

**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, MAY 31, 2006 AND THURSDAY, JUNE 1, 2006**

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, May 31, 2006, Municipal Plaza Building "B" Room, for the purpose of:

Final Report of the Finance San Antonio Ad Hoc Committee. [Presented by Ramiro Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Deputy City Manager]

Boards and Commission Worksession. [Leticia Vacek, City Clerk]

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

The "B" Session adjourned at 4:40 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, June 1, 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, Mayor Hardberger.

The Invocation was led by Father Phil Henning, Pastor, Divine Providence Catholic Church, guest of Councilmember Richard Perez, District 4.

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

Councilmember Perez made a motion to approve the minutes of the May 11, 2006 and May 18, 2006 City Council meetings. Councilmember Haass seconded the motion. The motion passed unanimously.

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2006-06-01-0625

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION FROM THE SAN ANTONIO PARKS FOUNDATION AND HOLLYHILLS INVESTMENTS, LP OF A 143.254 ACRE TRACT OF LAND LOCATED ALONG THE EASTERN BORDER OF MEDINA RIVER AND WEST OF APPLEWHITE ROAD IN DISTRICT 4.

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

Mr. Malcolm Matthews, Parks and Recreation Director, stated this was acceptance of a donation from the San Antonio Parks Foundation of a tract of land originally donated to the Foundation by the HollyHills Investment. He presented a map of the area noting this property was consistent with the recommendations outlined for the South Subarea in the Parks and Recreation System Strategic Plan. He acknowledged that Mayor Emeritus Lila Cockrell and Ms. Bonnie Conner with the Parks Foundation were there to address Mayor and Council, as well as Mr. and Mrs. Dan Bailey with HollyHills Investment.

The following citizen(s) appeared to speak:

Mayor Emeritus Lila Cockrell, San Antonio Parks Foundation President, thanked former Councilmember Bonnie Conner and her fellow Council members at the time for purchasing the former SAWS property that became Medina River Park. She also thanked the Kronkowsky Foundation for its financial and planning assistance. She provided a brief history of how the Hollyhills Investments land gift developed.

Ms. Bonnie Conner, 314 E. Commerce, Friends of the Park, provided a brief history of the original Medina River Park land acquisition. She showed photographs of the area today, and thanked Mr. and Mrs. Bailey for their land donation, which will supplement the existing park.

Mr. and Mrs. Don and Marlene Bailey acknowledged those individuals responsible for the land transaction development and congratulated the City on its commitment to park development.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-06-01-0626

AN ORDINANCE RENAMING THE SAN FERNANDO GYM, LOCATED AT 319 W. TRAVIS IN DISTRICT 1, AS THE “JESSE JAMES LEIJA GYM”.

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

Mr. Malcolm Matthews, Parks and Recreation Director, spoke on the proposed name change of the San Fernando Gym to the “Jesse James Leija Gym” as requested by Councilmembers Roger Flores and Roland Gutierrez. He highlighted Mr. Leija’s boxing career, noting his many contributions to the community and state through his promotion of education, health initiatives, and good moral values. He added that Mr. Leija has been an active citizen of San Antonio and has raised monies for local programs and charities including the San Antonio Parks and Recreation Department.

The following citizen(s) appeared to speak:

Mr. Jesse Leija thanked the City for bestowing the honor upon him. He also discussed his future plans of community involvement, and spoke to the importance of sports in a young person’s life.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-06-01-0627

AN ORDINANCE NAMING TWO BASEBALL FIELDS AND THE SPORTS COMPLEX IN ROSEDALE PARK, LOCATED AT 303 DARTMOUTH IN CITY COUNCIL DISTRICT 5, AS “BALDEMAR TORRES/MANUEL V. BETANCOURT BASEBALL FIELD #1,” “JESSE VALLEJO/JOHNNY ZEPEDA BASEBALL FIELD

#4,” AND THE ENTIRE SPORTS COMPLEX, “PROSPECT HILLS YELLOW JACKETS SPORTS COMPLEX OF SAN ANTONIO.”

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

The following citizen(s) appeared to speak:

Mr. Martin Rodriguez, Yellow Jackets Athletic Club representative, offered a brief history of the sports organization. He acknowledged the group’s last living founding member, Mr. Fernando Arellano, Sr.

The motion carried the passage of the Ordinance by the following vote: **AYES:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Flores.

### ITEMS FOR INDIVIDUAL CONSIDERATION

#### ITEM 3A: BOARD APPOINTMENTS

City Clerk Leticia Vacek read the nominees for appointment and/or reappointment to the Board of Adjustment for the remainder of unexpired terms of office to expire April 30, 2007.

Councilmember Perez made a motion to approve the proposed Board Appointments. Councilmember Gutierrez seconded the motion. She also delineated those candidates for the Convention and Visitors Commission where there was one nominee for the respective category.

APPOINTING MICHAEL DEAN, MARIAN MOFFAT AND MARIA CRUZ TO THE BOARD OF ADJUSTMENT FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE APRIL 30, 2007; AND APPOINTING MARTIN BOZER, DON MCDANIEL AND C.J. HAGER TO THE CONVENTION AND VISITORS COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

The motion carried the passage of the Board Appointments by the following vote: **AYES:** McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Flores.

### ITEM 3B: BOARD APPOINTMENTS

City Clerk representative Lisa Lopez read the nominees for appointment to the Convention and Visitors Commission for terms of office to expire May 31, 2007 and providing for the waiver of the Council Work Session interview requirements of Chapter 2, Article IX, Section 2-528(e) and (f) of the City Code for certain appointees.

On a roll call vote, the following individuals were selected for appointment: Johnny Hernandez, Aaron Seaman, Chayo Zaldivar, Terri Teonnies, Bart Huffman, Michael Tease, and Rick Drury.

Councilmember Perez made a main motion to approve all candidates selected. Councilmember Gutierrez seconded the motion.

The motion carried the passage of the Board Appointments by the following vote: **AYES:** Flores McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

APPOINTING JOHNNY HERNANDEZ, AARON SEAMAN, CHAYO ZALDIVAR, TERRI TEONNIES, BART HUFFMAN, MICHAEL TEASE, AND RICK DRURY TO THE CONVENTION AND VISITORS COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

### PUBLIC HEARING AND ORDINANCES: CDBG, HOME/ADDI, HOPWA

#### CDBG

The City Clerk read the following Ordinance:

2006-06-01-0628

AN ORDINANCE ADOPTING THE 32ND YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$14,846,217.00 AS CONTAINED IN THE FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE 32ND FISCAL YEAR CDBG PROGRAM; DESIGNATING THE 32ND YEAR CDBG PROGRAM FUNDS; APPROPRIATING 32ND YEAR PROGRAM FUNDS IN THE AMOUNT OF \$14,846,217.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING A REVOLVING LOAN ACCOUNT FOR THE NEIGHBORHOOD ACTION DEPARTMENT; AND AUTHORIZING THE SUBMISSION OF THE CDBG GRANT TO THE U.S. DEPARTMENT OF HOUSING

AND URBAN DEVELOPMENT (HUD) FOR FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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

Mr. Drew Cameron, Director of Housing and Community Development, presented the proposed FY 2006-2007 CDBG and HOME Budgets. He delineated the various allocations and organizations receiving the funding which totaled \$14,846,217 for the proposed CDBG allocation and \$6,724,512 for the HOME allocation.

Mr. Dennis Campa, Director of Community Initiatives, spoke to the consolidated funding recommendations for Human Development Services. He outlined background information on the two-year consolidated funding process, the Request for Proposal (RFP) process, the RFP recommendation process, and the investment priorities. He further amplified on the adopted investment priorities which included family strengthening, youth development, workforce development and community safety net. He cited funding sources, the recommended funding to the various organizations, and the services provided by each organization.

The following citizen(s) appeared to speak:

Mr. Wade Rascoe, 503 Urban Loop, Girls and Boys Town of San Antonio President and CEO, stated that the program offers assessment and short-term residential services to youths ages 8 to 17, and their families. He detailed the types of issues and personal problems the organization assists clients with. He provided data regarding participation in the program. He described the organizations' facilities, services, basic procedures, and treatment goals. He summarized the contract terms between the City and the agency, noting financial commitments, and treatment and operational expenses. He stated the agency's desire to again be awarded the contract service for FY 2006-7.

A Representative for the San Antonio Youth Center, 1215 W. Poplar, requested that the agency be considered for FY 2007-8 CDBG allocations. He discussed how the requested funds would be allocated and the services the Center provides the community.

Councilmember McNeil made a motion to change certain allocations. The motion died due to a lack of a second.

Councilmember Gutierrez made a motion to approve the proposed Ordinance with staff recommendations.

Councilmember Guajardo made a motion to defer voting until a later point in the meeting. Councilmember Hall seconded the motion.

Councilmember Guajardo withdrew the motion to defer voting. Councilmember Hall withdrew his second.

Councilmember McNeil made a motion to approve staff's recommendation and to consider those projects that she announced to be considered during the reprogramming of funds.

The amendment as proposed by Councilmember McNeil carried by the following vote: **AYES:** Flores, McNeil, Gutierrez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** Radle. **ABSENT:** Perez.

The main motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

#### HOME/ADDI

The City Clerk read the following Ordinance:

2006-06-01-0629

AN ORDINANCE ADOPTING THE 15TH YEAR HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) IN THE AMOUNT OF \$6,611,797.00, \$112,715.00 IN AMERICAN DREAM DOWNPAYMENT INITIATIVE (ADDI) AS CONTAINED IN THE FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2006-2007 HOME PROGRAM; DESIGNATING THE 15TH YEAR HOME PROGRAM FUNDS AND ADDI IN THE AMOUNT OF \$6,724,512.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; ESTABLISHING A REVOLVING LOAN ACCOUNT FOR NEIGHBORHOOD HOUSING SERVICES (NHS), THE NEIGHBORHOOD ACTION DEPARTMENT, AND UU HOUSING ASSISTANCE CORPORATION (UUHAC); AND AUTHORIZING THE SUBMISSION OF THE HOME GRANT TO HUD FOR FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

**SAAHC**

The City Clerk read the following Ordinance:

2006-06-01-0630

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A HOME GRANT REVOLVING LOAN ACCOUNT FOR SAN ANTONIO ALTERNATIVE HOUSING CORPORATION (SAAHC); AND AUTHORIZING THE EXECUTION OF ALL RELATED CONTRACTS AND DOCUMENTS.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez. **ABSTAIN:** Radle.

**ESG**

The City Clerk read the following Ordinance:

2006-06-01-0631

AN ORDINANCE ADOPTING THE FY 2006-2007 EMERGENCY SHELTER GRANT (ESG) IN THE AMOUNT OF \$634,008.00 AS CONTAINED IN THE FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2006-2007 ESG PROGRAM; DESIGNATING THE FY 2006-2007 ESG PROGRAM FUNDS; APPROPRIATING THE FY 2006-2007 ESG PROGRAM FUNDS IN THE AMOUNT OF \$634,008.00 [ENTITLEMENT] AND \$634,008.00 FROM IN-KIND MATCH; ALLOCATING PROGRAM FUNDS TO PROJECTS; AUTHORIZING THE REPROGRAMMING OF ESG FUNDS IN THE AMOUNT OF \$17,495.33; AUTHORIZING THE SUBMISSION OF THE ESG GRANT TO HUD FOR FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

**HOPWA**

The City Clerk read the following Ordinance:

2006-06-01-0632

AN ORDINANCE ADOPTING THE FY 2006-2007 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT GRANT (HOPWA) IN THE AMOUNT OF \$971,000.00 AS CONTAINED IN THE FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2006-2007 HOPWA PROGRAM; DESIGNATING THE FY 2006-2007 HOPWA PROGRAM FUNDS; APPROPRIATING THE FY 2006-2007 HOPWA PROGRAM FUNDS IN THE AMOUNT OF \$971,000.00; ALLOCATING PROGRAM FUNDS TO PROJECTS; AUTHORIZING THE REPROGRAMMING OF HOPWA FUNDS IN THE AMOUNT OF \$17,762.36; AND AUTHORIZING THE SUBMISSION OF THE HOPWA GRANT TO HUD FOR FY 2006-2007 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

**PUBLIC HEARING AND ORDINANCE: HUNTERS POND**

The City Clerk read the following Ordinance:

2006-06-01-0633

AN ORDINANCE DESIGNATING THE HUNTERS POND DEVELOPMENT PROJECT AREA LOCATED IN DISTRICT 3, OUTSIDE SOUTHWEST LOOP 410 AND WEST OF ZARZAMORA ROAD, AS A TAX INCREMENT REINVESTMENT ZONE (“TIRZ”); GRANTING CERTAIN EXCEPTIONS TO THE CITY’S ADOPTED TAX INCREMENT FINANCING (TIF) GUIDELINES AND CITY CODE FOR

PHASE 2 ONLY; DESCRIBING THE BOUNDARIES OF THE ZONE; CREATING A BOARD OF DIRECTORS FOR THE ZONE; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE ZONE; NAMING THE ZONE “REINVESTMENT ZONE NUMBER TWENTY-FIVE, CITY OF SAN ANTONIO, TEXAS”; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER STATUTORILY REQUIRED PROVISIONS FOR THE DESIGNATION OF A ZONE.

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

Mr. David Garza, Director of Neighborhood Action, made a presentation on the Tax Increment Reinvestment Zone (TIRZ) for Hunters Pond. He stated that the ordinance being approved by City Council would name the reinvestment zone, create a Board of Directors, establish effective start and termination date, present a preliminary project and financing plan and create a TIRZ fund. He cited the location, the projected construction, and fiscal impact, noting that the total infrastructure and related developments costs are estimated to be \$12,607, 288.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** Guajardo. **ABSENT:** Perez.

## ITEM 6

Consideration of an appeal of the Board of Adjustment’s (BOA) decision to not grant a ten foot minimum setback variance to an on-premise sign permit at 5310 Rigsby.

Mr. Barry Archer, Development Services Assistant Director, made a presentation on the appeal submitted to the Board of Adjustment for a variance to the ten-foot setback from the property line requirement of the sign code. He outlined background information citing the applicant’s basis for the appeal, action taken by the Board of Adjustment and the Director’s decision to uphold the Board’s recommendation.

The following citizen(s) appeared to speak:

Mr. Claudio Cardenas, Young Brands architect, representing the applicant, stated that approval is needed in order for the business to succeed. He stated that moving the current sign would reduce its visibility, as it will be obscured by existing signs on adjacent properties.

Mr. Martin De Leon, Sendero Electric Sign Co., representing the applicant, stated that the sign was moved once to remove it from TxDot's easement, and moving it to any other location on the property would render it not visible due to adjacent buildings and signage.

Councilmember McNeil made a motion to uphold the BOA decision and deny the appeal. Councilmember Gutierrez seconded the motion.

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

### **CONSENT AGENDA**

Consent agenda items 10, 11, 13, 17, 26, 30 and 32 were pulled for individual consideration. The remaining items were approved upon motion made by Councilmember Flores and seconded by Councilmember Herrera.

The motion carried the passage of the following Ordinances by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Perez .

2006-06-01-0634

AN ORDINANCE APPROVING A TOTAL OF \$48,027.26, TO INCLUDE A \$19,800.00 PAYMENT UNDER AN EXISTING "AS NEEDED" ARCHITECTURAL SERVICES CONTRACT WITH DEBRA J. DOCKERY, ARCHITECT, P.C., FOR DESIGN AND CONSTRUCTION DOCUMENTS AND INSPECTION OF THE IN-HOUSE CONSTRUCTION OF THE \$267,818.00 LINCOLN COMMUNITY CENTER ROOF REPLACEMENT PROJECT LOCATED IN DISTRICT 2; AND APPROPRIATING FUNDS FROM U.S. DEPARTMENT OF HOUSING AND URBAN AFFAIRS DEVELOPMENT HUD 108 LOAN PROGRAM FUNDS.

2006-06-01-0635

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO REIMBURSE THE CITY IN AN AMOUNT NOT TO EXCEED \$466,845.00 FOR THE COST OF FURNISHING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT AT VARIOUS LOCATIONS ON INTERSTATE HIGHWAYS 10, 35, 37 AND 410 FRONTAGE ROADS.

2006-06-01-0636

AN ORDINANCE AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO INCREASE THE REIMBURSEMENT AMOUNT PAYABLE TO THE CITY FROM \$69,800.00 TO \$114,600.00 FOR THE PURCHASE OF MATERIALS AND INSTALLATION OF TRAFFIC SIGNAL EQUIPMENT AT THE INTERSECTIONS OF LOOP 1604 AT FRONTAGE ROADS AT REDLAND ROAD AND LOOP 1604 FRONTAGE ROADS HUEBNER ROAD IN DISTRICTS 9 AND 10.

2006-06-01-0637

AN ORDINANCE APPROVING A TOTAL OF \$696,226.40, TO INCLUDE AWARDING A \$670,000.00 CONSTRUCTION CONTRACT WITH 3TI, INC. FOR LIBRARY UPGRADES AND REPAIRS AND APPROVING A CHANGE ORDER IN A DEDUCTIVE AMOUNT OF \$64,311.00 DUE TO VALUE ENGINEERING MODIFICATIONS, FOR THE JOHNSTON BRANCH LIBRARY, MCCRELESS BRANCH LIBRARY, AND WESTFALL BRANCH LIBRARY LOCATED IN DISTRICTS 4, 3, AND 1, RESPECTIVELY, IN CONNECTION WITH THE LIBRARY IMPROVEMENTS PHASE II PROJECT; AND APPROPRIATING FUNDS FROM GENERAL OBLIGATIONS AND U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 108 LOAN PROGRAM FUNDS.

2006-06-01-0638

AN ORDINANCE APPROVING A TOTAL OF \$1,774,306.10, TO INCLUDE AWARDING A \$1,517,819.10 CONTRACT WITH E-Z BEL CONSTRUCTION, LTD., OF WHICH \$159,306.10 WILL BE FUNDED BY SAN ANTONIO WATER SYSTEM, FOR RECONSTRUCTION OF AN UNDERGROUND DRAINAGE SYSTEM AND IMPROVEMENT OF AN EXISTING CHANNEL OUTFALL FROM ASHBY PLACE TO WOODLAWN AVENUE ALONG UNION PACIFIC RAILROAD RIGHT OF WAY, IN CONNECTION WITH THE SAN PEDRO/HUISACHE AREA DRAINAGE PHASE 1 PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS FROM 2003 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

2006-06-01-0639

AN ORDINANCE AUTHORIZING A TOTAL OF \$36,217.50, TO INCLUDE A \$32,925.00 AMENDMENT TO A \$236,262.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH POZNECKI – CAMARILLO, INC. FOR ADDITIONAL DESIGN ENHANCEMENTS TO INCLUDE INTERSECTION BRICK PAVERS, TRASH CAN HOLDERS, AND TREE GRATES IN CONNECTION WITH THE COMMERCE STREET – RAILROAD TO S. PALMETTO PROJECT, A 2003 BOND PROPOSITION 1 STREET PROJECT LOCATED IN DISTRICT 2; AND APPROPRIATING FUNDS FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS.

2006-06-01-0640

AN ORDINANCE ACCEPTING A PERMANENT DRAINAGE EASEMENT DEDICATION FROM THOMAS E. JOSEPH AND SANDRA K. JOSEPH, CONSISTING OF A 0.033 ACRE TRACT OF LAND OUT OF LOT 16, BLOCK B, LOCATED IN NEW CITY BLOCK 16041, WITHIN THE ALAMO FARMSTEADS SUBDIVISION, DISTRICT 7.

2006-06-01-0641

AN ORDINANCE DECLARING 1536 SANTIAGO STREET IN DISTRICT 5 AS SURPLUS AND AUTHORIZING ITS SALE TO ROBERT MONTALVO, FOR A TOTAL PRICE OF \$1,200.00, THE CITY'S SHARE BEING \$564.00 AND THE BALANCE GOING TO OTHER TAXING AUTHORITIES.

2006-06-01-0642

AN ORDINANCE APPROVING THE ASSIGNMENT OF THE RIGHTS AND OBLIGATIONS OF A TAX PHASE-IN AGREEMENT FROM MSPA ACQUISITION II, L.P. TO HEI SAN ANTONIO HOTEL L.P.

2006-06-01-0643

AN ORDINANCE AUTHORIZING A LICENSE TO HEI SAN ANTONIO HOTEL, L.P. FOR CONTINUED USE OF TWO PEDESTRIAN TUNNELS, ONE UNDER SOLEDAD STREET BETWEEN THE CROWNE PLAZA HOTEL, 111 EAST PECAN,

AND THE BROADWAY NATIONAL BANK, 425 SOLEDAD, AND THE OTHER UNDER MARTIN STREET BETWEEN THE BANK AND ITS PARKING GARAGE, IN NCBS 139 AND 140, IN DISTRICT 1, FOR A 10 YEAR TERM FOR A \$30,671.00 FEE, THE TRANSACTION CONTINGENT ON THE CLOSING OF THE SALE OF THE CROWNE PLAZA HOTEL.

2006-06-01-0644

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH FRANCISCO A. ASECIO, D/B/A ACES & GSE ("ACES") FOR 1,920 SQUARE FEET OF CARGO SPACE LOCATED IN THE AIR CARGO BUILDING WEST, BAY 13, AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF 29 MONTHS, FOR AN ANNUAL RENTAL OF \$14,764.80.

2006-06-01-0645

AN ORDINANCE APPROVING THE ASSIGNMENT OF AN EIGHT YEAR EL MERCADO LEASE AGREEMENT FROM MR. JULIO R. ORTIZ, DBA "ORTIZ PIZANO IMPORTS", TO MR. PAULINO R. VELASQUEZ JR. AND MS. MAGALI M. GARCIA, DBA "MI PUEBLITO ARTS AND CRAFTS", FOR THE USE OF APPROXIMATELY 498 SQUARE FEET IN STALL N-3, EL MERCADO, IN MARKET SQUARE, IN DISTRICT 1; AND AMENDING THE LEASE AGREEMENT TO REFLECT CURRENT LEASE PROVISIONS.

2006-06-01-0646

AN ORDINANCE AUTHORIZING A \$30,000.00 AGREEMENT TO EMPLOY THE U.S. GEOLOGICAL SURVEY TO CONDUCT ENVIRONMENTAL SURVEYS REQUIRED BY THE ENDANGERED SPECIES ACT AT THE WOODLAND HILLS NATURE PRESERVE, LOCATED IN DISTRICT 8, FROM PROPOSITION 3 EDWARDS AQUIFER RECHARGE ZONE CONSERVATION AND PROTECTION PROGRAM FUNDS.

2006R-06-01-0647

A RESOLUTION APPROVING THE UPDATE OF CERTAIN OFFERING DOCUMENTS RELATING TO OBLIGATIONS DESIGNATED AS CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS COMMERCIAL PAPER

NOTES, SERIES A, CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2003, AND CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2004; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS RESOLUTION.

2006-06-01-0648

AN ORDINANCE APPROVING SUBMITTAL OF GRANT APPLICATIONS AND ACCEPTANCE OF FY 2007 REGIONAL SOLID WASTE PASS-THROUGH GRANT FUNDS, TOTALING APPROXIMATELY \$380,000.00 OR MORE AS AVAILABLE FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; AND UPON AWARD AUTHORIZING EXECUTION OF GRANT CONTRACTS WITH THE ALAMO AREA COUNCIL OF GOVERNMENTS, TO SUPPORT ENVIRONMENTAL PROGRAMS FOR RECYCLING, SOLID WASTE STREAM REDUCTION, AND MUNICIPAL ENFORCEMENT.

2006-06-01-0649

AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR, AND ACCEPTANCE OF FUNDS UPON AWARD, A \$3,000,000.00 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT LEAD-BASED PAINT HAZARD REDUCTION CONTROL PROGRAM GRANT TO CONTINUE THE CITY'S LEAD-BASED PAINT HAZARD REDUCTION CONTROL PROGRAM FOR A THREE YEAR PERIOD.

2006-06-01-0650

AN ORDINANCE ADOPTING TAX PHASE-IN GUIDELINES PENDING FUTURE REVISIONS BY CITY COUNCIL; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO TAX PHASE-IN AGREEMENTS WITH KAUTEX, INC. FOR A TERM OF TEN (10) YEARS AND A 100% ABATEMENT OF AD VALOREM TAXES AND METAKOTE CORPORATION FOR A TERM OF 10 YEARS AND AN 80% ABATEMENT OF AD VALOREM TAXES.

2006-06-01-0651

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE TAX ABATEMENT AGREEMENT WITH MILLENNIUM STEEL OF TEXAS, L.P. INCREASING THE MINIMUM PER HOUR WAGE REQUIRED TO BE PAID BY THE COMPANY TO \$11.03 AND INCREASING THE PERCENTAGE AMOUNT OF ABATED AD VALOREM TAXES FROM 80% TO 100%.

ITEMS 33 A-C: BOARD APPOINTMENTS

REAPPOINTING FLORENCE ALCOSER AND LLOYD HAWKINS TO THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

APPOINTING LINDA JACKSON, ROSE HILL, AND JOHN BUSARELLO TO THE SOUTH FORT SAM HOUSTON DEVELOPMENT ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

REAPPOINTING JACK LANE, MARCO BARROS, SIEGFRIED RICHTER, AND ALFRED STURCHIO TO THE AIR TRANSPORATION ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

APPOINTING SAM STEVES AND KELLEY SIMMONS TO THE AIR TRANSPORATION ADVISORY COMMITTEE FOR TERMS OF OFFICE TO EXPIRE MAY 31, 2007.

REAPPOINTMENT OF CHARLIE CONNER TO THE WATERSHED IMPROVEMENT ADVISORY COMMITTEE FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE APRIL 1, 2007.

REAPPOINTMENT OF RUBY PEREZ (DISTRICT 6) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

REAPPOINTMENT OF JONATHAN DE JESUS (DISTRICT 8) TO THE SAN ANTONIO YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

REAPPOINTMENT OF DOUG MCMURRY (DISTRICT 9) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

APPOINTMENT OF KATHLEEN MCGOWAN (DISTRICT 6) (CATEGORY: ANIMAL SHELTER OPERATOR) AND DR. LAURA MCKIERAN (DISTRICT 1) (CATEGORY: ANIMAL WELFARE ORGANIZATION) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE JUNE 1, 2008.

APPOINTMENT OF GERALD YARBROUGH (DISTRICT 4) TO THE BOARD OF ADJUSTMENT FOR AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 30, 2007

[CONSENT ITEMS CONCLUDED]

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2006-06-01-0652

AN ORDINANCE APPROVING A TOTAL OF \$3,558,602.31, TO INCLUDE AWARDING A \$2,955,482.00 CONSTRUCTION CONTRACT WITH MAC, INC., TO RESTORE THE NATURAL CHANNEL CONTOUR OF BEITEL CREEK IN DISTRICT 2, IN CONNECTION WITH THE BEITEL CREEK ENVIRONMENTAL RESTORATION PROJECT; AND APPROPRIATING FUNDS FROM 2003 STORM WATER REVENUE BOND FUNDS.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** McNeil Radle, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Flores, Gutierrez, Perez, Herrera.

The City Clerk read the following Ordinance:

2006-06-01-0653

AN ORDINANCE APPROVING A TOTAL OF \$8,282,327.97, TO INCLUDE AWARDING A \$7,308,320.40 CONSTRUCTION CONTRACT WITH SHANNON-MONK, INC. FOR THE CONSTRUCTION OF A REGIONAL STORM WATER FACILITY (DETENTION POND) AND UNDERGROUND STORM DRAIN, IN CONNECTION WITH THE LADDIE PLACE REGIONAL STORM WATER FACILITY – PHASE I PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS FROM 2003 STORM WATER REVENUE BOND FUNDS.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez.

The City Clerk read the following Ordinance:

2006-06-01-0654

AN ORDINANCE APPROVING A TOTAL OF \$1,264,600.00, TO INCLUDE AWARDING A \$1,180,000.00 CONTRACT WITH F.A. NUNNELLY COMPANY FOR THE CONSTRUCTION OF FOURTEEN CLUB LEVEL MULTI-USE SUITES, INCLUDING TWO EXISTING STORAGE ROOMS, AT THE ALAMODOME IN DISTRICT 2, IN CONNECTION WITH THE ALAMODOME INTERIOR IMPROVEMENTS PROJECT, AND APPROPRIATING FUNDS FROM 2005 CERTIFICATE OF OBLIGATION FUNDS.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Hall, Haass, Mayor Hardberger. **NAYS:** Guajardo, Wolff. **ABSENT:** Gutierrez, Perez.

The City Clerk read the following Ordinance:

2006-06-01-0655

AN ORDINANCE DECLARING SURPLUS AND AUTHORIZING THE SALE TO THE TEXAS DEPARTMENT OF TRANSPORTATION OF AN APPROXIMATELY 3,777 SQUARE FOOT SLIVER OF PARK LAND NEAR THE INTERSECTION OF QUILL DRIVE AND BANDERA ROAD, DISTRICT 7, NCB 8356, AS PART OF THE EXPANSION OF SPUR 421 (CULEBRA AND BANDERA ROADS), FOR \$20,610.00.

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

Councilmember Guajardo made a motion to amend the proposed Ordinance to redirect the \$20,610 into another park development. Councilmember Hall seconded the motion.

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

The main motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

The City Clerk read the following Ordinance:

2006-06-01-0656

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$750,000.00 FROM BEXAR COUNTY IN SUPPORT OF THE BOB ROSS SENIOR MULTI-SERVICE HEALTH AND RESOURCE CENTER RENOVATION; AND AUTHORIZING THE EXECUTION OF A TWENTY FIVE YEAR FUNDING AND JOINT USE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY IN CONNECTION WITH THE RENOVATION.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil, Perez.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, related to Item 31, approved by consent, which stated his objection to corporate Tax Phase-In Agreements, as the City regularly raises fees and rates for the individual citizens.

City Clerk Leticia Vacek stated that Item 33, the Government Hill Alliance Category, was pulled from the agenda.

The City Clerk read the following Ordinance:

2006-06-01-0657

AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF GENERAL FUND ALLOCATIONS OF \$8,685.80 IN PRIOR YEARS DISTRICT 8 ONE-TIME PROJECT FUNDS, TO BE USED IN CONNECTION WITH CITY COSTS ASSOCIATED WITH THE FINANCE SAN ANTONIO AD HOC COMMITTEE, AS REQUESTED BY COUNCILMAN ART HALL, DISTRICT 8.

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

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

City Manager Sheryl Sculley reported plans for the FY 2007-08 Budget Prioritization Session scheduled for June 28, 2006. She reported that a facilitator will be used in the prioritization process.

**EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Session for lunch at 12:15 p.m., and stated that City Council would convene in Executive Session at 2 p.m. for the purpose of:

Discuss legal issues related to *Honeywell International, Inc. v. The Clark Construction Group, Inc. d/b/a Clark Contractors, Inc., JT Construction Co., Inc. and Clark/J.T. Construction, a Joint Venture and City of San Antonio, Third-Party Defendant*, Cause No. SA-06-CV-0125-XR, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Discuss legal issues related to the Employee Management Committee, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 3:45 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.

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION  
CONTINUED**

The City Clerk read the following Ordinance:

2006-06-01-0658

AN ORDINANCE AUTHORIZING THE SUSPENSION, THROUGH SEPTEMBER 30, 2006, OF THE PROVISIONS OF CHAPTER 34 OF THE CITY CODE RELATING TO THE IMPOSITION OF A CRITICAL PERIOD SURCHARGE BY THE SAN ANTONIO WATER SYSTEM DURING TIMES OF EDWARDS AQUIFER DROUGHT RESTRICTIONS.

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

The following citizen(s) appeared to speak:

Ms. Karen Guz, San Antonio Water System’s Conservation Director, provided an historical overview of the request to suspend the surcharge. She reported that a comprehensive water conservation review plan is under panel review. She stated that the

suspension is being requested to eliminate any confusion should a new plan be enacted. She noted that the surcharge was implemented only once, in 1996.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Radle, Herrera, Guajardo, Hall, Mayor Hardberger. **NAYS:** Perez, Wolff. **ABSENT:** Gutierrez, Haass.

## **MASTER PLAN AND ZONING CASES**

**P-1. PLAN AMENDMENT CASE #06004 (District 9):** Public hearing and consideration of an ordinance amending the Land Use Plan contained in the Mahncke Park Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 2.45 acres located at 4210 Broadway Avenue, 135 Groveland Place and 151 Groveland Place, from Neighborhood Commercial land use to Compact Multi-family Residential land use. Staff and Planning Commission recommend approval.

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

Councilmember Wolff made a motion to approve the proposed plan amendment. Councilmember Hall seconded the motion.

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

Mr. Bill Kauffman, 100 W. Houston, narrated a PowerPoint presentation indicating the site, the proposed building location and the zoning of areas adjacent to the site. He noted that depending upon the location of the proposed building on the site, no height restrictions exist. He stated that input was solicited from various commissions and associations. He stated that a traffic study was also conducted, and that it was determined that traffic impact would vary greatly dependant upon placement of the building, so a location with minimal traffic impact was selected. He noted that the proposed placement falls outside of the River Overlay District. He stated that the study was shared with various neighborhood associations, and associations' opinions differed. He reported that Groveland residents indicated they no longer wanted commercial development on the site, that the project's height was not a great consideration, and that they wanted the residential character of the street restored. He stated that the developers agreed to the Groveland residents' requests. He outlined the requested zoning change designations and steps taken to adhere to local neighborhood plans. He also noted the benefits the project will bring to the area.

Mr. Faris Hodge, Jr., 140 Dora, stated that changing the Master Plan is wrong. He spoke of a recent electrical outage which affected the City water supply's color, and blamed the alleged contamination on development over the Edwards Aquifer Recharge Zone. He also stated that the current muddy condition of the San Antonio River is due to such development. He noted his opposition to Tax Phase-In Agreements.

Mr. Morgan Price, 227 Pershing, Mahncke Park Neighborhood Association (MPNA) Liaison Committee, stated that the process to amend the City Land Use Plan was not followed.

Mr. Paul Vaughn, 315 Thorman, MPNA President, stated that their neighborhood land use plan was carefully considered, and that the proposed zoning designations do not conform to their plan, the Master Plan, or the Rio Overlay District plan. He stated that the neighborhood is afraid of the precedent that will be set if the zoning changes are approved.

Mr. Scott Day, 354 Thorman Pl., MPNA, discussed discrepancies between the zoning requests and various development plans. He noted that it is important to adhere to existing plans, as the City is opening itself up to lawsuits by authorizing changes.

Mr. Jerry Lackey, representing the Beacon Hills Neighborhood Association, stated their support of the MPNA's position. He stated that the City should adhere to existing development plans.

Mr. Morgan Price, 227 Pershing, read a letter on behalf of the East Pyron and Symphony Lane Neighborhood Association, which stated its support of the MPNA and urged the City to adhere to existing development plans.

Dr. Francine Romero, Planning Commissioner, elaborated on the Planning Commission's discussion and decision.

The main motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** Radle, Hall. **ABSENT:** None.

2006-06-01-0659

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE MAHNCKE PARK NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM NEIGHBORHOOD COMMERCIAL USE TO COMPACT MULTI-FAMILY RESIDENTIAL USE FOR AN

AREA OF APPROXIMATELY 2.45 ACRES LOCATED AT 4210 BROADWAY AVENUE, 135 GROVELAND PLACE and 151 GROVELAND PLACE.

**Z-1. ZONING CASE #Z2006074 (District 9):** An Ordinance changing the zoning district boundary from "C-2" RIO-1 Commercial River Improvement Overlay District-1 and "R-4" RIO-1 Residential Single-Family River Improvement Overlay District-1 on the West 233.40 Feet of Tract L, NCB 6015, "C-2" Commercial District on Lot 27, Block A, NCB 6015, and "R-4" Residential Single-Family District on Lots 3 through 12, NCB 6096 to "MF-50" Multi-Family District on the East 168.31 Feet of the West 233.40 Feet of Tract L, NCB 6015 and on Lot 27, Block A, NCB 6015 and "MF-50" RIO-1 Multi-Family River Improvement Overlay District-1 on the West 65.09 Feet of the West 233.40 Feet of Tract L, NCB 6015 and on Lots 3 through 12, NCB 6096, 4210 Broadway, 135 Groveland and 151 Groveland as requested by Kaufman and Associates, Inc., Applicant, for Koontz/McCombs 1, Ltd., Owner(s). Staff and Zoning Commission recommend approval contingent on plan amendment.

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

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

The following citizen(s) appeared to speak:

Mr. David Sonenschein, 1017 Ripley, representing the Alta Vista Neighborhood Association, stated its support of the MPNA's opposition to the proposed changes.

Ms. Marcia Dahlman, 110 Wesley Pl., MPNA Study Committee, stated that the proposed development is inappropriate for the area. She stated that the Groveland Street area, which supports the project, is comprised of only six residences, while hundreds of residents in the overall area oppose the development.

Mr. John Hartman, 310 Adams, King William Neighborhood Association President, requested respect of the neighborhood plan, noting that approval of the zoning item will establish a precedent

Mr. Morgan Price, 227 Pershing Ave., MPNA Neighborhood Liaison Committee, showed a rendering to illustrate the scope of the project in relationship to the neighborhood. He requested a charette with the developer to discuss the possibility of better urban design.

Councilmember Radle made a motion to continue Item Z-1 to June 8, 2006. Councilmember Flores seconded the motion.

The motion to continue Item Z-1 failed by the following vote: **AYES:** Flores, Radle. **NAYS:** McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **ABSENT:** None.

The main motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** Radle. **ABSENT:** None.

2006-06-01-0660

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 233.40 FEET OF TRACT L, NCB 6015 AND LOT 27, BLOCK A, NCB 6015 AND LOTS 3 THROUGH 12, NCB 6096 FROM "C-2" RIO-1 COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT-1 AND "R-4" RIO-1 RESIDENTIAL SINGLE-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-1 ON THE WEST 233.40 FEET OF TRACT L, NCB 6015, "C-2" COMMERCIAL DISTRICT ON LOT 27, BLOCK A, NCB 6015, AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT ON LOTS 3 THROUGH 12, NCB 6096 TO "MF-50" MULTI-FAMILY DISTRICT ON THE EAST 168.31 FEET OF THE WEST 233.40 FEET OF TRACT L, NCB 6015 AND ON LOT 27, BLOCK A, NCB 6015 AND "MF-50" RIO-1 MULTI-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-1 ON THE WEST 65.09 FEET OF THE WEST 233.40 FEET OF TRACT L, NCB 6015 (PER EXHIBIT "A") AND ON LOTS 3 THROUGH 12, NCB 6096.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

- Alcalde to Mr. Martin Luther King III.
- Proclamation for the 35<sup>th</sup> annual Texas Folklife Festival, June 8-11, 2006.
- Presentation by the Internal Revenue Service to thank the City for assistance with the Volunteer Income Tax Assistance (VITA) program.

## **POINT OF PERSONAL PRIVILEGE**

Councilmember Herrera requested a point of personal privilege to present a certificate of Official Congratulations to Ms. Jessica Finzer, a student at Edgewood Fine Arts Academy, winner of a KLRN national health collaborative competition for creating a public service on teen depression.

## **MASTER PLAN AND ZONING CASES CONTINUED**

**Z-2. ZONING CASE #Z2006086 (District 1):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District and "MF-33" Multi-Family District to "MF-40" Multi-Family District on 6.592 acres out of NCB 11688, 1600 Block of Jackson-Keller Road as requested by Stephen Raub, Applicant, for Endure Commercial Capital, 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 Radle seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Radle, Guajardo, Hall, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez, Herrera, Haass.

2006-06-01-0661

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 6.592 ACRES OUT OF NCB 11688 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "MF-40" MULTI-FAMILY DISTRICT.

**Z-3. ZONING CASE #Z2006106 CD (District 1):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2" (CD-Tamale Preparation- Wholesale) Commercial District with a Conditional Use for Tamale Preparation-Wholesale on Lot 39, NCB 11688, 5112 through 5124 West Avenue as

requested by Robert N. Hamilton, Applicant, for Michael Znilek, 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 McNeil seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Radle, Guajardo, Hall, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez, Herrera, Haass.

2006-06-01-0662

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 39, NCB 11688 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE WITH USES PERMITTED IN THE "C-2" (CD-TAMALE PREPARATION-WHOLESALE) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR TAMALE PREPARATION-WHOLESALE.

**Z-4. ZONING CASE #Z2006077 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "IDZ" Infill Development Zone with uses permitted in the "C-2" Commercial District on Lot 1, Block 1, NCB 1360, 734 North New Braunfels Avenue as requested by Joaquin Arch, Applicant, for Howard Wong, Owner(s). Staff and Zoning Commission recommend approval.

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

Councilmember McNeil made a motion to continue Item Z-4 to June 15, 2006. Councilmember Gutierrez seconded the motion.

After consideration, the motion to continue Item Z-4 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** Perez, Herrera, Haass.

Item Z-4 was continued to June 15, 2006.

Ordinance No. 2006-06-01-0663 is void.

**Z-5. ZONING CASE #Z2006081 S (District 2):** An Ordinance changing the zoning district boundary from "C-2" Commercial District and "I-1" General Industrial District to "C-3" S General Commercial District with a Specific Use Permit for a Transitional Home on Lot 8, NCB 14525, 4703 Goldfield Drive as requested by Goldfield Property Investments, Ltd., Applicant, for Goldfield Property Investments, Ltd., 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. Andrew Guerrero, 3134 Renker, representing the applicant, described the financial investment the applicant will make to the structure and noted that the facility will be compliant with all conditions placed on transitional housing.

Ms. Cristi Charles Paine, 2014 Winding Hollow Dr., Houston, TX, representing Cornell Companies, stated the company's history, mission, and successes.

Rev. Joseph Huff, 1001 N. Walters St., Antioch Baptist Church, read a letter of project endorsement from its congregation.

Ms. Nancy Bowman, 312 Walton St. Mt. Zion Church, read a letter of project endorsement from its congregation. She also offered her personal endorsement of the project.

Ms. Carolyn Heath, 210 S. Grimes, Antioch Community Transformation Network Executive Director, offered her support for the center.

Mr. Willie Mitchell, San Antonio Fighting Back Chairman, spoke to the need for centralized transitional housing. He offered support for the center.

Mr. Carl Smith, Texas Adolescent Treatment Center, a Cornell business, offered support for the center and offered his endorsement of the applicant

Mr. Ralph Parcell, 14423 Rio Ranch, offered support for the center, and noted his familiarity and satisfaction with other similar Cornell facilities.

Mr. Ken Brown, 112 E. Deon, presented a list of conditions to be adhered to. Councilmember McNeil accepted the conditions.

Mr. Arthur Laubagh, 10503 Ballerina, stated his opposition to the facility. He stated that the facility will lower his property value and that no commissioned officers will be on the premises for control purposes.

Ms. Julie Still, representing Park on Goldfield Apartments, expressed concern of the criminal histories of potential residents and the definitions of certain conditions of the request.

Mr. C.R. Knowle read a letter from the East Village Neighborhood Association which stated its objections to the project.

Ms. Jo Beth Kirkpatrick, representing the Park Village Neighborhood Association, expressed its objection to the project.

Councilmember McNeil made a motion to approve the proposed rezoning case with all conditions as presented by staff and Mr. Ken Brown. Councilmember Gutierrez seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez, Haass.

2006-06-01-0664

AN ORDINANCE 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 8, NCB 14525 FROM "C-2" COMMERCIAL DISTRICT AND "I-1" GENERAL COMMERCIAL DISTRICT TO "C-3 S" GENERAL COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A TRANSITIONAL HOME.

Mayor Hardberger was obliged to leave the meeting at 7:35 p.m. Mayor Pro Tem Radle presided.

**Z-6. ZONING CASE #Z2006063 CD S (District 3):** An Ordinance changing the zoning district boundary from (H) "C-2 RIO-6" Historic Commercial River Improvement

Overlay District and (H) "R-6 RIO-6" Historic Residential Single-Family River Improvement Overlay District-6 to (H) "C-2 RIO-6" (CD-Gasoline Station with Auto Repair) Historic Commercial River Improvement Overlay District with a Conditional Use for a Gasoline Station with Auto Repair on 1.068 acres out of NCB 11168, (H) "C-2 RIO-6" Historic Commercial River Improvement Overlay District on 4.5 acres out of NCB 11173, and (H) "C-2 RIO-6 S" Historic Commercial River Improvement Overlay District with a Specific Use Permit for a Hotel on 1.6 acres out of NCB 11173, 2425 East Chaveneaux and 9650 Espada Road as requested by Brown, P. C., Applicant, for Presto Tierra, LLC, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

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

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

The motion carried the passage of the Ordinance by the following vote: **AYES:** McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall. **NAYS:** None. **ABSENT:** Flores, Perez, Wolff, Haass, Mayor Hardberger.

2006-06-01-0665

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 1.068 ACRES OUT OF NCB 11168 AND 6.455 ACRES OUT OF NCB 11173 FROM (H) "C-2 RIO-6" HISTORIC COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT AND (H) "R-6 RIO-6" HISTORIC RESIDENTIAL SINGLE-FAMILY RIVER IMPROVEMENT OVERLAY DISTRICT-6 TO (H) "C-2 RIO-6" (CD-GASOLINE STATION WITH AUTO REPAIR) HISTORIC COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT WITH A CONDITIONAL USE FOR A GASOLINE STATION WITH AUTO REPAIR ON 1.068 ACRES OUT OF NCB 11168, (H) "C-2 RIO-6" HISTORIC COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT ON 4.5 ACRES OUT OF NCB 11173, AND (H) "C-2 RIO-6 S" HISTORIC COMMERCIAL RIVER IMPROVEMENT OVERLAY DISTRICT WITH A SPECIFIC USE PERMIT FOR A HOTEL ON 1.6 ACRES OUT OF NCB 11173.

**Z-7. ZONING CASE #Z2006066 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "RM-4" (CD-

Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre on Lot 9, Lot 10, Lot 11 and Lot 12, Block E, NCB 11029, 2400 Block of Betty Jean Street as requested by Eduardo Cadena, Applicant, for Joe A. Pastrano and Rebecca Pastrano, Owner(s). Staff recommends Approval of "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 12 units per acre. Zoning Commission recommends Approval of "RM-4" (CD-Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre.

Mr. John Jacks, Senior Planner, Development Services Department, stated that Item Z-7, Zoning Case #Z2006066 CD (District 3) was postponed at the request of the applicant.

No action was taken on Item Z-7.

**Z-8. ZONING CASE #Z2006102 (District 3):** An Ordinance changing the zoning district boundary from "C-3 NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District on Lot 149, Block 16, NCB 11115, 356 Moursund Boulevard as requested by Pete Ortiz, Jr., Applicant, for Pete Ortiz, Jr., 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 Wolff seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0666

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 149, BLOCK 16, NCB 11115 FROM "C-3 NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2" COMMERCIAL DISTRICT.

**Z-9. ZONING CASE #Z2006105 (District 3):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on Lot 3, NCB 13902, 210 SW Military Drive as requested by Brian C. Hamilton, Pipkin, Oliver & Bradley, LLP, Applicant, for Simon Lidsky, 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.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0667

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, NCB 13902 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

**Z-10. ZONING CASE #Z2006108 (District 3):** An Ordinance changing the zoning district boundary from "I-1" HS General Industrial Historic Significant District to "C-2" HS Commercial Historic Significant District on Lot 45, NCB 9483, 2914 Pleasanton Road as requested by Dr. Lourdes Pizana, Applicant, for Capistrano Enterprises, Inc., 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 Wolff seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0668

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 45, NCB 9483 FROM "I-1" HS GENERAL INDUSTRIAL HISTORIC SIGNIFICANT DISTRICT TO "C-2" HS COMMERCIAL HISTORIC SIGNIFICANT DISTRICT.

**Z-11. ZONING CASE #Z2006085 CD (District 5):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "C-1" (CD-Electrical Auto Repair) Commercial District with a Conditional Use for Electrical Auto Repair on Lots 7A, 7B, 8A and 8B, NCB 2432, 616 and 620 Elvira Street as requested by Luis Antonio Rodriguez, Applicant, for Luis Antonio Rodriguez, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

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

Councilmember Wolff, on behalf of Councilmember Radle, made a motion to approve the proposed rezoning case. Councilmember Gutierrez seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0669

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 7A, 7B, 8A AND 8B, NCB 2432 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-1" (CD-ELECTRICAL AUTO REPAIR) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR ELECTRICAL AUTO REPAIR.

**Z-12. ZONING CASE #Z2006088 (District 5):** An Ordinance changing the zoning district boundary from "I-2" General Industrial District to "IDZ" Infill Development Zone District with uses permitted in "R-4" Residential Single-Family District and "C-1"

Commercial District on Lot 1, Block 3, NCB 3160, 1615 South Brazos Street as requested by City of San Antonio, Applicant, for Maria Garcia, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Wolff, on behalf of Councilmember Radle, made a motion to approve the proposed rezoning case. Councilmember Gutierrez seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0670

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 1, BLOCK 3, NCB 3160 FROM "I-2" GENERAL INDUSTRIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE WITH USES PERMITTED IN THE "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT AND "C-1" COMMERCIAL DISTRICT.

**Z-13. ZONING CASE #Z2006107 (District 5):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-2" Commercial District to "C-3" General Commercial District on Lots 2, 3, 4, 5, 6, and 9, Block 2, NCB 2311, 108 South San Jacinto as requested by First National Bank, Applicant, for First National Bank, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Wolff, on behalf of Councilmember Radle, made a motion to approve the proposed rezoning case. Councilmember Gutierrez seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** Flores, McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0671

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 2, 3, 4, 5, 6 AND 9, BLOCK 2, NCB 2311 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

**Z-14. ZONING CASE #Z2006042 (District 6):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "ED" Entertainment District to PUD "MF-33" Planned Unit Development Multi-Family District on 14.85 acres out of NCB 17673, 9800 Block of Rogers Road as requested by Charles Martin Wender, Applicant, for Westover Hills Development Partners, L. P., Owner(s). Staff and Zoning Commission recommend Approval. **Herrera/Wolff**

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 Wolff seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0672

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 14.85 ACRES OUT OF NCB 17673 FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "ED" ENTERTAINMENT DISTRICT TO PUD "MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT.

**Z-15. ZONING CASE #Z2006104 CD (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Two Dwellings Per Lot) Residential Single-Family District with a Conditional Use for Two Dwellings Per Lot on 1.51 acres out of NCB 17971, 6739 John Marshall as

requested by Trinity Construction and Developments, Applicant, for Paul D. Tausch, Owner(s). Staff and Zoning Commission recommend Approval.

Councilmember Guajardo made a motion to continue Item Z-15 to June 15, 2006. Councilmember Wolff seconded the motion.

After consideration, the motion to continue Item Z-15 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

Item Z-15 was continued to June 15, 2006.

**Z-16. ZONING CASE #Z2006026 (District 8):** An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District, "O-2" Office District, "O-2 ERZD" Office Edwards Recharge Zone District, "O-2" GC-1 Office District Gateway Corridor Overlay District-1, "O-2 ERZD" GC-1 Office Edwards Recharge Zone District Gateway Corridor Overlay District-1, "C-2" Commercial District, "C-2 ERZD" Commercial Edwards Recharge Zone District, "C-2" GC-1 Commercial District Gateway Corridor Overlay District-1, "C-2 ERZD" GC-1 Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "MPCD" Master Planned Community District, "MPCD ERZD" Master Planned Community Edwards Recharge Zone District, "MPCD" GC-1 Master Planned Community Gateway Corridor Overlay District-1 and "MPCD ERZD" GC-1 Master Planned Community Edwards Recharge Zone Gateway Corridor Overlay District-1 on 119.204 acres out of NCB 34762 and 1.925 acres out of NCB 14859, 17855 IH 10 West as requested by Brown, P. C., Applicant, for West World Holding, Inc., Owner(s). Staff and Zoning Commission recommend approval.

Councilmember Hall made a motion to continue Item Z-16 to June 8, 2006. Councilmember Herrera seconded the motion.

After consideration, the motion to continue Item Z-16 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

Item Z-16 was continued to June 8, 2006.

**Z-18. ZONING CASE #Z2006099 CD (District 8):** An Ordinance changing the zoning district boundary from "C-1 S" GC-1 Light Commercial Gateway Corridor District-1 with a Specific Use Permit For a Three Restaurant Complex with Sales of Alcoholic Beverages Incidental to the Consumption of Food and "R-20" GC-1 Residential Single-Family Gateway Corridor District-1 to "C-2" GC-1 (CD-Automobile Dealership) Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 6.841 Acres out of NCB 18337 and "C-1" GC-1 (CD-Automobile Dealership) Light Commercial Gateway Corridor District-1 with a Conditional Use for an Automobile Dealership on 2.271 Acres out of NCB 35733, 21587 IH 10 West and 21660 Milsa Drive as requested by Brown, P. C., Applicant, for Bagheri Brothers, Inc. and Phillip Knaupp, 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. Councilmember Wolff seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0673

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 6.84 ACRES OUT OF NCB 18337 AND 2.27 ACRES OUT OF NCB 35733 FROM "C-1 S" GC-1 LIGHT COMMERCIAL GATEWAY CORRIDOR DISTRICT-1 WITH A SPECIFIC USE PERMIT FOR A THREE RESTAURANT COMPLEX WITH SALES OF ALCOHOLIC BEVERAGES INCIDENTAL TO THE CONSUMPTION OF FOOD AND "R-20" GC-1 RESIDENTIAL SINGLE-FAMILY GATEWAY CORRIDOR DISTRICT-1 TO "C-2" GC-1 (CD-AUTOMOBILE DEALERSHIP) COMMERCIAL GATEWAY CORRIDOR DISTRICT-1 WITH A CONDITIONAL USE FOR AN AUTOMOBILE DEALERSHIP ON 6.84 ACRES OUT OF NCB 18337 AND "C-1" GC-1 (CD-AUTOMOBILE DEALERSHIP) LIGHT COMMERCIAL GATEWAY CORRIDOR DISTRICT-1 WITH A CONDITIONAL USE FOR AN AUTOMOBILE DEALERSHIP ON 2.27 ACRES OUT OF NCB 35733.

**Z-19. ZONING CASE #Z2006015 (District 9):** An Ordinance changing 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 1501, North Loop 1604 West as requested by Brown, P. C., Applicant, for Rogers Shavano Park Unit 18/19 Ltd., Owner(s). Staff and Zoning Commission recommend Approval.

Councilmember Wolff made a motion to continue Item Z-19 to June 8, 2006. Councilmember Hall seconded the motion.

After consideration, the motion to continue Item Z-19 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

Item Z-19 was continued to June 8, 2006.

**Z-20. ZONING CASE #Z2006082 (District 10):** An Ordinance changing the zoning district boundary from "O-1" Office District to "C-2 NA" Commercial Nonalcoholic Sales District on Lot 60, Block 20, NCB 17726, 15000 Block of Classen Road as requested by Roy Rosin and Joel Johnson, Applicant, for Roy Rosin and Joel Johnson, Owner(s). Staff and Zoning Commission recommend approval.

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

Councilmember Hall, on behalf of Councilmember Haass, made a motion to approve the proposed rezoning case. Councilmember Gutierrez seconded the motion.

The following citizen(s) appeared to speak:

Mr. Mark Harrison, Mill Creek Homeowners Association Board of Directors, stated opposition to the zoning request. He noted that the applicant met with the Association and agreed to certain conditions, read by Mr. Steve Lampright, which included: permissible businesses, operating hours, design, landscaping use and lighting.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0674

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 60, BLOCK 20, NCB 17726 FROM "O-1" OFFICE DISTRICT TO "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT.

**Z-17. ZONING CASE #Z2006061 (District 8):** An Ordinance changing the zoning district boundary from "I-1 ERZD" General Industrial Edwards Recharge Zone District, "I-1" General Industrial District, "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "MF-50 ERZD" Multi-Family Edwards Recharge Zone District and "MF-50" Multi-Family District on 35 acres out NCB 15825, 14200 Block of Vance Jackson as requested by Brown, P. C., Applicant, for Galleria Ventures, Ltd., 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 and a total of 68% limited impervious cover. Councilmember Gutierrez seconded the motion.

The motion carried the passage of the Ordinance by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff. **NAYS:** None. **ABSENT:** McNeil, Perez, Haass, Mayor Hardberger.

2006-06-01-0675

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, SECTION 35-304, OFFICIAL ZONING MAP OF THE CITY CODE OF SAN ANTONIO, TEXAS BY CHANGING THE ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY DESCRIBED HEREIN AS 35 ACRES OUT OF NCB 15825 FROM "I-1 ERZD" GENERAL INDUSTRIAL EDWARDS RECHARGE ZONE DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "MF-33 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "MF-50 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT AND "MF-50" MULTI-FAMILY DISTRICT.

## **CITIZENS TO BE HEARD**

Mr. Faris Hodge, Jr., 140 Dora, stated his satisfaction with attempts to clean up graffiti in the City. He urged City Council to give non-union employees a 10 percent pay raise. He stated that as new Fire Department Self-Contained Breathing Apparatus are on order, there is no need for the Firefighters' Association to again request the Fire Chief's resignation, as was done earlier in the week. He briefly noted and distributed a list of items that he wanted included in City Council Meeting minutes. He sang "This Land Is Your Land."

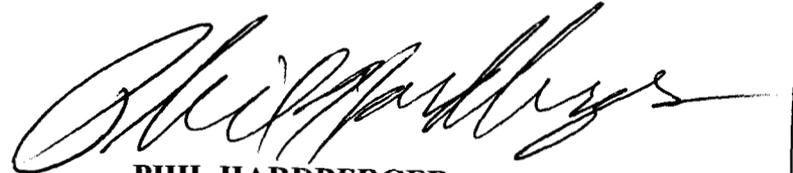
Mr. Michael John, 238 Tawsyl Dr., representing the Riverwalk Vendors' Association, referenced an article authored by Bill Lyons that appeared in the June 1, 2006 San Antonio Express-News, which defamed Riverwalk vendors. He stated that the Paseo del Rio Association denied the Vendors' Association membership into the organization, though a past president claimed under oath that anyone can join. He noted that Mr. Lyons owns a river-level restaurant, and rents space to one mobile and two stationary vendors on his property, and that these vendors sell similar products to those that Mr. Lyons criticized in his article. He stated that Mr. Lyons' concerns are more about eliminating competition. He also noted that there is a moratorium in place now on issuing downtown vending licenses, though no one at the City can produce documentation of such an order. He stated that Parks and Recreation seems to be beholden to the Paseo del Rio Association. He noted that San Antonio citizens are the actual owners of the Riverwalk. He noted that City Council members have obvious integrity and fairness, or the various associations and the City would not be working so hard in opposition to Riverwalk vending.

Mr. Hal McKloskey, 920 Camden, Riverwalk vendor, stated that 20 of 28 Riverwalk businesses allowing vending on their property belong to the Paseo del Rio Association. He noted that number of businesses would increase further if strolling mariachis were included as vendors. He voiced his concerns with a proposed vending regulation which would require items to be covered. He stated that the roses he sells are perishable and cannot be covered or they will be ruined.

## **ADJOURNMENT**

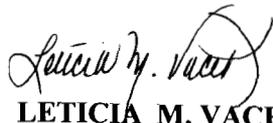
There being no further business to discuss, Mayor Pro Tem Radle adjourned the meeting at 8:22 p.m.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk