative of race issues in San Antonio, and that citizens need to explore diversity.

Mr. Phil Schulman, 1446 W. Woodlawn, Community Unitarian Universalist Church minister, requested the support of the community and City Council to participate in the Keep San Antonio Beautiful project by volunteering to assist in tree plantings this year. He noted that urban development has resulted in tree loss. Lastly, he expressed his sympathy for the Dickerson family but stated that when a person commits suicide, there is a tendency to blame someone. He expressed his support of Councilmember Guajardo.

Ms. Julie Iris Oldham, 4523 Allegheny Dr., stated her civil rights were violated today. She stated that Mayor Hardberger violated the Open Meetings Act. She stated she is motioning to remove of the Mayor. She stated that she has begun a blog on the City and invited the public to add their comments. She addressed ineptitude in City government.

Mr. Steve Walker, 112 Leisure Dr., a Balcones Heights City Councilman, asked the Council to support Councilmember Guajardo for her dedicated work. He stated, "I do not apologize for defending my friend Elena Guajardo, I only apologize for the rhetoric that I

used [in an email published on the SA Lightning website].” He also stated that Jack Finger should not criticize the Councilmember for her “agenda,” as her only “agenda” is District 7.

Mr. George Rice, 414 E. French, thanked Councilmember Guajardo for her contributions to the City.

Mr. Allen Ellebrecht, 4915 Dare Ln., stated that George Dickerson’s spirit is alive and well in District 7 and in San Antonio. He stated that he is officially calling for an official investigation of Councilmember Elena Guajardo.

Mr. Jeff Harmon, 527 Fulton, stated that he teaches political science, and the Dickerson instance involves unfortunate and sad circumstances. He added that to speak hatefully is not good; to pray for the family is what is needed. He stated that the media is shameful in their reporting. He stated that what the citizens need is what happened in Council Chambers this evening.

Mr. John Stanford spoke in support of Elena Guajardo. He mentioned that the internet is full of racism. In celebration of Women’s Day on March 5, 2006, he asked everyone to make an effort to be present. He stated that he was ashamed of what is printed in the newspaper.

Mr. David Plylar, 4218 Misty Glade, stated his sentiments echo those of John Stanford, and he expressed his support for Councilmember Guajardo.

Mr. Richard Alles, 233 Meadowbrook, expressed his appreciation to Councilmember Guajardo and noted a headline for the Express News: “Ken Rodriguez, the Votes Are In and We Want Rick Casey Back.”

Mr. Victor Azios, 4406 Black Walnut Woods, expressed it is important for citizens to have opportunities to speak before City Council, but they should not be permitted to make personal attacks. He expressed his support for Councilmember Guajardo.

Ms. Marianna Ornelas, 526 Freiling, expressed her support for Councilmember Guajardo.

ADJOURNMENT

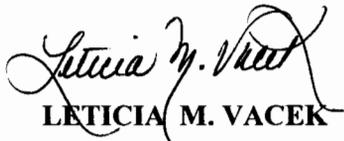
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 8:20 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
CityClerk