

**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, MARCH 23, 2006

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There was no "B" Session on Wednesday, March 22, 2006.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, March 23, 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: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger.

The Invocation was led by Mr. Chuck Morris, Family Minister, Northwest Church of Christ, Guest of Councilmember Elena Guajardo, District 7.

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

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

POINT OF PERSONAL PRIVILEGE

Mayor Hardberger requested a point of personal privilege to recognize Mr. Jaime Martinez with a Proclamation for the 10th Annual Cesar E. Chavez Day March for Justice to take place Saturday, March 25, 2006.

Mayor Hardberger also recognized students from Cody Elementary and Northwest Vista College.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0367

CONFIRMING THE APPOINTMENT OF WILLIAM PAUL MCMANUS AS THE CHIEF OF POLICE OF THE CITY OF SAN ANTONIO, EFFECTIVE APRIL 17, 2006.

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

City Manager Sheryl Sculley made a presentation on the selection process. She spoke to Mr. McManus' qualifications and experience, and thanked the community and Human Resources staff for their assistance.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, welcomed Mr. McManus to San Antonio. He referenced a newspaper article that called Mr. McManus "hard nosed", and stated that he wants him to be hard nosed. Regarding Item 7, he said the item looks like a welfare giveaway to him.

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 that he hopes that the new police chief does a good job. He also referenced the increasing gang problems downtown and an increase in citywide racial profiling.

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.

PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE: EARL STREET CLOSURE

Public hearing and consideration of an ordinance closing, vacating, and abandoning a portion of Earl Street located between New City Blocks 7305 and 7306 in District 1, as requested by Steve Ramirez, in consideration of \$5,755.00.

Mayor Hardberger declared the Public Hearing to be open.

Mr. Shawn Eddy, Interim Director, Asset Management explained the proposed street closure case.

Mayor Hardberger declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0368

CLOSING, VACATING, AND ABANDONING A PORTION OF EARL STREET LOCATED BETWEEN NEW CITY BLOCKS 7305 AND 7306 IN DISTRICT 1, AS REQUESTED BY STEVE RAMIREZ, IN CONSIDERATION OF \$5,755.00.

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.

INDIVIDUAL ITEMS CONTINUED

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0369

ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH JERDON ENTERPRISE AND APPROPRIATING A TOTAL AMOUNT OF \$1,835,074.45 IN CONNECTION WITH THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT – LINK FROM ALAMO TO EAGLELAND: HIKE AND BIKE PHASE, LOCATED IN DISTRICT 5, FROM VARIOUS CAPITAL BUDGET FUNDS.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0370

REQUIRING TAX RETURN PREPARERS WHO FACILITATE INCOME TAX REFUND ANTICIPATION LOANS (RALS) TO POST AND GIVE FAIR DISCLOSURE, VERBALLY AND IN WRITING, OF CERTAIN INFORMATION RELATED TO RALS; PROHIBITING CERTAIN PRACTICES RELATED TO RALS; IMPOSING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE, AS REQUESTED BY COUNCILMAN FLORES, DISTRICT 1.

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

Mr. Dennis Campa, Director of Community Initiatives, made a presentation on the proposed RALS Disclosure ordinance. He stated this would authorize the posting and fair disclosure of certain information related to income tax RALS, prohibiting certain practices and imposing penalties for violation of mandatory disclosure requirements. He noted that RALS are marketed to the working poor who receive Earned Income Tax Credit (EITC), providing short-term, high interest loans secured by and repaid directly from consumers' IRS tax refunds. He added that in 2004, 170,000 low-income San Antonio households received EITCs and that San Antonio working families spent an estimated \$13 million in RALS in the same year. He cited samples of the tax preparation and RAL fees, and how the proposed ordinance would compel commercial tax preparers to comply with the loan disclosure requirements. He spoke to the implementation process, and efforts to provide broad-based community education and to build stronger partnerships with financial institutions.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0371

RATIFYING THE SUBMISSION OF AN APPLICATION, AND AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD IN THE AMOUNT OF \$500,000.00 FROM THE U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES FOR SUPPORT OF THE

INDIVIDUAL DEVELOPMENT ACCOUNT (IDA) PROGRAM DURING THE PERIOD OF SEPTEMBER 30, 2005 TO SEPTEMBER 29, 2010; AUTHORIZING THE ACCEPTANCE OF FUNDS IN THE FOLLOWING AMOUNTS TO SUPPORT THE IDA PROGRAM: UP TO \$50,000.00 FROM CITIGROUP; \$5,000.00 FROM CHASE BANK THROUGH THE SAN ANTONIO HOUSING TRUST; AND \$50,000.00 FROM FANNIE MAE THROUGH THE SAN ANTONIO HOUSING TRUST; AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE ALAMO COMMUNITY COLLEGE DISTRICT AND THE ALAMO COMMUNITY COLLEGE DISTRICT FOUNDATION, INC. TO ACCEPT UP TO \$50,000.00 PER YEAR FOR THE IDA PROGRAM; AND ESTABLISHING AND REVISING RELATED BUDGETS.

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

Mr. Dennis Campa, Director of Community Initiatives, narrated a slide presentation on the Families SAVE Individual Development Account (IDA). He stated this ordinance would authorize the acceptance of a \$500,000 grant from the U.S. Department of Health and Human Services for the IDA, and acceptance of grants totaling up to \$105,000 from Citigroup, Chase Bank and Fannie Mae. He stated the IDAs assist working families by improving family economic success through homeownership, education, financial education, tax credits, and support services. He noted that since the program began in 2001, 160 IDAs have been used to support first-time home ownership with a total value of homes purchased totaling \$13.5 million. He further expounded on the financial contributors from 2001-2006 and the number of IDAs per Council District which have been issued to date.

The following citizen(s) appeared to speak:

Ms. Aurora Ortega-Geis, Fannie Mae's San Antonio Partnership Office Director, described the objectives of Fannie Mae and its involvement locally to assist low-income households to have the opportunity to become homeowners.

Mr. Roland DuBay, Alamo Community College District Foundation, spoke of the importance of home ownership and educating the public on the IDA program.

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 8, 16 and 31 were pulled for individual consideration. The remaining items 9 through 32B were approved upon motion made by Councilmember Perez and seconded by Councilmember Haass.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to the vagueness of the contract related to Item 9, and asked how much was being spent. Related to Item 14, he asked why the alcohol ban in some City parks was being removed. He asked who was at fault in the lawsuits in Items 21 and 22.

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, regarding Item 30. He stated he favors the renaming, and would like the Alamodome named after him.

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

AN ORDINANCE 2006-03-23-0372

AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO MOBILITY COALITION, INC., FOR THE IMPLEMENTATION AND COORDINATION OF TRANSPORTATION AND MOBILITY SOLUTIONS BEGINNING APRIL 1, 2006 THROUGH JANUARY 31, 2007.

AN ORDINANCE 2006-03-23-0373

APPROPRIATING \$323,548.00 FROM HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS AND ACCEPTING A \$52,000.00 CORPORATE DONATION FROM THE SAN ANTONIO PARKS FOUNDATION IN CONNECTION WITH COLISEUM OAKS PARK PLAYGROUND REPLACEMENT PROJECT, LOCATED IN DISTRICT 2; ALLOCATING \$336,872.11 FOR THE PERFORMANCE OF IN-HOUSE DESIGN AND CONSTRUCTION WORK BY DEPARTMENT OF PARKS AND RECREATION STAFF, \$3,527.53 FOR ENVIRONMENTAL SERVICES, \$12,500.00 FOR MANDATORY PROJECT FEES, \$22,648.36 FOR ADMINISTRATIVE FEES; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 2006-03-23-374

SELECTING SA PARTNERSHIP, LLP (SBE/MBE) AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES CONTRACT TO PROVIDE ARCHITECTURAL SERVICES IN CONNECTION WITH THE GRANADOS PARK SENIOR CENTER AND PARK IMPROVEMENTS PROJECT, LOCATED IN DISTRICT 1; APPROPRIATING A TOTAL AMOUNT OF \$188,294.00 FROM HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS; AND PROVIDING FOR PAYMENT.

AN ORDINANCE 2006-03-23-375

AUTHORIZING A 10 YEAR LICENSE FOR AN EXISTING BASEMENT AND AWNINGS EXTENDING INTO PUBLIC RIGHT OF WAY AT THE GIBBS BUILDING, 105 N. ALAMO STREET, NEW CITY BLOCK 422, BLOCK 26, LOT 6, FOR THE TOTAL CONSIDERATION OF \$5,000.00.

AN ORDINANCE 2006-03-23-376

AUTHORIZING THE ACQUISITION OF FOUR TRACTS TOTALING APPROXIMATELY 51.11 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 \$685,906.00, AUTHORIZING \$6,563.00 FOR CLOSING COSTS AND TITLE INSURANCE, AND APPROPRIATING \$692,469.00 FROM PROPOSITION 3 SALES TAX INITIATIVE FUNDS.

AN ORDINANCE 2006-03-23-377

AMENDING CHAPTER 22, ARTICLE 1, SECTION 22-1 OF THE CITY CODE, ENTITLED RESTRICTIONS ON SALE AND USE OF ALCOHOLIC BEVERAGES IN PARKS, BY CHANGING THE LIST OF PARKS EXEMPT FROM THE RESTRICTIONS.

AN ORDINANCE 2006-03-23-378

AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE FY 2006 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$708,609.60 FROM THE UNITED STATES FIRE ADMINISTRATION FOR THE PURCHASE OF THERMAL IMAGING CAMERAS, CHARGERS AND BATTERIES, AND TRAINING FOR USE OF THIS EQUIPMENT.

AN ORDINANCE 2006-03-23-379

AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE DEPARTMENT OF THE AIR FORCE PROVIDING \$500,000.00 FOR THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD BEGINNING OCTOBER 1, 2005 THROUGH SEPTEMBER 30, 2006; ADOPTING THE PROGRAM BUDGET; APPROVING THE PERSONNEL COMPLEMENT; AND AUTHORIZING PAYMENTS.

AN ORDINANCE 2006-03-23-380

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$123,869.00 FOR THE HIV SURVEILLANCE PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 2006-03-23-0381

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$336,254.00 FOR THE SEXUALLY TRANSMITTED DISEASE STAFF SUPPORT PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006; ADOPTING THE PROJECT BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 2006-03-23-0382

AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES PROVIDING \$126,194.00 FOR THE HEALTH SERVICES/EDUCATION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; EXTENDING THE PERIOD FROM FEBRUARY 28, 2006 THROUGH AUGUST 31, 2006; AND REVISING THE PROGRAM BUDGET.

AN ORDINANCE 2006-03-23-0383

AUTHORIZING THE ACCEPTANCE OF A GRANT AWARD TOTALING UP TO \$3,042,390.00 FROM THE DEPARTMENT OF HEALTH & HUMAN SERVICES FOR THE IMMUNIZATION PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006; ADOPTING THE PROJECT BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

AN ORDINANCE 2006-03-23-0384

AUTHORIZING SETTLEMENT OF A LAWSUIT STYLED *JOE TONY JEW, SR., ET AL., V CITY OF SAN ANTONIO*, CAUSE NO. 2005-CI-12865, 224TH JUDICIAL DISTRICT COURT OF BEXAR COUNTY, TX.

AN ORDINANCE 2006-03-23-0385

AUTHORIZING PAYMENT OF A JUDGMENT IN A LAWSUIT STYLED *CLAUDIO ESPARZA AND MINERVA ESPARZA V. CITY OF SAN ANTONIO AND ROLANDO LOPEZ*, CAUSE NO. 2001-CI-12800 AND CAUSE NO. 04-04-00631-CV.

AN ORDINANCE 2006-03-23-0386

AUTHORIZING THE PURCHASE OF AIRCRAFT HULL AND LIABILITY INSURANCE ON CITY OWNED HELICOPTERS OPERATED BY THE SAN ANTONIO POLICE DEPARTMENT, WITH ACE PROPERTY AND CASUALTY INSURANCE COMPANY, THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE YEAR PERIOD

BEGINNING MARCH 31, 2006 FOR AN ANNUAL PREMIUM NOT TO EXCEED \$209,403.00, FROM THE LIABILITY SELF-INSURANCE FUND.

AN ORDINANCE 2006-03-23-0387

AUTHORIZING THE PURCHASE OF AIRPORT OWNERS AND OPERATORS LIABILITY INSURANCE TO PROVIDE LIABILITY COVERAGE AT THE SAN ANTONIO INTERNATIONAL AIRPORT AND STINSON MUNICIPAL AIRPORT, WITH ACE PROPERTY AND CASUALTY INSURANCE COMPANY, THROUGH MCGRIFF, SEIBELS & WILLIAMS OF TEXAS, INC., THE CITY'S BROKER OF RECORD, FOR A ONE YEAR PERIOD BEGINNING MARCH 31, 2006, FOR A PREMIUM OF \$63,263.00, FROM THE LIABILITY SELF-INSURANCE FUND.

AN ORDINANCE 2006-03-23-0388

APPROPRIATING THE AMOUNT OF \$500,000.00 TO FUND PAYMENTS, IN ACCORDANCE WITH THE SAN ANTONIO AIR SERVICE INCENTIVE PROGRAM, TO UNITED AIRLINES FOR ADVERTISING AND PROMOTIONAL EXPENSES RELATED TO THE AIR CARRIER'S INITIATION OF SIX NEW DAILY NON-STOP ROUTES, WITH ELEVEN SCHEDULED FREQUENCIES BETWEEN SAN ANTONIO AND COLORADO SPRINGS, CO; ALBUQUERQUE, NM, OKLAHOMA CITY, OK; TULSA, OK, OMAHA, NB; KANSAS CITY, KS; AND NEW ORLEANS, LA; AMENDING THE AIRPORT OPERATING FUND AND AUTHORIZING PAYMENT TO UNITED AIRLINES IN AN INITIAL AMOUNT OF \$350,000.00, AND AUTHORIZING A SECOND PAYMENT OF UP TO \$150,000.00 SIX MONTHS FOLLOWING THE COMMENCEMENT OF SERVICE, BASED UPON CONTINUED OPERATION OF FLIGHTS AND FREQUENCIES DURING THAT PERIOD, FOR A POTENTIAL TOTAL EXPENDITURE OF \$500,000.00.

AN ORDINANCE 2006-03-23-0389

RATIFYING THE SUBMISSION OF AN APPLICATION TO AND AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE LOCAL BOARD OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S EMERGENCY FOOD AND SHELTER NATIONAL BOARD PROGRAM IN THE AMOUNT OF \$106,318.00 FOR THE PROVISION OF RENTAL AND MORTGAGE ASSISTANCE FOR THE PERIOD OCTOBER 1, 2005 TO SEPTEMBER 30, 2006; AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS IN CONNECTION WITH THE ACCEPTANCE OF THE GRANT; AND APPROVING A BUDGET.

AN ORDINANCE 2006-03-23-0390

AUTHORIZING THE ACCEPTANCE OF A BROWNFIELDS PETROLEUM ASSESSMENT GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN THE AMOUNT OF \$200,000.00 TO IMPLEMENT ENVIRONMENTAL SITE ASSESSMENTS IN ORDER TO ENCOURAGE THE REDEVELOPMENT OF ABANDONED, VACANT, OR UNDERUTILIZED GASOLINE FILLING STATIONS, AND PETROLEUM CONTAMINATED SITES LOCATED WITHIN THE CITY OF SAN ANTONIO.

AN ORDINANCE 2006-03-23-0391

NAMING THE CITY-OWNED BUILDING LOCATED AT 1800 FREDERICKSBURG ROAD THE "DECO BUILDING", AS REQUESTED BY COUNCILMAN FLORES, DISTRICT 1.

Ordinance 2006-03-23-0392 is void.

AN ORDINANCE 2006-03-23-0393

APPOINTING DR. THOMAS HOY (DISTRICT 1) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 15, 2007.

AN ORDINANCE 2006-03-23-0394

REAPPOINTING ROLANDO PABLOS (DISTRICT 1) TO THE SMALL BUSINESS ADVOCACY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0395

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$2,414,452.00 INCLUDING: PHARMACEUTICALS AND VACCINES; PRINTERS, PRINT SERVERS AND SCANNERS; MAINTENANCE OF AVIATION DEPARTMENT PARKING AND REVENUE CONTROL SYSTEM; AND ROLL OUT CARTS.

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

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0396

APPROVING THE RENEWAL OF A FIFTEEN YEAR INTERLOCAL AGREEMENT AND BUDGET BETWEEN THE CITY OF SAN ANTONIO AND THE ALAMO COMMUNITY COLLEGE DISTRICT FOR A ONE YEAR PERIOD, BEGINNING APRIL 1, 2006, WHICH FACILITATES ADMINISTRATION OF PROCEEDS ENCUMBERED UNDER THE *CITY OF SAN ANTONIO VS. ALAMO COMMUNITY COLLEGE DISTRICT* SETTLEMENT AGREEMENT; AND AUTHORIZING THE EXECUTION OF ANY AGREEMENTS IN CONNECTION THEREWITH.

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.

The City Clerk read the following Resolution:

A RESOLUTION 2006R-03-23-0397

ALLOWING THE DEVELOPMENT AND CONSTRUCTION OF THE SAN JUAN SQUARE PHASE II MULTI-FAMILY HOUSING CONSTRUCTION PROJECT

LOCATED IN DISTRICT 5, IN COMPLIANCE WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS REQUIREMENT FOR A DEVELOPMENT WHICH IS LOCATED WITHIN ONE (1) LINEAR MILE OF AN EXISTING DEVELOPMENT THAT SERVES THE SAME TYPE OF HOUSEHOLD.

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

EXECUTIVE SESSION

The Mayor recessed the Regular Session at 11:28 a.m. in order to convene in Executive Session for the purpose of:

City Manager's Report regarding legal issues related to the police chief selection process and another personnel matter involving a possible lawsuit under Texas Government Code Section 551.071 (consultation with attorney) and Texas Government Code Section 551.074 (personnel matters).

Discuss legal issues related to *Shavano Rogers Ranch North No. 3, Ltd v City of San Antonio*, Cause No. 2005-CI-0528, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to *Claudio Esparza and Minerva Esparza v. City of San Antonio and Rolando Lopez*, Cause No. 2001-CI-12800 and Cause No. 04-04-00631-CV, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss matters related to impact fees under Chapter 395 of the Local Government Code, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Item A of the Executive Session was pulled from the agenda.

The Mayor reconvened the Regular 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.

POINT OF PERSONAL PRIVILEGE

Councilmember Herrera requested a point of personal privilege to acknowledge John Jay High School freshman Destiny Brothers, who was observing Councilmember Herrera's office operations as a participant in the school's Shadow Program.

MASTER PLAN AND ZONING CASES

P-1. PLAN AMENDMENT: An Ordinance amending the City of San Antonio's Major Thoroughfare Plan as a component of the San Antonio Master Plan by adding, deleting and realigning various proposed thoroughfares within the City's corporate limits and portions of its extraterritorial jurisdiction.

Mr. Jesus Garza, Manager, Planning Department, explained the proposed plan use amendment.

Councilmember Radle made a motion to approve the proposed plan amendment. Councilmember McNeil seconded the motion.

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

The City Clerk read the following Ordinance:

AN ORDINANCE 2006-03-23-0398

AMENDING THE CITY OF SAN ANTONIO'S MAJOR THOROUGHFARE PLAN AS A COMPONENT OF THE SAN ANTONIO MASTER PLAN BY ADDING, DELETING AND REALIGNING VARIOUS PROPOSED THOROUGHFARES WITHIN THE CITY'S CORPORATE LIMITS AND PORTIONS OF ITS EXTRATERRITORIAL JURISDICTION.

Z-4. ZONING CASE #Z2006034 (District 3): An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "C-2" Commercial District on Lot D and Lot 270, Block 3, NCB 9488, 6730 South Flores Street and 103 Lorita Drive as requested by Robert N. Hamilton, Applicant, for Dr. Martin Garcia, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Gutierrez made a motion to approve the proposed rezoning case. Councilmember Haass seconded the motion.

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

AN ORDINANCE 2006-03-23-0399

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 D AND 270, BLOCK 3, NCB 9488 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-5. ZONING CASE #Z2006048 (Council District 3): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "RD" Rural Development District on Lots 48, 47, the East 93 feet of Lot 46 and the West 70.03 feet of Lot 46, NCB 15666, located at 11506, 11510, and 11520 US Highway 281 South as requested by Jacqueline A. Talamantez, Applicant, for Julia Escalante, David Escalante, Jeromy Escalante, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Gutierrez made a motion to approve the proposed rezoning case. Councilmember Guajardo seconded the motion.

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

AN ORDINANCE 2006-03-23-0400

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 48, 47, THE EAST 93 FEET OF LOT 46 AND THE

WEST 70.03 FEET OF LOT 46, NCB 15666 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RD" RURAL DEVELOPMENT DISTRICT.

Z-6. ZONING CASE #Z2006044 (District 5): An Ordinance amending the zoning district boundary from "I-2" Heavy Industrial District and "I-1" General Industrial District to "L" Light Industrial District on 0.742 acres out of Lot 193, NCB 35, 1618 S. Zarzamora Street as requested by San Antonio Produce Terminal Market, Applicant, for San Antonio Produce Terminal Market, 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 Haass seconded the motion.

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

AN ORDINANCE 2006-03-23-0401

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.742 ACRES OUT OF LOT 193, NCB 35 FROM "I-2" HEAVY INDUSTRIAL DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT.

Z-7. ZONING CASE #Z2006023 (District 8): An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District on Lot 1, Block 4, NCB 14759, 7403 West Loop 1604 as requested by Jeanette Blount, Applicant, for Jeanette Blount, Owner(s). Staff and Zoning Commission recommend Approval with SAWS site specific recommendations.

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

Councilmember Hall made a motion to return Item Z-7 to the Zoning Commission for review. Councilmember Haass seconded the motion.

After consideration, the motion to return Item Z-7 to the Zoning Commission prevailed by the following vote: **AYES:** McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, Perez.

Z-8. ZONING CASE #Z2006035 (District 8): An Ordinance amending the zoning district boundary from "C-1" Commercial District to "C-2" Commercial District on 2.450 acres out of NCB 12830, 8300 Wurzbach Road as requested by Granite S. A. Portfolio IV S, L.P., Applicant, for Granite S. A. Portfolio IV S, L.P., 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, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores, Perez.

AN ORDINANCE 2006-03-23-0402

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 2.450 ACRES OUT OF NCB 12830 FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-9. ZONING CASE #Z2006049 CD (District 8): An Ordinance amending the zoning district boundary from PUD "RM-4" Planned Unit Development Mixed Residential District and "RM-4" Mixed Residential District to PUD "RM-4" (CD-Outdoor Art Gallery) Residential Mixed Planned Unit Development District with a Conditional Use for an Outdoor Art Gallery on Lot 13B, Lot 14B and Lot 15B out of NCB 14735 and "RM-4" (CD-Outdoor Art Gallery) Mixed Residential District with a Conditional Use for an Outdoor Art Gallery on Lot TR-16, Lot TR-17 and Lot TR-18 out of NCB 14735, 11356 Vance Jackson Road as requested by Roy R. Barrera, Sr., Applicant, for Roy R.

Barrera, Sr., Owner(s). Staff and Zoning Commission recommend Approval with conditions.

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

Councilmember Hall made a motion to approve the proposed rezoning case with conditions as recommended by City staff as listed on an attachment to the Ordinance, a copy of which is on file with the Office of the City Clerk. Councilmember Haass seconded the motion.

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

AN ORDINANCE 2006-03-23-0403

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 13B, LOT 14B, LOT 15B FROM PUD "RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT AND "RM-4" RESIDENTIAL MIXED DISTRICT TO PUD "RM-4" (CD- OUTDOOR ART GALLERY) RESIDENTIAL MIXED PLANNED UNIT DEVELOPMENT DISTRICT WITH CONDITIONAL USE FOR AN OUTDOOR ART GALLERY ON LOT 13B, LOT 14B AND LOT 15B OUT OF NCB 14735 AND LOT TR-16, LOT TR-17 AND LOT TR-18 OUT OF NCB 14735 TO "RM-4" (CD-OUTDOOR ART GALLERY) RESIDENTIAL MIXED DISTRICT WITH CONDITIONAL USE FOR AN OUTDOOR ART GALLERY.

Z-10. ZONING CASE #Z2006001 S (District 9): An Ordinance amending the zoning district boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-3 ERZD S" General Commercial Edwards Recharge Zone District with a Specific Use Permit for a Carwash on 0.637 acres out of Lot 2 and Lot 3, Block 10, NCB 16329, 18150 Blanco Road as requested by Texas Shine Express, LLC., Applicant, for FC Properties One, 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.

The following citizen(s) appeared to speak:

Ms. Carol Mendoza, AGUA, voiced opposition to the carwash due to detergents and impervious cover. She also distributed information on mobile car washes.

Councilmember Wolff made a motion to table Item Z-10 to April 13, 2006. Councilmember Gutierrez seconded the motion.

After consideration, the motion to table Item Z-10 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Zoning Case #Z2006001 S was tabled to April 13, 2006.

Z-11. ZONING CASE #Z2006016 S (District 9): An Ordinance amending the zoning district boundary from "C-2" Commercial District to "C-2NA S" Commercial, Nonalcoholic Sales District with a Specific Use Permit for a Car Wash on Lot 4, Block 4, NCB 17653, 12930 Jones Maltsberger Road as requested by Brown P.C., Applicant, for McAllister Car Wash, LLC, Owner(s). Staff recommends Approval; Zoning Commission recommends Denial.

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

Councilmember Wolff made a motion to send Item Z-11 back to the Zoning Commission for review. Councilmember Perez seconded the motion.

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

Z-12. ZONING CASE #Z2006011 CD (District 10): An Ordinance amending the zoning district boundary from "C-3" General Commercial District and "C-2" Commercial District to "RM-5" (CD-Multi-Family Dwellings) Mixed Residential District with a Conditional Use for Multi-Family Dwellings not to exceed 13 units per acre on Lot 76, Block 1, NCB 16273, 13600 Block of O'Connor Road as requested by Bruce Shepherd, Applicant, for Bruce Shepherd, Owner(s). Staff and Zoning Commission recommend Approval.

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

The following citizen(s) appeared to speak:

Mr. Bruce Shepherd, applicant, 4035 Naco Perrin, spoke in favor of the proposed rezoning request, noting that it will benefit the community.

Councilmember Haass 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, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores.

AN ORDINANCE 2006-03-23-0404

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 76, BLOCK 1, NCB 16273 FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "RM-5" (CD-MULTI-FAMILY DWELLINGS) RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 13 UNITS PER ACRE.

Z-13. ZONING CASE #Z2006043 (District 10): An Ordinance amending the zoning district boundary from "C-2" Commercial District and "C-3R" Restrictive Commercial District to "NC" Neighborhood Commercial District on Lot 11, Block 1, NCB 17820, 3615 Tavern Oaks as requested by the City of San Antonio, Applicant, for Rob and Nancy Talbott, Owner(s). Staff recommends Approval. Zoning Commission recommends Denial.

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

The following citizen(s) appeared to speak:

Ms. Judith Johnson, 3530 Oakfort, stated her concern that cars will be parked or stored indefinitely at the proposed business, dissuading potential homebuyers, and lowering

property values and quality of life. She asked the Council members to support down-zoning the property.

Mr. Mike Gallagher, 4302 Hilton Head, representing the District 10 Neighborhood Alliance, stated that 40 neighborhoods support down-zoning the property to preserve the neighborhood's quality of life. He asked that Council put residential interests before those of commerce.

Mr. Jack M. Finger, P.O. Box 12048, stated that the zoning language on this case was misleading and may lead to confusion among proponents/opponents. He stated too err in favor of the local neighborhood residents. He urged Councilmember Flores to deny the Item Z-2 zoning request, because the applicant has violated provisions numerous times.

Mr. Buck Benson, 111 Soledad, representing the applicant, provided a history of the property, noting that the applicant purchased the land, as zoned, for the purpose of building an auto garage. He stated that the zoning designation has always been public and that even if the designation is changed, construction will proceed. He noted that all building permits were issued and the applicant's vested rights legally permit construction. He reported that residents of the nearby subdivision are resistant to any negotiations, and that the applicant has done everything legally and properly.

Mr. David Parry, 13902 Shire Oak, provided photographs of the Eden subdivision and the site of the proposed business, noting that the subdivision was built around the parcel in question, and that this parcel has a deep off-road setback. He expressed concerns over the nearby school bus stop, fumes, chemicals, noise and potential vandalism.

Ms. Sharon Parry, 13902 Shire Oak, stated that if the garage is permitted it will change the local environment and neighborhood character.

Ms. Rose Bean, 3426 Old Oak Park, stated that there is no anger toward the applicant; someone else failed the residents by overlooking the zoning designation long ago. She asked for consideration of the residential community.

Mr. Rogers Ben, 3426 Old Oak Park, voiced opposition to the garage, noting the problems associated with such businesses and the potential for reductions to home values.

Mr. Phillip Tejerina, 3402 Rosetti Dr., stated that the rezoning would be more consistent with objectives of the City's Master Plan.

City Clerk Leticia Vacek randomly read five of 258 written testimonies, copies of which are on file with the Office of the City Clerk, submitted in favor of the proposed rezoning designation.

Councilmember Haass made a motion to approve staff's recommendation. Councilmember Perez seconded the motion.

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

P-2. PLAN AMENDMENT (Districts 1 and 9): An Ordinance amending the River Road Neighborhood Plan, a component of the Master Plan of the City, to update the land use element of the plan in an area of approximately 102.8 acres bound by Brackenridge Park to the north, east and south, and US Highway 281 to the west. Staff and Planning Commission recommend Approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed plan amendment

Councilmember McNeil made a motion on behalf of Councilmember Flores 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, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Flores.

AN ORDINANCE 2006-03-23-0405

AMENDING THE RIVER ROAD NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, TO UPDATE THE LAND USE ELEMENT OF THE PLAN IN AN AREA OF APPROXIMATELY 102.8 ACRES BOUND BY BRACKENRIDGE PARK TO THE NORTH, EAST AND SOUTH, AND US HIGHWAY 281 TO THE WEST. STAFF AND PLANNING COMMISSION RECOMMEND APPROVAL.

Z-1. ZONING CASE #Z2005282 CD (District 1): An Ordinance amending the zoning district boundary from "R-4" RIO-1 Residential Single-Family, River Improvement Overlay District-1 to "R-4" RIO-1 (CD-2, 4 or 6 Dwelling Units) Residential Single-Family Conditional River Improvement Overlay District-1 with a Conditional Use for 2, 4, or 6 dwelling units on Lot 1 and Lot 2, NCB 6938; Lot 1 NCB 6939; Lot 8 and the West 12.5 feet of Lot 9 NCB 6939; the East 12.5 feet of Lot 12, all of Lot 13 and Lot 14, NCB 6939; Lot 20 and Lot 21, Block 2, NCB 6530; Lot 4 and the West 25 feet of Lot 5,

Block 3, NCB 6202; Lot 9 and the West 25 feet of Lot 10, Block 4, NCB 6203, located at 803, 831, 850, 853, and 857 East Magnolia, 115 and 134 Armour Place, and 205 Ostrom; Lot 19 and Lot 20, Block 2, NCB 6201, 668 East Woodlawn; A 17.3 foot by 40.84 foot tract out of the Southeast corner of Lot E, City Block A-2, Lot 1 save and except the North 88.00 feet of the West 12.60 feet thereof, all of Lot 2, all of Lot 3, and Lot 4 save and except the North 74.40 feet of the East 33.00 feet thereof and also the South 74.39 feet of the East 23 feet thereof, NCB 7080, 120 Anastacia; as requested by the City of San Antonio, Applicant, for Multiple Owner(s). Staff and Zoning Commission recommend Approval.

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

The following citizen(s) appeared to speak:

Mr. Larry DeMartino, 115 Armour Pl., stated that rezoning request is necessary because the entire neighborhood was affected by zoning with the original implementation of the Unified Development Code, and this is the simplest way to provide for duplex residences in the area.

Ms. Barara Witte Howell, 105 Magnolia Dr., representing the River Road Neighbors' Association, endorsed the request to align designations in the Neighborhood Plan.

Councilmember McNeil made a motion on behalf of Councilmember Flores to approve the proposed zoning request. 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 2006-03-23-0406

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 AND 2, NCB 6938; LOTS 1, 8, THE WEST 12.5 FEET OF 9, THE EAST 12.5 FEET OF 12, 13 AND 14, NCB 6939; LOTS 20 AND 21, BLOCK 2, NCB 6530; LOTS 4 AND THE WEST 25 FEET OF 5, BLOCK 3, NCB 6202; LOTS 9 AND THE WEST 25 FEET OF 10, BLOCK 4, NCB 6203 AND LOTS 19 AND 20, BLOCK 2, NCB 6201; NORTHEAST IRREGULAR 37.4 FEET OF LOT 1, LOTS 2 AND 3, AND NORTHWEST IRREGULAR 10 FEET OF LOT 4, NCB 7080 AND THE SOUTHEAST 17.3 FEET OF LOT E, NCB A-2 FROM "R-4" RIO-1

RESIDENTIAL SINGLE-FAMILY, RIVER IMPROVEMENT OVERLAY DISTRICT TO "R-4" RIO-1 (CD - 2, 4 AND 6 UNITS) RESIDENTIAL SINGLE-FAMILY CONDITIONAL RIVER IMPROVEMENT OVERLAY DISTRICT WITH A CONDITIONAL USE FOR 2, 4, AND 6 UNITS.

Z-3. ZONING CASE #Z2005296 CD (District 3): An Ordinance amending the zoning district boundary from "R-6" (CD-2 Residences) Residential Single-Family with a Conditional Use for 2 residences on one lot to "R-6" (CD-Multi-Family) Residential Single-Family with a Conditional Use for multi-family dwellings not to exceed 5 units per acre on the West 108.9 Feet of Lot 203, Block 19, NCB 11118, 344 Gillette Boulevard as requested by Claudia Teresa Hidalgo, Applicant, for Claudia Teresa Hidalgo, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

The following citizen(s) appeared to speak:

Mr. Alex Hidalgo, 344 Gillette Blvd., stated that neighbors initially opposed the request, but after discussions between them and City staff, they now endorse the rezoning request.

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 2006-03-23-0407

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 108.9 FEET OF LOT 203, BLOCK 19, NCB 11118, 344 GILLETTE BOULEVARD, FROM "R-6" (CD-2 RESIDENCES) RESIDENTIAL SINGLE-FAMILY WITH A CONDITIONAL USE FOR 2 RESIDENCES ON ONE LOT TO "R-6" (CD-MULTI-FAMILY) RESIDENTIAL SINGLE-FAMILY WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 5 UNITS PER ACRE.

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 and Zoning Commission recommend Denial.

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

The following citizen(s) appeared to speak:

Ms. Marissa Castro, 2239 Basse Rd., speaking in Spanish, stated that she wants to continue her business on the property, so that she does not have to rely upon her sons for assistance.

Ms. Patricia Doria, 130 Gardina, representing the local neighborhood association, stated the applicant has repeatedly violated conditions of her zoning request. She noted that there are several nearby commercial properties that would be suitable for the applicant's salon.

Mr. Martin Rios, 926 El Monte, read written testimony from Charles Dove, vice-president of the local neighborhood association, stating its opposition to the zoning request, and encouraging the applicant to find an existing nearby commercial property.

Ms. Marianna Ornelas, representing the Greater Dellview Area Neighborhood Association, voiced opposition to the request, as it represents commercial encroachment into a residential area. She also referenced the applicant's nonconformity with conditions placed upon the business.

City Clerk Leticia Vacek read five of 31 written testimonies, copies of which are on file with the Office of the City Clerk, submitted in support of the rezoning request.

Councilmember McNeil made a motion to deny the proposed rezoning case. Councilmember Perez seconded the motion.

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

CITY MANAGER'S REPORT

City Manager Sheryl Sculley summarized, as follows, City Council agenda improvements that will be implemented in April 2006: Agendas and backup materials for all City Council business will be distributed on Fridays for the following week. Mondays will be used to field questions regarding upcoming Council items. Reports addressing those questions will be delivered to Council members on Wednesdays. Zoning items will be discussed in the afternoon to provide for more public input and comment. A Zoning Consent Agenda will be created for the purpose of efficiency. Items to be pulled from the Consent Agenda for individual consideration will be identified at the beginning of City Council "A" Session. Pulled items will be discussed in the afternoon, enabling City employees more efficient time management. She also stated that electronic agendas will be implemented by Summer 2006 to provide for easier distribution and access to the public and City Council. She noted that tentative work agendas for future upcoming meetings will also be implemented. She reported that as agreed upon, unless a special session is called, there will be no City Council meetings the fourth week of each month, and to allow City staff to focus on budget planning, there will be no City Council meetings in July 2006.

Mayor Hardberger recessed the regular session at 4:40 p.m., and announced that Council would reconvene at 5 p.m.

CEREMONIAL ITEMS

Mayor Hardberger reconvened the Regular Session at 5 p.m.

Mayor Hardberger presented the following honorariums:

- Proclamation for Basura Bash, Saturday, March 25, 2006, the largest community-wide effort to clean up the banks of the San Antonio River and its tributaries.
- Citations to the Ajuuas (girls) and the 95 AC Blues (boys) soccer teams on their first place rankings at the 2005 Kick-It 3v3 National Shootout Soccer Tour in Orlando, Florida.
- Citation to Ms. Lydia Decker, recipient of the Secretary of Defense Medal, the highest award awarded civilians by the Department of Defense, March 17, 2006.

CITIZENS TO BE HEARD

Mr. David Logan, 1616 Kampmann Blvd., stated displeasure with Councilmember Guajardo's representation of District 7. He claimed that no action has come from several letters sent to City Council and City staff regarding flooding issues in their district. He voiced opposition to any permanent downtown street closures related to the Main Plaza Project.

Ms. Lucille Dylss, 3971 Flagle, spoke about contractor issues related to a water feature recently installed at her home. She asked if the City could monitor contractors. She stated that now she must pay another \$677 for the contractor to come out and fix her water pond.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., discussed an *Express-News* article entitled "Goddess of Justice." He referenced the Dallas Cowboys' interest in bringing their football camp back to San Antonio

Mr. Faris Hodge, Jr., 140 Dora, sang Happy Birthday to Councilmember Radle. He asked that the City respond to the letters that he submits. He also stated that the Library is overcharging for computer printouts. He also noted that filters need to be placed on the computers at the Library. He asked that the Alamodome be named after him.

Mr. Hall McClosky, 920 Camden, stated that Riverwalk vendors would like representation on the Downtown Advisory Board. He also stated that one vendor told him that the Park Police were instructed to go after vendors on the river.

Mr. Jose Perez congratulated Ms. Sculley in her appointment of the City's new police chief. He stated that the Riverwalk is over congested and asked the Council to consider extending it. He also requested the City explore enhancing the area west of I-10, possibly creating linear parks.

Mr. Allen Ellebracht, 4915 Dare Ln., requested Councilmember Guajardo resign her District 7 seat. He stated that our system has failed terribly regarding the circumstances related to George Dickerson's suicide.

Mr. Michael John, Riverwalk vendor, offered examples of wares that are sold by the Riverwalk vendors.

Mr. Joe Fox spoke on the Declaration of Independence, the Patriot Act, and recited sections of the U.S. Constitution.

ADJOURNMENT

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

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk