

**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, APRIL 19, 2006 AND THURSDAY,  
APRIL 20, 2006**

\* \* \*

The City Council convened in an informal "B" Session at 3:00 p.m., on Wednesday, April 19, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Consultant presentation and discussion of Municipal Court findings and recommendations. [Presented by Judge Robert Dorfman (Ret.)]

Discussion on possible general obligation bond election. [Presented by Ben Gorzell Jr., Acting Director, Finance]

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

The "B" Session adjourned at 5:45 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, April 20, 2006 at 9:10 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 Father Jimmy Drennan, St. Paul's Catholic Church.

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

The minutes of the April 6, 2006 City Council meeting were approved as presented.

## **SWEARING-IN CEREMONY: CHIEF OF POLICE**

Mayor Hardberger administered the Oath of Office to Mr. William McManus as the new Chief of Police. The Mayor and City Council members congratulated Chief McManus on his new position.

## **EXECUTIVE SESSION**

The Mayor recessed the Regular Session at 9:26 a.m. in order to convene in Executive Session for the purpose of:

Deliberate the acquisition, purchase, exchange, lease, or value of certain real property and discuss related legal issues, pursuant to Texas Government Code Section 551.0723 (Real Property) and 551.071 (consultation with attorney).

The Mayor reconvened the Regular Session from Executive Session at 9:45 a.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.

## **CONSENT ITEMS CONSIDERED INDIVIDUALLY**

The City Clerk read the following Ordinance:

2006-04-20-0486

AN ORDINANCE AUTHORIZING A 10-YEAR TERM LICENSE TO NSHE TX GAINESVILLE, LLC, TO CONSTRUCT, USE, AND MAINTAIN 14 NEW BALCONIES AND AN EXISTING BASEMENT IN THE RIGHT OF WAY OVER AND UNDER NORTH SAINT MARY'S STREET, LOCATED IN DISTRICT 1, ADJACENT TO THE NEW MARRIOTT COURTYARD RIVERWALK HOTEL AT 207 N. ST. MARY'S STREET, NEW CITY BLOCK 404, IN CONSIDERATION OF \$10,000.00.

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

Mr. Jason Cosby, Assistant Director of Public Works, stated that VIA Metropolitan Transit Authority and the City are agreeable to the proposed development plan and results of a traffic impact study related to the project.

Mr. Shawn Eddy, Interim Director of Asset Management, made a brief presentation on the Public Right of Way licensing request, showing photographs of the property and offering a description of the hotel project. He noted the project request has Zoning and City staff approval recommendations.

The following citizen(s) appeared to speak:

Mr. Larry Macon, 300 Convent, representing the applicant, spoke to the approval of the license agreement, noting that all legal requirements were met or exceeded. He noted that while not required, the applicant hired Pape-Dawson to conduct a traffic study, the findings of which show little impact on N. St. Mary's traffic flow. He reported that the City, VIA Metropolitan Transit, and the nearby church have endorsed the findings. He noted that a valet service will be employed to prevent traffic slowdowns on the public roadway. He spoke to the financial benefits of the proposed hotel on the local economy.

Mr. John Rinehardt, Pape-Dawson, on behalf of the applicant, briefly summarized the findings of the traffic study his company prepared specifically for the proposed hotel.

Mr. Joe Nix, of Civil Engineering Consultants (CEC), 11550 IH 10 W, Ste. 395, stated that CEC was hired by the Drury Inn to conduct an independent traffic impact study. He noted the difference sampling standards used in their study, which produced very different results from the Pape-Dawson study. He stated that the CEC study produced several potential traffic issues with which the City should be concerned.

Mr. Arthur Coulombe, Marriott Corporation representative, spoke to Marriott's commitment to San Antonio. He stated that the delivery of the company's quality and the hotel itself will be an asset to the City.

Mr. Ed Foster, representing Holiday Inn Riverwalk, raised concerns over the potential negative impact the hotel will have on neighboring businesses.

Mr. Steve Stendebach, 201 E. Commerce, Aztec Theater developer, expressed concern with the 17-story hotel and the balconies. He stated that the area is pedestrian dense and the balconies therefore present a potential danger.

Mr. Richard Finvarb, applicant, 207 N. St. Mary's, stated that Pape-Dawson conducted a very thorough study and noted that the Marriott has addressed all operational issues that might affect the neighboring downtown area. He added that planning exceeded City

requirements. He noted that this will be a true success of a project. He also stated that VIA Metropolitan Transit was consulted and it sees no issues related to bus service.

Mr. Rick Drury, 11331 Coker Loop E., stated concerns over traffic flow in the area. He stated that the Pape-Dawson traffic study does not adequately address driveway accessibility or vehicles queuing on N. St. Mary's. He asked if the City's Risk Management Department has looked at potential issues with the balconies.

Ms. Rosemary Kowalski, 1220 E. Commerce, read a letter from Archbishop Gomez which reflected project support from the local archdiocese.

Mr. William Mitchel stated his support of the project.

Mr. Jack M. Finger, P.O. Box 12048, stated concern over the validity of the findings of the two different traffic impact studies. He spoke of potential traffic backups near the property, and stated that the idea was not good for the neighborhood.

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, 9, 12, 13, 14, 17, 18, 19, 21, 22, 23, 24, 26, 30 and 31 were pulled for individual consideration. The remaining items 4 through 34D were approved upon motion made by Councilmember Perez and seconded by Councilmember McNeil

#### **The following citizen(s) appeared to speak:**

Mr. Jack M. Finger, P.O. Box 12048, stated that some Council members were beholden to special interest campaign contributors. Related to Item 17, he extended well wished to retiring City Auditor Pat Major. Regarding Item 16, he voiced concern over arbitrary rental rates the City extends to businesses in the downtown area.

City Clerk Leticia Vacek read written testimony related to Item 17, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Carlos Salazar, 1407 Nolan, which stated his desire for a national search to fill the soon-to-be-vacant City Auditor position. He expressed his dissatisfaction with various aspects of the current City Auditor and made recommendations of other cities to use as examples for an efficient City Auditor's office.

City Clerk Leticia Vacek read written testimony related to Item 9, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, which stated he hopes that all parties are in agreement on the matter and that the correct equipment was purchased this time as lives depend upon this equipment functioning properly.

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

2006-04-20-0487

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY TECHNOVATIONS TO PROVIDE THE HEALTH DEPARTMENT'S PUBLIC HEALTH EMERGENCY PREPAREDNESS OFFICE, LOCATED AT BROOKS CITY BASE WITH INSTALLATION OF AN AUDIO AND VISUAL SYSTEM AND ONE YEAR OF MAINTENANCE FOR A COST OF \$29,058.00, FROM FY 2006 PUBLIC HEALTH EMERGENCY PREPAREDNESS (PHEP) GRANT FUNDS, AND FOR OPTIONAL VIDEO CONFERENCING EQUIPMENT AND FOUR ADDITIONAL YEARS' MAINTENANCE FOR AN ESTIMATED COST OF \$15,639.78, SUBJECT TO AVAILABLE FUNDING FROM THE PHEP GRANT.

2006-04-20-0488

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY ALAMO AG-CON EQUIPMENT, BID NO. 1, TO PROVIDE THE AVIATION DEPARTMENT WITH TWO BAT WING MOWERS FOR A TOTAL COST OF \$37,908.00, FROM THE AIRPORT OPERATIONS AND MAINTENANCE FUND.

2006-04-20-0489

AN ORDINANCE 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 \$1,453,966.00 INCLUDING: METASYS FACILITY MANAGEMENT SYSTEM MAINTENANCE AT THE INTERNATIONAL AIRPORT; DELIVERED READY-MIX CONCRETE; LONG DISTANCE AND DIRECTORY ASSISTANCE; THERMOPLASTIC PAVEMENT MARKING MATERIAL; PREFORMED THERMOPLASTIC PAVEMENT MARKINGS; TRAFFIC CONTROL

AND SIGNAL PREEMPTION; MEDICAL SUPPLIES; AND PERSONAL COMPUTER MAINTENANCE AND SUPPORT FOR ALAMO AREA LIBRARY SYSTEM LIBRARIES.

2006-04-20-0490

AN ORDINANCE ACCEPTING THE BIDS SUBMITTED BY TEXAS EQUIPMENT COMPANY, ITEM 1; AND EXTENDO BED COMPANY, INC., ITEMS 2 AND 3, TO PROVIDE THE ENVIRONMENTAL SERVICES, FIRE AND POLICE DEPARTMENTS WITH FIVE MINI DUMP TRUCK BODIES AND FOURTEEN PICK-UP BED SLIDES FOR A TOTAL COST OF \$90,501.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2006-04-20-0491

AN ORDINANCE APPROPRIATING FUNDS AND AUTHORIZING PAYMENT OF \$116,000.00 TO RAM BUILDING SERVICES, L. L. C., (MBE) UNDER AN EXISTING INDEFINITE DELIVERY CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION, ON AN AS NEEDED BASIS, FOR INFRASTRUCTURE MODIFICATIONS WITHIN THE HISTORIC CIVIC CENTER, IN CONNECTION WITH AMERICANS WITH DISABILITIES ACT PROJECTS, LOCATED IN DISTRICT 1, PAYABLE FROM CERTIFICATES OF OBLIGATION FUNDS.

2006-04-20-0492

AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AUTHORIZING A CONSTRUCTION CONTRACT WITH TEXAS-STERLING CONSTRUCTION, L.P., IN CONNECTION WITH THE GOLIAD ROAD-PECAN VALLEY TO MILITARY PHASE I PROJECT LOCATED IN DISTRICT 3, AND AMENDING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT \$70,487.09 FOR ENGINEERING SERVICES TO DON DURDEN, INC. DBA CIVIL ENGINEERING CONSULTANTS; AND APPROPRIATING A TOTAL AMOUNT OF \$5,706,936.96 OF WHICH \$351,946.06 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$98,524.00 WILL BE REIMBURSED BY CPS ENERGY, FROM 1994 GENERAL OBLIGATION DRAINAGE BOND & STORM WATER REVENUE BOND FUNDS.

2006-04-20-0493

AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE CONTRACT FOR PROFESSIONAL SERVICES WITH A.E. "ED" SANII, P.E., EXTENDING THE CONTRACT FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM APRIL 20, 2006, TO PROVIDE STAFF SUPPORT SERVICES RELATED TO THE AVIATION DEPARTMENT CAPITAL IMPROVEMENT PROGRAM; AND APPROPRIATING FUNDS IN AN AMOUNT NOT TO EXCEED \$75,000.00.

2006-04-20-0494

AN ORDINANCE APPROVING A SECOND RENEWAL AND EXTENSION OF THE UNIVERSITY OF LAS PALMAS DE GRAN CANARIA'S LEASE FROM THE CITY OF OFFICE SPACE AT THE INTERNATIONAL CENTER, 203 S. ST. MARY'S ST., DISTRICT 1, THE EXTENDED TERM TO RUN UNTIL APRIL 30, 2007 AND THE BASE RENT TO BE \$15.00 A SQUARE FOOT ANNUALLY.

2006-04-20-0495

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ACCEPT A \$250,000.00 DONATION ON BEHALF OF THE CITY FROM ZACHRY CONSTRUCTION COMPANY FOR ECONOMIC DEVELOPMENT ACTIVITIES IN DISTRICT 2; AND ESTABLISHING A FUND.

2006-04-20-0496

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF TWO GRANTS IN THE TOTAL AMOUNT OF \$130,000.00 FROM THE ANNIE E. CASEY FOUNDATION (AECF) FOR THE CONTINUATION OF THE "MAKING CONNECTIONS - NEIGHBORHOOD TRANSFORMATION/FAMILY DEVELOPMENT" INITIATIVE AND SUPPORT OF THE FAMILY ECONOMIC SUCCESS PROGRAM FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006; AUTHORIZING THE EXECUTION OF ALL NECESSARY DOCUMENTATION; AND REVISING AND ADOPTING RELATED BUDGETS.

2006-04-20-0497

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH VARIOUS INDEPENDENT SCHOOL DISTRICTS TO ALLOW THE CITY OF SAN ANTONIO TO UTILIZE THEIR FACILITIES FOR THE PURPOSE OF IMMUNIZING AND/OR PROVIDING MEDICATIONS TO RESIDENTS OF BEXAR COUNTY IN THE EVENT OF A PUBLIC HEALTH EMERGENCY.

2006-04-20-0498

AN ORDINANCE AUTHORIZING A TWO MONTH EXTENSION AND EXECUTION OF TWO NO COST CONTRACT AMENDMENTS TO JULY 31, 2006 WITH THE AMERICAN G.I. FORUM--NATIONAL VETERANS OUTREACH PROGRAM (NVOP) IN ORDER TO OPERATE THE NVOP'S RESIDENTIAL CENTERS FOR PERMANENT HOUSING AND TRANSITIONAL HOUSING; APPROVING REVISED BUDGETS; AND AUTHORIZING ALL NECESSARY RELATED DOCUMENTS.

2006-04-20-0499

AN ORDINANCE AUTHORIZING A SETTLEMENT IN THE AMOUNT OF \$148,930.00 TO BE RECEIVED BY THE CITY FROM GRANDE COMMUNICATIONS, INC FOR OUTSTANDING OBLIGATIONS PRIOR TO THE TERMINATION OF ITS CABLE FRANCHISE AGREEMENT WITH THE CITY OF SAN ANTONIO.

2006-04-20-0500

AN ORDINANCE AUTHORIZING AN AMENDMENT AND EXTENSION OF THE CURRENT PAYPHONE CONTRACT WITH SOUTHWESTERN BELL TELEPHONE, L.P. DBA AT&T TEXAS (FORMERLY "SBC") TO PROVIDE EXCLUSIVE PAYPHONE SERVICES IN CITY FACILITIES AND NON-EXCLUSIVE SERVICES IN THE CITY'S PUBLIC RIGHT OF WAY.

2006-04-20-0501

AN ORDINANCE AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE TAX EXEMPT MULTIFAMILY HOUSING MORTGAGE REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$15,000,000.00 FOR THE ARTISAN AT MILITARY PROJECT LOCATED AT 7423 YARROW BOULEVARD IN DISTRICT 4.

2006-04-20-0502

AN ORDINANCE APPROVING A PERMIT FOR A FIREWORKS DISPLAY ON MAY 6, 2006, AT APPROXIMATELY 8:45 P.M. AT 9800 FREDERICKSBURG ROAD FOR USAA'S ANNUAL COMPANY PICNIC.

2006-04-20-0503

AN ORDINANCE APPROVING A PERMIT FOR FIREWORKS DISPLAYS ON MAY 13, 2006, JULY 22, 2006, AND AUGUST 12, 2006, EACH AT APPROXIMATELY 9:00 P.M. ACROSS HWY 90 FROM WOLFF STADIUM FOR THREE OF THE SAN ANTONIO MISSIONS' BASEBALL GAMES.

2006-04-20-0504

AN ORDINANCE REAPPOINTING JODY SHERRILL (DISTRICT 7) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2007.

2006-04-20-0505

AN ORDINANCE REAPPOINTING MANUEL LIZCANO (DISTRICT 7) TO THE MECHANICAL BOARD OF APPEALS (CATEGORY: PROFESSIONAL ENGINEER) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MARCH 20, 2008.

2006-04-20-0506

AN ORDINANCE REAPPOINTING PAUL K. DAVILA (DISTRICT 7) TO THE ELECTRICAL EXAMINING AND SUPERVISING BOARD (CATEGORY: JOURNEYMAN ELECTRICIAN – OPEN SHOP) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2006.

2006-04-20-0507

AN ORDINANCE REAPPOINTING THERESA R. LEAL (DISTRICT 7) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 15, 2006.

[CONSENT ITEMS CONCLUDED]

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2006-04-20-0508

AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY SIDDON'S FIRE APPARATUS TO PROVIDE NINETEEN PUMPER TRUCKS FOR THE FIRE DEPARTMENT FOR A TOTAL COST OF \$6,807,267.00, OF WHICH \$4,844,856.73 IS CONTINGENT ON THE EXECUTION OF A LEASE PURCHASE AGREEMENT OR OTHER FINANCIAL OBLIGATIONS, \$195,143.27 IS FROM THE FIRE DEPARTMENT'S FY 2006 OPERATING BUDGET, AND \$1,767,267.00 IS CONTINGENT UPON FY07 APPROPRIATIONS; APPROPRIATING FUNDS; AND AMENDING THE GENERAL FUND BUDGET.

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, Haass, Hardberger. **NAYS:** None. **ABSENT:** McNeil.

The City Clerk read the following Ordinance:

2006-04-20-0509

AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY MUNICIPAL EMERGENCY SERVICES, INC. TO PROVIDE THE FIRE DEPARTMENT WITH SELF CONTAINED BREATHING APPARATUS AND RELATED EQUIPMENT FOR A TOTAL COST OF \$2,031,410.46, OF WHICH \$1,737,500.00 WILL BE FUNDED THROUGH THE EQUIPMENT RENEWAL AND REPLACEMENT FUND, \$164,856.73 WILL BE FUNDED THROUGH THE GENERAL FUND, AND \$129,053.73 WILL BE FROM THE 2004 STATE HOMELAND SECURITY PROGRAM.

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

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

The City Clerk read the following Ordinance:

2006-04-20-0510

AN ORDINANCE APPROVING TWO CHANGE ORDERS (6 & 8) IN A TOTAL AMOUNT OF \$51,321.14 ON A \$1,530,691.93 CONTRACT, AS AMENDED, WITH KGME, INC., AN MBE FIRM, FOR THE INSTALLATION OF HAND RAILINGS AND TEMPORARY TRAFFIC CONTROL DEVICES, IN CONNECTION WITH THE HARRIS STORM DRAINAGE (ALVAREZ, GLASS, CASS, HALSTEAD STREETS) PROJECT, LOCATED IN DISTRICT 5, FROM 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND 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:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinances:

2006-04-13-0511

AN ORDINANCE APPROVING A \$66,977.31 SAWS FUNDED CHANGE ORDER (3) ON A \$1,981,379.99 CONTRACT, AS AMENDED, WITH PRONTO SANDBLASTING AND COATING AND OIL-FIELD SERVICE COMPANY, INC., FOR FEES RELATED TO A DELAY CAUSED BY A SANITARY SEWER LINE REPLACEMENT IN CONNECTION WITH THE OCTAVIA #63 PHASE II, PART B PROJECT, A 2003 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND PROJECT LOCATED IN DISTRICT 5.

2006-04-13-0512

AN ORDINANCE APPROVING CHANGE ORDER NUMBER 13 IN THE AMOUNT OF \$48,003.84 PAYABLE TO VALEMAS, INC., AND APPROPRIATING FUNDS IN CONNECTION WITH THE MEDICAL CENTER INTERSECTION IMPROVEMENT, PHASE II PROJECT, LOCATED IN DISTRICT 8, AN AUTHORIZED CERTIFICATE OF OBLIGATION FUNDED PROJECT.

Councilmember Guajardo made a motion to approve the proposed Ordinances. Councilmember Haass seconded the motion.

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

#### ITEM 18

The City Clerk read Item 18, being a proposed Ordinance amending Chapter 35 of the City Code regarding sidewalk construction requirements, as requested by Councilmember Radle, District 5.

Councilmember Radle made a motion to consider the proposed Ordinance. Councilmember Hall seconded the motion.

Councilmember Radle made a motion to amend the main motion to reference only single family detached dwellings with conditions. Councilmember Guajardo seconded the motion.

After discussion, Councilmember Wolff made a motion to table Item 18 to May 11, 2006. Councilmember Hall seconded the motion.

After consideration, the motion to table Item 18 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Item 18 was tabled to May 11, 2006.

The City Clerk read the following Ordinance:

2006-04-20-0513

AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO STAND-BY PROFESSIONAL SERVICES AGREEMENTS FOR LANDFILL COMPLIANCE, ENVIRONMENTAL REMEDIATION, AND CONSULTING WITH HARTNETT ENGINEERED SOLUTIONS, INC. (HES), AND STEARNS, CONRAD AND SCHMIDT, CONSULTING ENGINEERS (SCS), IN AN AMOUNT NOT TO EXCEED \$350,000.00 ANNUALLY PER FIRM, ON AN AS-NEEDED BASIS, FOR VARIOUS LANDFILL AND OTHER ENVIRONMENTAL COMPLIANCE PROJECTS FOR A PERIOD OF ONE YEAR, WITH OPTIONS IN FAVOR OF THE CITY TO EXTEND THE TERMS AND CONDITIONS OF THE AGREEMENTS FOR TWO (2) ADDITIONAL (1) YEAR PERFORMANCE PERIODS UPON THE APPROVAL OF THE CITY COUNCIL; FROM THE ENVIRONMENTAL SERVICES FUND AND 2006 SERIES CERTIFICATE OF OBLIGATION.

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

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

The City Clerk read the following Ordinance:

2006-04-20-0514

AN ORDINANCE AUTHORIZING THE EXECUTION OF FOUR PROFESSIONAL MEDICAL SERVICES CONTRACTS FOR A TOTAL OF \$436,800.00, OF WHICH \$100,900.00 IS FUNDED FROM GRANT FUNDS, WITH ONE PHYSICIAN FOR THE PERIOD OF MAY 1, 2006 THROUGH MARCH 31, 2008 AND ONE PHYSICIAN ASSISTANT, AND TWO NURSE PRACTITIONERS FOR THE PERIOD MAY 1, 2006 THROUGH MARCH 31, 2009 TO PROVIDE SERVICES IN ONE OR MORE OF THE PUBLIC HEALTH CLINICS OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT.

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

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

The City Clerk read the following Ordinance:

2006-04-20-0515

AN ORDINANCE AUTHORIZING THE EXECUTION OF TWO CONTRACTS WITH DENTISTS FOR A TOTAL OF \$366,000.00 TO PROVIDE DENTAL SERVICES AT ONE OR MORE OF THE PUBLIC HEALTH CLINICS OPERATED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD MAY 1, 2006 THROUGH MARCH 31, 2009, FROM THE GENERAL FUND.

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

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

The City Clerk read the following Ordinance:

2006-04-20-0516

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH GLAXOSMITHKLINE PROVIDING UP TO \$99,000.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PARTICIPATE IN A CLINICAL TRIAL STUDY OF A VACCINE FOR INFANTS AND TODDLERS FOR THE PERIOD DECEMBER 27, 2005 THROUGH DECEMBER 31, 2007; ADOPTING THE PROJECT BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

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, Hardberger. **NAYS:** None. **ABSENT:** Haass.

### **EXECUTIVE SESSION**

The Mayor announced that Executive Session Item A was pulled from the Agenda. The Mayor recessed the Regular Session at 12:05 p.m. and announced that the Regular Session would convene into Executive Session at 1:30 p.m. for the purpose of:

Deliberate the duties, appointment, and employment of the City Auditor, pursuant to Texas Government Code Section 551.074 (personnel matters), and discuss related legal issues, pursuant to Texas Government Code Section 551.071. (consultation with attorney)

Deliberate the acquisition, purchase, exchange, lease, or value of certain real property and discuss related legal issues, pursuant to Texas Government Code Section 551.072 (Real Property) and 551.071 (consultation with attorney).

The Mayor reconvened the Regular Session from Executive Session at 3:52 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.

### **ITEMS PULLED FROM INDIVIDUAL CONSIDERATION: CONTINUED**

The City Clerk read the following Ordinance:

Page 15 of 27

20060420  
YL/ag

2006-04-20-0517

AN ORDINANCE ACCEPTING THE TERMS AND CONDITIONS OF THE CITY INTERNAL AUDITOR'S RESIGNATION AND APPOINTING AN INTERIM CITY INTERNAL AUDITOR.

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

City Manager Sheryl Sculley stated that Mark Swann accepted the position of Interim City Internal Auditor.

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, Wolff, Hardberger. **NAYS:** Hall. **ABSENT:** Haass.

The City Clerk read the following Ordinance:

2006-04-20-0518

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SUB-AWARD AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO PROVIDING UP TO \$122,564.00 IN ORDER FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO COLLECT DATA ON DISADVANTAGED WOMEN WITH ABNORMAL CANCER SCREENING RESULTS THROUGH AUGUST 31, 2006; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

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

The City Clerk read the following Ordinance:

2006-04-20-0519

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY AND LOCAL MUNICIPALITIES FOR DESIGNATION AND APPOINTMENT OF DR. FERNANDO A. GUERRA AS THEIR HEALTH AUTHORITY IN ORDER TO FACILITATE A PUBLIC HEALTH RESPONSE IN THE EVENT OF AN EMERGENCY, EPIDEMIC OR SIMILAR CIRCUMSTANCES WHERE THE HEALTH OF THE COMMUNITY IS THREATENED.

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

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

The City Clerk read the following Ordinance:

2006-04-20-0520

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$947,182.00 FROM THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY FOR THE GRANT YEAR SEPTEMBER 1, 2006 TO AUGUST 31, 2007; AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY SHERIFF'S OFFICE TO FUND TWO DEPUTIES FOR AN AMOUNT NOT TO EXCEED \$137,938.00; APPROVING A CASH MATCH OF \$522,762.00 AND AN IN-KIND MATCH OF \$1,385,065.00 UPON AWARD AND CONTINGENT ON THE FY07 BUDGET; AND ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

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

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

The City Clerk read the following Ordinance:

2006-04-20-0521

AMENDING THE TRAFFIC CONTROL DEVICE SCHEDULES ESTABLISHED BY CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(b) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC CONTROL DEVICE SCHEDULE FOR "ONE WAY AT ALL TIMES", "ALL WAY STOPS", "CROSS STREET STOP", "CROSS STREET YIELD", "MAXIMUM SPEED LIMIT", "PARKING PROHIBITED AT ALL TIMES, INCLUDING SUNDAYS AND HOLIDAYS", "STOPPING, STANDING OR PARKING PROHIBITED SEVEN A.M. TO NINE A.M. AND TWO P.M. TO FOUR P.M. SCHOOL DAYS ONLY", "SCHOOL SPEED ZONES" SCHOOL CROSSWALKS (MID-BLOCK)", "SCHOOL SPEED ZONES" SCHOOL CROSSWALKS (INTERSECTION)", "SCHOOL SPEED ZONES" SCHOOL CROSSWALKS (MID-BLOCK), FLASHING BEACON, SPECIFIED SPEED, "SCHOOL SPEED ZONES" SCHOOL CROSSWALKS (INTERSECTION) FLASHING BEACON, SPECIFIED SPEED; AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS, EXCEPT THE CIVIL PARKING VIOLATIONS, TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT MORE THAN \$200.00, AND DECLARING VIOLATIONS OF THE CIVIL PARKING VIOLATIONS TO BE SUBJECT TO THE ENFORCEMENT PROVISIONS OF CITY CODE SECTION 19-225 (ADMINISTRATIVE ADJUDICATION OF STOPPING, STANDING AND PARKING VIOLATIONS), AND ESTABLISHING AN EFFECTIVE DATE OF NO MORE THAN 5 DAYS AFTER PUBLICATION IN ACCORDANCE WITH ARTICLE 2, SECTION 17, OF THE CITY CHARTER.

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

After discussion, Councilmember Perez made a motion to amend the proposed Ordinance to include four-way stops at Lytle and Rhoda and Old Sky Harbor and Fisher's Bend. Councilmember Gutierrez seconded the motion.

Councilmember Gutierrez made a friendly amendment to add a four-way stop at Orkney and Dumbarton.

Councilmember McNeil made a friendly amendment to remove a speed hump outside of the walkway at Lakeview Dr. and to add a speed hump at Dietrich Rd at Loop 410.

Councilmember Perez accepted the friendly amendments as presented. Councilmember Gutierrez, who seconded the motion, also accepted the friendly amendments.

After consideration, the motion for amendment, as presented by Councilmember Perez, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** Radle. **ABSENT:** Haass.

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

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

**P-1. PLAN AMENDMENT CASE #06001 (District 1):** An Ordinance amending the land use plan contained in the Near Northwest Community Plan, a component of the Master Plan of the City, by changing the use of an 1.3 acre tract of land located at 130 Spencer Lane from High Density Residential land use to Community Commercial land use. Staff and Planning Commission recommend Approval.

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

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

The following citizen(s) appeared to speak:

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted Mr. Faris Hodge, Jr., 140 Dora, which stated his opposition to development over the Edwards Aquifer.

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

2006-04-20-0522

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NEAR NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF AN 1.3 ACRE TRACT OF LAND LOCATED AT 130 SPENCER LANE FROM HIGH DENSITY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE.

**Z-1. ZONING CASE #Z2006041 CD (District 1):** An Ordinance amending the zoning district boundary from "C-1" Light Commercial District to "C-2" (CD-Hotel) Commercial District with a Conditional Use for a Hotel on 1.237 acres out of NCB 8410, 130 Spencer Lane as requested by Mark Forman, Applicant, for JCS Properties, Owner(s). Staff and Zoning Commission recommend Approval contingent on a plan amendment.

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

Councilmember Flores made a motion to approve the proposed rezoning case. Councilmember McNeil seconded the motion.

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

2006-04-20-0523

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 1.237 ACRES OUT OF NCB 8410 FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" (CD-HOTEL) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A HOTEL.

**Z-2. ZONING CASE #Z2006050 CD (District 1):** An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "NC" Neighborhood Commercial District on the South 93 Feet of Lot 7 and South 110 feet of Lot 8, Block 219, NCB 3946 and "R-4" (CD-Non-Commercial Parking Lot) Residential Single Family District with a Conditional Use for a Non-Commercial Parking Lot on the North 76 Feet of Lot 8, Block 219, NCB 3946, 1811 and 1815 West Hildebrand Avenue and 710 Viendo Street as requested by Candelario R. Alvarado, Applicant, for Candelario R. Alvarado and Marcelina and Sonia O. Garza, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

2006-04-20-0524

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 SOUTH 93 FEET OF LOT 7 AND THE SOUTH 110 FEET OF LOT 8, BLOCK 219, NCB 3946 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT AND OF THE NORTH 76 FEET OF LOT 8, BLOCK 219, NCB 3946 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" (CD – NON-COMMERCIAL PARKING LOT) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT.

**Z-3. ZONING CASE #Z2006045 S (District 4):** An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a Specific Use Permit for a Manufactured Home on Lot 20, Block 2, NCB 15630, 5103 Gwenda Lea as requested by Sylvia and George Santos, Applicant, for Fred Adams, 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 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, Hardberger. **NAYS:** None. **ABSENT:** Haass.

2006-04-20-0525

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 20, BLOCK, 2, NCB 15630 FROM "R-6"

RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE PERMIT FOR A MANUFACTURED HOME.

**Z-4. ZONING CASE #Z2006014 (District 6):** An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lot 3, Block 2, NCB 34400J and Lot 4, Block 2, NCB 17647, 1500 Block of West Loop 1604 and 11000 Block of West Military Drive as requested by Brown P.C., Applicant, for Sandford Acquisition Company, Inc, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

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

2006-04-20-0526

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLOCK 2, NCB 34400J AND LOT 4, BLOCK 2, NCB 17647 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

**Z-5. ZONING CASE #Z2006058 (District 6):** An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD - Non-Commercial Parking Lot) Residential Single-Family District with a Conditional Use for a Non-Commercial Parking Lot on Lot 18, Block 1, NCB 17637, 10554 Culebra Road as requested by Marcia S. Munoz, Applicant, for Green Herrington & Howell LLC, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Herrera made a motion to approve the proposed rezoning case. 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, Hardberger. **NAYS:** None. **ABSENT:** Flores, Haass.

2006-04-20-0527

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 17637 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" (CD – NON-COMMERCIAL PARKING LOT) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT.

**Z-6. ZONING CASE #Z2006015 (District 9):** An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 2.105 acres out of NCB 15011, 3000 Block of North Loop 1604 West as requested by Brown, P. C. Attorneys at Law, Applicant, for Rogers Shavano Park Unit 18/19 Ltd., 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 Wolff made a motion to table Item Z-6 to May 18, 2006. Councilmember Perez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., stated concerns over fluoride contamination to the Edwards Aquifer.

After consideration, the motion to table Item Z-6 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Haass.

Item Z-6 was tabled to May 18, 2006.

**P-7. PLAN AMENDMENT CASE #06002 (District 7):** An Ordinance amending the Land Use Plan contained in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of approximately 1.49 acres located at 8288 Eckhert Road, more specifically described by legal description NCB 14618 P-37D & 37F ABS664, from Medium Density Residential land use to High Density Residential land use. Staff recommends Denial. Planning Commission recommends Approval.

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

Councilmember Guajardo made a motion to approve the proposed plan amendment. 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, Hardberger. **NAYS:** None. **ABSENT:** Haass.

2006-04-20-0528

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE HUEBNER/LEON CREEKS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 1.49 ACRES LOCATED AT 8288 ECKHERT ROAD, MORE SPECIFICALLY DESCRIBED BY LEGAL DESCRIPTION NCB 14618 P-37D & 37F ABS664, FROM MEDIUM DENSITY RESIDENTIAL LAND USE TO HIGH DENSITY RESIDENTIAL LAND USE.

**Z-7. ZONING CASE #Z2006046 (District 7):** An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on 1.466 acres out of NCB 14618, 8288 Eckert Road as requested by Brown, P. C., Applicant, for Myrtha Gersdorff, Owner. Staff recommends Denial. Zoning Commission recommends 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:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Hardberger. **NAYS:** None. **ABSENT:** Haass.

2006-04-20-0529

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 1.466 ACRES OUT OF NCB 14618 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

### **CITY MANAGER'S REPORT**

City Manager Sheryl Sculley reported that an incident earlier in the day sent a City firefighter to the hospital, where he was treated and released for smoke inhalation after experiencing problems with his equipment. She stated that the incident is under investigation.

She reported that two reports on conditions at and recommendations for Animal Control Services would be made available to City Council later in the day.

### **BOARDS AND COMMISSIONS: FINANCIAL DISCLOSURE**

As required by the City's Ethics Code, City Clerk Leticia Vacek reported on the status of those boards and commissions whose members did not submit mandatory financial disclosure reports.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

- Resolution to City Auditor Pat Major upon her retirement for her service to the City.
- Proclamation for "Disney's The Lion King Days," April 13 to May 21, 2006.
- Presentation of Centro San Antonio Amigos 2006 Fiesta Medals.

## CITIZENS TO BE HEARD

Mr. Jerry Sundberg, 324 Claremont Ave., addressed the Council relating to taxi cabs and the service that VIA is offering for a flat rate per person. He voiced his objection to the right of a single taxi company to have an exclusive contract for such services with VIA, as VIA is publicly subsidized. He stated that VIA has a contract to pay Yellow Checker Cab \$7.60 for each trip and that it will be impossible for any other cab company to compete at such rates. He also remarked that by ordinance, the City establishes the rate by which all cab companies are to abide.

Mr. Michael John, 238 Tawsyl Dr., Riverwalk vendor, addressed the Council with regard to the Paseo Del Rio organization and the Downtown Vendors Association. He mentioned that regulation by the City was discussed at a past Quality of Life Meeting.

Mr. Joe Fox addressed the Council and spoke on the Declaration of Independence and the Constitution as it relates to the Patriot Act. He read from the Declaration of Independence.

Mr. Faris Hodge, Jr., 140 Dora, thanked Councilmember Wolff for voting against an item that would have changed zoning over the Edwards Aquifer. He stated that the Library does not have internet filtering, so he intends to file a complaint with the Texas Attorney General. He stated that public hearings are held at inconvenient times.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., spoke on immigration reform and constitutional law.

Mr. Hal McCloskey, 920 Camaron, stated that three different proposals related to Riverwalk vending were introduced at a recent Quality of Life meeting, and he wants to know which, if any, are being considered.

Mr. Stephen Meuth, 4801 Goldfield, AAA Taxi, stated that all three of the cab services meet the VIA's service requirements for the new Starlight program. He remarked that by offering an exclusive contract, those cab drivers that don't work for Yellow Check Cab are being treated unfairly.

Mr. Jason Ward, AAA Taxi, stated that he has lost the revenue of three regular customers since the inception of VIA's new Starlight program.

Mr. Gary Barderger, AAA Taxi, stated that Yellow Checker will alone not be able to meet consumer demand all the time, and so other cabbies should be permitted to

participate in the program. He also commented on down time and unnecessary taxpayer waste incurred as a result of a City requirement to change meters every three months.

Mr. Cruz Chavira, 228 Austin Hwy., Starlight Taxi Company, representing the San Antonio Taxi Driving Association addressed the Council relating to drivers, operators, cab companies and requirements implemented during the Wolff Administration. He asked the Council to take another look at this issue with VIA. He also asked for representation from the cab companies to serve on the Transportation Advisory Board.

Mr. Allen S. Ellebracht, 4915 Dare Ln., spoke on and read from the City's Ethics Code.

Ms. Julie Iris Oldham, P.O. Box 40263, remarked that District 7 constituents are ignored. She stated that she did not get to meet the new Police Chief and that the Mayor isn't responsive to her emails.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:32 p.m.

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

  
**PHIL HARDBERGER**  
M A Y O R

Attest:   
**LETICIA M. VACEK**  
City Clerk