

**STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO**

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, SEPTEMBER 20, 2006 AND THURSDAY, SEPTEMBER 21, 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:

1. Presentation on the Cost Estimate Briefing and Funding Alternatives for the Museum Reach Urban Segment.

The Council members present were: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The "B" Session adjourned at 4:45 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, September 21, 2006 at 9:00 a.m.

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

The Invocation was led by Rev. Robert Arevalo, Co-Pastor, Grace Tabernacle Church, guest of Councilmember Roland Gutierrez, District 3.

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 September 7, 2006 City Council meetings. Councilmember Gutierrez seconded the motion. The motion passed unanimously.

Councilmember Radle took a Point of Personal Privilege to recognize the United Nations International Day of Peace that is celebrated annually on September 21.

## CONSENT AGENDA

Items 10, 23, 27, 37, 38, 41, 42, and 44 were pulled from the consent agenda for individual consideration. The remaining items were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

Mr. Jack M. Finger, P.O. Box 12048, spoke in disagreement with the International Day of Peace. He asked the Council to reconsider the criminalization charges related to garage sale permits. He also spoke in disagreement to the Hybrid Vehicle Ordinance. He stated that parking fees that will be waived for Hybrids could be used to fund Public Works projects.

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

2006-09-21-1086

ITEM 7. AN ORDINANCE ACCEPTING THE SOLE SOURCE OFFER SUBMITTED BY GT DISTRIBUTORS, INC. TO PROVIDE THE POLICE DEPARTMENT WITH 160 TASER X26E WEAPONS AND ACCESSORIES FOR A TOTAL OF \$145,842.65, FROM THE CONFISCATED PROPERTY – FEDERAL ACCOUNT FUND.

2006-09-21-1087

ITEM 8. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY CORTES DISTRIBUTING TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH TWO BOX CULVERT CROSSING SECTIONS FOR A TOTAL COST OF \$33,825.62, FROM FUNDS PROVIDED BY A DEVELOPER THROUGH AN IRREVOCABLE LETTER OF CREDIT.

2006-09-21-1088

ITEM 9. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY MED-ENG SYSTEMS, INC. TO PROVIDE THE POLICE DEPARTMENT WITH 3 BOMB SUITS WITH HELMETS, 5 BOMB SEARCH SUITS WITH HELMETS AND 3 ADDITIONAL BOMB COOLING UNITS FOR A TOTAL COST OF \$115,367.00, FROM THE 2005 HOMELAND SECURITY LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.

2006-09-21-1089

ITEM 11. AN ORDINANCE AUTHORIZING THE EXECUTION OF A ONE-YEAR EXTENSION TO THE CONTRACT WITH ALCOHOL AND DRUG TESTS, INC. TO PROVIDE RANDOM AND REASONABLE SUSPICION DRUG-TESTING SERVICES TO THE SAN ANTONIO FIRE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$35,000.00.

2006-09-21-1090

ITEM 12. AN ORDINANCE AUTHORIZING THE EXECUTION OF A ONE-YEAR EXTENSION TO THE CONTRACT WITH ALCOHOL AND DRUG TESTS, INC. TO PROVIDE RANDOM AND REASONABLE SUSPICION DRUG TESTING SERVICES TO THE SAN ANTONIO POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$35,000.00.

2006-09-21-1091

ITEM 13. AN ORDINANCE AUTHORIZING AN ANNUAL CONTRACT NOT TO EXCEED \$544,865.00, SELECTING CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., TO PERFORM PROFESSIONAL SERVICES NECESSARY TO HOUSEHOLD HAZARDOUS WASTE COLLECTION, CHARACTERIZATION, PACKAGING, TRANSPORTATION AND DISPOSAL, WITH OPTIONS IN FAVOR OF THE CITY TO EXTEND THE TERM OF THE AGREEMENT FOR TWO (2) ADDITIONAL (1) ONE YEAR PERFORMANCE PERIODS, FROM THE SOLID WASTE OPERATING FUND.

2006-09-21-1092

ITEM 14. AN ORDINANCE APPROVING A TOTAL ESTIMATED COST NOT TO EXCEED \$800,000; SELECTING ARIAS & ASSOCIATES, DRASH CONSULTING ENGINEERS, INC., FUGRO SOUTH, INC., AND RABA-KISTNER CONSULTANTS, INC. TO PROVIDE CONSTRUCTION MATERIALS TESTING AND PROFESSIONAL CONSULTING SERVICES, AND AUTHORIZING THE NEGOTIATION AND EXECUTION OF FOUR INDEFINITE DELIVERY CONSTRUCTION MATERIALS TESTING AND PROFESSIONAL CONSULTING CONTRACTS, IN CONNECTION WITH CITY-OWNED PROPERTY AND CONSTRUCTION PROJECTS.

2006-09-21-1093

ITEM 15. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$350,000, IN SUPPORT OF THE MAIN PLAZA REDEVELOPMENT PROJECT, LOCATED IN DISTRICT 1, AND AUTHORIZING FUNDS FOR THE RELOCATION OF BUS ROUTES AND PASSENGER FACILITIES CURRENTLY LOCATED ON NORTH MAIN STREET AND MAIN PLAZA/SOLEDAD STREET TO FLORES STREET BETWEEN DURANGO AND MARTIN STREET; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH VIA METROPOLITAN TRANSIT (VIA), AND AUTHORIZING AN AMENDMENT TO EXTEND FOR TEN (10) YEARS THE ADVERTISING SHELTER PLACEMENT AGREEMENT WITH VIA, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT.

2006-09-21-1094

ITEM 16. AN ORDINANCE APPROVING A 10-YEAR LICENSE TO BRACKENRIDGE PARK/BROADWAY DEVELOPMENTS, LTD. IN A TOTAL AMOUNT OF \$6,669 FOR THE USE OF A PORTION OF BRACKENRIDGE AVE. NEAR BROADWAY FOR PARALLEL PARKING SPACES, DISTRICT 2.

2006-09-21-1095

ITEM 17. AN ORDINANCE APPROVING AN INDEFINITE TERM JOINT USE AGREEMENT WITH O'HAVER DEVELOPMENT, LLC FOR \$5,000 PAYABLE TO THE CITY, FOR A SEWER LATERAL IN A DRAINAGE RIGHT OF WAY IN THE VALENCIA UNIT 4 SUBDIVISION NEAR O'CONNOR ROAD, DISTRICT 10.

2006-09-21-1096

ITEM 18. AN ORDINANCE DECLARING 614 ALBERT STREET, DISTRICT 1, AS SURPLUS AND AUTHORIZING ITS SALE TO RUDY R. RIVAS, FOR A TOTAL PRICE OF \$501, THE CITY'S SHARE BEING \$236 AND THE BALANCE GOING TO OTHER TAXING AUTHORITIES.

2006-09-21-1097

ITEM 19. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$279,082.00 TO RENEW FUNDING FOR THE LOCAL HEALTH SERVICES/HEALTH EDUCATION PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006

THROUGH AUGUST 31, 2007; APPROVING THE PERSONNEL COMPLEMENT;  
AND APPROVING THE PROGRAM BUDGET.

2006-09-21-1098

ITEM 20. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$135,000.00 TO RENEW FUNDING FOR THE ONGOING BREAST AND CERVICAL CANCER CONTROL PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT THROUGH JUNE 30, 2007; AUTHORIZING THE EXECUTION OF A CONTRACT WITH CHRISTUS SANTA ROSA HEALTHCARE FOR MOBILE AND DIAGNOSTIC MAMMOGRAPHY SERVICES THROUGH NOVEMBER 30, 2009; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-09-21-1099

ITEM 21. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$357,628.00 TO FUND THE ONGOING TITLE XX FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-09-21-1100

ITEM 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR AN ADDITIONAL \$300,000.00 TO AUGMENT FUNDING FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS LABORATORY PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AND EXTEND THE CONTRACT PERIOD THROUGH AUGUST 31, 2007; REVISING THE PROGRAM BUDGET; AND ADOPTING THE PERSONNEL COMPLEMENT.

2006-09-21-1101

ITEM 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$33,841.02 TO RENEW FUNDING FOR THE TITLE X FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-09-21-1102

ITEM 25. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$45,000.00 TO RENEW FUNDING FOR THE MILK AND DAIRY LABORATORY SAMPLE TESTING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; AND APPROVING THE PROGRAM BUDGET.

2006-09-21-1103

ITEM 26. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOCAL TRANSPORTATION PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE INSTALLATION AND MAINTENANCE OF ADDITIONAL TREES TO THE CAMINO VERDE PLANTING PROGRAM ALONG THE US 281 CORRIDOR FROM BASSE TO ST. MARY'S STREET IN CITY COUNCIL DISTRICT 9 AND AUTHORIZING PAYMENT IN AN AMOUNT NOT TO EXCEED \$100,000.00 FROM FY 2005-06 TREE MITIGATION FUND.

2006-09-21-1104

ITEM 28. AN ORDINANCE APPROVING AN INVESTMENT POLICY FOR THE CITY OF SAN ANTONIO, TEXAS, IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS PUBLIC FUNDS INVESTMENT ACT, AS AMENDED, FOR THE CITY COUNCIL TO REVIEW AND APPROVE THE CITY'S INVESTMENT POLICY; DESIGNATING CERTAIN EMPLOYEES AS INVESTMENT OFFICERS FOR THE CITY OF SAN ANTONIO; AND PROVIDING AN EFFECTIVE DATE.

2006-09-21-1105

ITEM 29A. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MASTER LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP, TO FUND VARIOUS PERSONAL PROPERTY ACQUISITION REQUIREMENTS, WITH A TERM BEGINNING ON OCTOBER 1, 2006, AND ENDING ON SEPTEMBER 30, 2007, WITH OPTIONS TO RENEW FOR FOUR (4) ADDITIONAL ONE (1) YEAR TERMS, PROVIDING FOR AN ANNUAL LEASE FINANCING AMOUNT NOT TO EXCEED \$25,000,000.00 IN THE FIRST YEAR AND NOT TO EXCEED \$5,000,000.00 IN EACH OF THE REMAINING FOUR (4) YEARS, FOR A TOTAL OF \$45,000,000.00, AND AN AMORTIZATION PERIOD BETWEEN THREE (3) AND SEVEN (7) YEARS AT THE CITY'S DISCRETION;

AUTHORIZING THE PAYMENT OF THE COSTS OF FINANCING; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

2006R-09-21-1106

ITEM 29B. A RESOLUTION AUTHORIZING THE REIMBURSEMENT OF FUNDS PREVIOUSLY EXPENDED FROM THE PROCEEDS OF THE MASTER LEASE PURCHASE AGREEMENT ENTERED INTO BETWEEN THE CITY OF SAN ANTONIO AND BANC OF AMERICA PUBLIC CAPITAL CORP; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS RESOLUTION.

2006-09-21-1107

ITEM 30. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HUMANA HEALTH PLAN OF TEXAS, INC. ALLOWING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO RECEIVE UP TO \$55,000.00 FOR PROVIDING INFLUENZA IMMUNIZATIONS TO HUMANA HEALTH INSURANCE ENROLLEES FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2006-09-21-1108

ITEM 31. AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH EARTH TECH, INC. FOR \$90,004.00 TO PROVIDE THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT WITH A PUBLIC HEALTH CRISIS AND EMERGENCY RISK COMMUNICATIONS PLAN FOR THE PERIOD OCTOBER, 1, 2006 THROUGH DECEMBER 29, 2006.

2006-09-21-1109

ITEM 32. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL CONTRACT WITH THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE FOR \$2,100.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE DEATH CERTIFICATES OF DECEASED PAROLEES FROM SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007.

2006-09-21-1110

ITEM 33. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO PROVIDE FORENSIC SCIENCE SERVICES TO THE CITY OF SAN ANTONIO, EFFECTIVE OCTOBER 1, 2006, THROUGH SEPTEMBER 30, 2007, WITH AUTOMATIC ANNUAL RENEWALS FOR FOUR ADDITIONAL ONE-YEAR TERMS; AND AUTHORIZING A MINIMUM GUARANTEED AMOUNT FOR FY 2007 OF \$1,087,571.00.

2006-09-21-1111

ITEM 34. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CITY-COUNTY INTERLOCAL AGREEMENT WITH UNIVERSITY HEALTH SYSTEM (UHS) FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE PREVENTATIVE AND EMERGENCY PREPAREDNESS SERVICES, PURCHASE MEDICAL SUPPORT SERVICES AND CONTINUE COLLABORATION WITH UHS FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2009; AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR THE SERVICES OF A PUBLIC HEALTH PREVENTION SPECIALIST FOR APPROXIMATELY TWO YEARS.

2006-09-21-1112

ITEM 35. AN ORDINANCE AUTHORIZING THE EXECUTION OF ONE-YEAR INTERLOCAL AGREEMENTS FOR EMERGENCY MEDICAL SERVICES WITH THE SUBURBAN CITIES OF CASTLE HILLS, HELOTES, HILL COUNTRY VILLAGE, AND WINDCREST, EFFECTIVE OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2006-09-21-1113

ITEM 36. AN ORDINANCE CARRYING FORWARD CERTAIN FUNDS; CLOSING ACCOUNTING RECORDS IN CERTAIN FUNDS; AMENDING PRIOR APPROPRIATIONS; APPROPRIATING FUNDS FOR REQUIREMENTS IN CITY PROJECTS AND DEPARTMENTS; AND APPROPRIATING CERTAIN CAPITAL PROJECT FUNDS.

2006-09-21-1114

ITEM 39. AN ORDINANCE AUTHORIZING THE EXECUTION OF EXTENSIONS THROUGH AUGUST 31, 2007, OF FOUR INTERLOCAL AGREEMENTS WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS) FOR THE STORAGE OF EMERGENCY HEALTH SERVICES EQUIPMENT AND MATERIAL AT VARIOUS SAN ANTONIO POLICE DEPARTMENT FACILITIES FOR A COMBINED FEE OF \$20,000.00.

2006R-09-21-1115

ITEM 40. A RESOLUTION REQUESTING THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) TO REQUIRE AN IMPACTS ANALYSIS FOR NEW AIR PERMITS TO DETERMINE RESPECTIVE IMPACTS ON THE STATE'S AIR QUALITY AND TO ADDRESS GROUND-LEVEL OZONE IN THE SAN ANTONIO REGION.

Item 43. **Board Appointments: 43A-C**

A. Appointing Victoria C. Rodriguez (District 5) and Maggie A. Tonra (District 7) to the San Antonio Youth Commission for terms of office to expire May 31, 2007.

B. Appointing Ernest Garcia (District 2) to the Linear Creekway Parks Advisory Board for a term of office to expire May 31, 2007.

C. Appointing Kathleen A. White (District 7) to the Transportation Advisory Board (Category: Consumer) for a term of office to expire May 31, 2007.

[Consent Items Concluded]

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

2006-09-21-1116

Item 4. AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS HOTEL OCCUPANCY TAX SUBORDINATE LIEN REVENUE REFUNDING BONDS, SERIES 2006"; MAKING PROVISION FOR THE PAYMENT OF THESE BONDS ON A PARITY WITH CERTAIN OBLIGATIONS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE,

PAYMENT, SALE AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT AND AN ESCROW DEPOSIT LETTER AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT, PROVIDING FOR THE DEFEASANCE OF THE BONDS BEING REFUNDED; AND PROVIDING AN EFFECTIVE DATE.

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

Mr. Ben Gorzell, Director of Finance outlined the transactions related to the bond sale, a copy of which is on file with the Office of the City Clerk. He cited the delivery schedule, bond ratings from each of the agencies, and the underwriter syndicate.

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

**PUBLIC HEARING: PROPOSED VOLUNTARY ANNEXATION OF CULEBRA/1604 AREA**

Item 5. Second Public Hearing on the proposed voluntary annexation of the Culebra/1604 area.

Mayor Hardberger declared the Public Hearing to be open.

Mr. Emil Moncivais, Director of Planning, made a presentation on the 2nd public hearing on the proposed voluntary annexation request of the Culebra/Loop 1604 area, a copy of which is on file with the Office of the City Clerk. He outlined background information on the proposed annexation. He highlighted on the Annexation Goals and Policies, delineated on the fiscal impact noting that the 2005 Bexar Appraisal assessment was \$5.9 million. He stated the total property tax revenue was \$34,423, the maintenance and operating fund was \$21,839 and the debt service fund was \$12,584. He also added that the proposed area could be served with existing resources which included police, fire and EMS services.

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, who wrote on the tax breaks received by large businesses. He also stated that the City continues to annex land and pay Police Officers and Firefighters high wages, both of which cost citizens money. He wrote that the City and County should both be doing their share to help low

income families and individuals. He recommended that the City and County combine police forces to save money. In response to Item 12 he wrote that the Mayor and the Council should practice what they preach. He wrote to the drug tests that are required for certain City employees. He asked that City drivers, Park Rangers, and Security Guards from private companies also be drug tested.

Mayor Hardberger declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

2006-09-21-1117

Item 6. AN ORDINANCE AUTHORIZING A GRANT APPLICATION, AND ACCEPTANCE OF GRANT FUNDS UPON AWARD, IN AN AMOUNT NOT TO EXCEED \$1,128,045.00, FROM THE DEPARTMENT OF DEFENSE OFFICE OF THE ECONOMIC ADJUSTMENT TO ESTABLISH A MILITARY TRANSFORMATION OFFICE TO SUPPORT THE COMMUNITY'S EFFORTS IN PARTNERING WITH THE MILITARY TO IMPLEMENT THE RESULTS OF THE 2005 BASE REALIGNMENT AND CLOSURE COMMISSION; AUTHORIZING THE EXECUTION OF RELATED CONTRACTS; APPROPRIATING FUNDS; APPROVING A PERSONNEL COMPLEMENT; AND AUTHORIZING THE AMENDMENT OF CITY ORDINANCE NO. 2006-04-13-0464.

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

Mr. Ramiro Cavazos, Director of Economic Development, made a presentation on the U.S. Department of Defense Office of Economic Adjustment (OEA) Growth Management Grant, a copy of which is on file with the Office of the City Clerk. He stated this ordinance would authorize acceptance of a federal grant in the amount up to \$1,128,045 from OEA to support the community's efforts in partnering with the military to implement the directives of the 2005 Base Realignment and Closure (BRAC 2005) law. He spoke to the community's net gain as a result of BRAC 2005 which will result in approximately 3,600 jobs over the next 5 years and Fort Sam Houston's gain of almost 12,000 jobs and 5,900 family members. He further expounded on the OEA, its responsibility to the communities impacted by BRAC, and the two year assistance to the City which will help establish an Office of Military Transformation that will support the City's efforts.

The motion prevailed 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:

2006-09-21-1118

ITEM 37. AN ORDINANCE ACCEPTING THE RESIGNATION OF PART-TIME MUNICIPAL COURT JUDGE PETER ZAMORA AND APPOINTING PAMELA CRAIG AS A PART-TIME MUNICIPAL COURT JUDGE TO SERVE THE UNEXPIRED TERM ENDING APRIL 30, 2008.

Councilmember Hall made a motion to accept the resignation of Peter Zamora, Part-time Municipal Court Judge. Councilmember Haass seconded the motion.

Councilmember Hall made an amendment to appoint Pamela Craig as Part-time Municipal Court Judge. Councilmember Perez seconded the motion.

Judge John Bull stated the necessity for part time judges. He also spoke to the qualifications and experience of the candidate.

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

The main motion, as amended, prevailed 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:

2006-09-21-1119

ITEM 10. AN ORDINANCE AUTHORIZING THE EXECUTION OF A \$41,749.00 MAINTENANCE AGREEMENT WITH UNGERBOECK SYSTEMS INTERNATIONAL TO PROVIDE MAINTENANCE FOR THE EVENT BUSINESS MANAGEMENT SOFTWARE UTILIZED FOR BOOKING BY THE ALAMODOME, CONVENTION AND VISITORS BUREAU AND CONVENTION FACILITIES FOR FISCAL YEAR 2006-2007.

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

The motion prevailed 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:

2006-09-21-1120

ITEM 23. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR \$129,649.00 TO RENEW FUNDING FOR THE ONGOING TITLE V FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

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

The motion prevailed 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:

2006-09-21-1121

ITEM 27. AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADDING A NEW ARTICLE XIV TO REQUIRE DEMOLITION LICENSING AND BONDING; ESTABLISHING DEMOLITION PERMIT REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES AND DIRECTING PUBLICATION.

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

The motion prevailed 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:

2006-09-21-1122

ITEM 38. AN ORDINANCE AMENDING AND ENACTING SECTIONS OF CHAPTER 16 OF THE CITY CODE TO DECRIMINALIZE VIOLATIONS OF GARAGE SALE PERMIT REQUIREMENTS AS A ONE-YEAR PILOT PROGRAM; AND ENACTING CIVIL PENALTIES AND ADMINISTRATIVE HEARING PROCEDURES FOR VIOLATIONS.

Councilmember Gutierrez made a motion to amend the Ordinance by utilizing the Ordinance as a pilot program for next year. Councilmember Flores seconded the motion.

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

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

The City Clerk read the following Resolutions:

2006R-09-21-1123

ITEM 41. A RESOLUTION SUPPORTING THE NATIONAL "PLUG-IN HYBRID ELECTRICAL VEHICLE (PHEV)" CAMPAIGN.

2006R-09-21-1124

ITEM 42. A RESOLUTION REQUESTING TEXAS 80TH LEGISLATURE TO CONTINUE APPROPRIATING ALL FUNDS COLLECTED FOR IMPOLEMENTATION OF THE TEXAS EMISSIONS REDUCTION PLAN (TERP) PROGRAM AND FOR THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY TO USE SUCH FUNDING FOR THE BENEFIT OF REGIONAL CLEAN AIR ATTAINMENT.

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

The motion carried the passage of the Resolutions 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:

ITEM 44. CONSIDERATION AND APPOINTMENT OF 16 INDIVIDUALS TO THE SAN ANTONIO EMPOWERMENT ZONE GOVERNANCE BOARD (EZGB) TO FILL TERMS COMMENCING ON OCTOBER 1, 2006 AND EXPIRING ON SEPTEMBER 30, 2008.

Mr. Ramiro Cavazos, Director of Economic Development delineated the candidates for the respective slots noting there were a total of 16 appointments to be made. He noted that one of the categories, specifically for the Port Authority, would require a roll call vote since there were 2 candidates for the 1 slot.

City Clerk Leticia Vacek took a roll call vote resulting on the appointment of Mr. Giancarlo Carriero to represent the Port Authority category.

Councilmember Perez made a motion to approve the Ordinance appointing the 16 members to the Empowerment Zone Governance Board. Councilmember Flores seconded the motion.

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

### **City Manager's Report**

City Manager Sheryl Sculley announced the retirement of Roland Lozano and Dan Cardenas. Mayor Hardberger read and presented Certificates of Appreciation.

The Mayor recessed the Regular Session at 12:00 p.m. and announced that Council would reconvene at 1:30 pm in Executive Session.

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Session at 1:30 p.m. in order to convene in Executive Session for the purpose of:

A. Deliberate the appointment, employment and duties of applicants for the position of City Auditor pursuant to Texas Government Code Section 551.074 (personnel matters).

B. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 3:00 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.

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

P-2. PLAN AMENDMENT # 06009 (District 2) : An Ordinance amending the Land Use Plan contained in the IH 10 East Corridor Perimeter Plan, a component of the Master Plan of the City, by changing the use of approximately 16 acres of land located at 8755 IH 10 East from Parks and Open space land use to Community Commercial land use. Staff and Planning Commission recommend Approval. Associated Zoning Case: Z2006163CD

Ms. Nina Nixon-Mendez, Planning Manager, explained the proposed plan amendment.

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

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

2006-09-21-1125

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE IH 10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 16 ACRES OF LAND LOCATED AT 8755 IH 10 EAST, MORE SPECIFICALLY DESCRIBED BY LEGAL DESCRIPTION NCB 17991 P-18A (10.138AC) CB 5089 P-18A (6.185AC) ABS 971 FROM PARKS AND OPEN SPACE LAND USE TO COMMUNITY COMMERCIAL LAND USE.

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P-3. PLAN AMENDMENT #06010 (District 5) : An Ordinance amending the Land Use Plan of the Nogalitos / S. Zarzamora Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.238 acres of land at 115 Ames Ave. Staff and Planning Commission recommend Approval. Associated Zoning Case: Z2006133

Ms. Nina Nixon-Mendez, Planning Manager, explained the proposed plan amendment.

Mr. Trace Burton, Martin and Drought, 300 Convent Suite 2500, thanked Councilmember Radle for all of her help. He stated that all the parties involved in this case were working together to resolve some underlying issues.

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

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

2006-09-21-1126

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE NOGALITOS / S. ZARZAMORA COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.238 ACRES OF LAND LOCATED AT 115 AMES AVE FROM MEDIUM-DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL LAND USE.

Z-2. ZONING CASE #Z2006163 CD (District 2): An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "C-2" (CD-Oversize Vehicle Refrigeration Installation) Commercial District with a Conditional Use for Oversize Vehicle Refrigeration Installation on a 2.029 acre tract out of NCB 17991, 8755 Interstate Highway 10 East as requested by David Moody, Applicant, for David Moody, Owner. Staff and Zoning Commission recommend Approval contingent upon plan amendment.

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

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

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

2006-09-21-1127

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 2.03 ACRES OUT OF NCB 17991 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "C-2" (CD-OVERSIZE VEHICLE REFRIGERATION INSTALLATION) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR OVERSIZE VEHICLE REFRIGERATION INSTALLATION.

Z-3. ZONING CASE #Z2006240 (District 3): An Ordinance changing the zoning district boundary from "C-2NA" Commercial Nonalcoholic Sales District to "R-6" Residential Single-Family District on Lot 8, Block 14, NCB 9314, 211 Verne, as requested by Jose G. Pena, Applicant for Jose G. Pena, Owner. Staff recommends Approval. Zoning Commission pending September 19, 2006.

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 McNeil seconded the motion.

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

2006-09-21-1128

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, BLOCK 14, NCB 9314 FROM "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT.

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Z-4. ZONING CASE #Z2006247 (District 3): An Ordinance changing the zoning district boundary from "MF-33" Multi Family District to PUD "MF-33" Planned Unit Development Multi Family District on 21.758 acres out of NCB 11153 and NCB 11154, Ashley Road, west of Roosevelt Boulevard requested by Brown, P.C., Applicant for Ashley Heights Development Venture, Owner. Staff recommends Approval. Zoning Commission pending September 19, 2006.

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 McNeil seconded the motion.

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

2006-09-21-1129

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 21.758 ACRES OUT OF NCB 11153 AND 11154 FROM "MF-33" MULTI-FAMILY DISTRICT TO PUD "MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT.

Z-5. ZONING CASE #Z2006214 S (District 4): An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "C-3NA" S General Commercial District, Nonalcoholic Sales with Specific Use Permit for a Welding Shop on Lot 19 and Lot 20, Block 34, NCB 8922, 125 Bynum Avenue and 129 Bynum Avenue, as requested by Miguel A. Perez, Applicant, for Betty Joe Brown Vacek, Owner. Staff and Zoning Commission recommend Approval.

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 Gutierrez seconded the motion.

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

2006-09-21-1130

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 19 AND LOT 20, BLOCK 34, NCB 8922 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "C-3 NA" S GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH SPECIFIC USE PERMIT FOR A WELDING SHOP.

Z-6. ZONING CASE #Z2006216 (District 6): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "C-2NA" General Commercial District, Nonalcoholic Sales on the West 91.43 feet of the following: Lot 157, Lot 158, Lot 159, Lot 160, Lot 161, and Lot 162, Block 3, NCB 8124, 912 South San Augustine, 914 South San Augustine, and 916 South San Augustine as requested by David Ikeler, Applicant, for Carmen Moreno, Owner. Staff recommends Denial. Zoning Commission recommends 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.

Mr. Jack M. Finger, P.O. Box 12048, spoke to items P-1 and Z-1. He stated that staff was recommending denial because the designation C-2 NA was not appropriate for the area. He said the designation is too intensive for the area and would lead to encroachment. He stated that the development was not aligned with the neighborhood plan.

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

2006-09-21-1131

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 WEST 91.43 FEET OF LOT 157, LOT 158, LOT 159, LOT 160, LOT 161 AND LOT 162, BLOCK 3, NCB 8124 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT.

Z-7. ZONING CASE #Z2006217 (District 5): An Ordinance changing the district boundary from "I-2" HS Heavy Industrial Historic Significance District and "I-2" Heavy Industrial District to "MF-33" HS Multi Family Historic Significance District and "MF-33" Multi Family District on 0.322 acres out of NCB 271, 710 South Medina Street, as requested by Brown, P.C., Applicant, for Milmo Investments, LLC, Owner. Staff and Zoning Commission recommend approval.

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

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

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

2006-09-21-1132

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.322 ACRES OUT OF NCB 271 FROM "I-2" HS HEAVY INDUSTRIAL HISTORIC SIGNIFICANCE DISTRICT AND "I-2" HEAVY INDUSTRIAL DISTRICT TO "MF-33" HS MULTI-FAMILY HISTORIC SIGNIFICANCE DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT.

Z-8. ZONING CASE #Z2006208 (District 6): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "R-5" Residential Single Family District on Lot 57, Lot 60, Lot 61, Lot 65, Lot 68 and Lot 69, Block 41, NCB 17642, 9855 Gazelle Ford; 9930, 9926, 9910, 9842, and 9838 Sable Green, as

requested by Brown P.C., Applicant, for Laredo Westover Ridge, Ltd., Owner. 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 Wolff seconded the motion.

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

2006-09-21-1133

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 57, LOT 60, LOT 61, LOT 65, LOT 68 AND LOT 69, BLOCK 41, NCB 17642 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

Z-9. ZONING CASE #Z2006133 (District 5): An Ordinance changing the zoning district boundary from "RM-4" Residential Mixed District to "C-1" Light Commercial District on 0.238 acres out of Lot 19, Block 19, NCB 8700, 115 Ames Avenue, as requested by Martin, Drought & Torres, Inc., Applicant, for Randall S. Vail, Owner. Staff and Zoning Commission recommend Approval pending a plan amendment.

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

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

Mr. Trace Burton, Martin and Drought, 300 Convent Suite 2500, urged Council to approve the item.

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

2006-09-21-1134

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 .238 ACRES OUT OF LOT 19, BLOCK 19, NCB 8700 FROM "RM-4" RESIDENTIAL MIXED DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

Z-10. ZONING CASE #Z2006207 CD (District 7): An Ordinance changing the zoning district boundary from C-2" Commercial District to "C-2" (CD-Nightclub) Commercial District with Conditional Use for a Nightclub on Lot P-93, NCB 18314, 7350 Tezel Road, as requested by Chris Sanford, Applicant, for Sam Kobrinsky, Owner. Staff and Zoning Commission recommend Approval with conditions  
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 Hall seconded the motion.

Mr. Chris Sanford, 70809 Westwood Loop, stated there was no opposition from the owner or tenant of the property in regards to the zoning case.

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

2006-09-21-1135

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-93, NCB 18314 FROM "C-2" COMMERCIAL DISTRICT TO "C-2" (CD-NIGHTCLUB) COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A NIGHTCLUB.

Z-11. ZONING CASE #Z2006205 (District 8): An Ordinance changing the zoning district boundary from C-1" Commercial District to "C-2" (CD-Sound and Recording Studio) Commercial District with a Conditional Use for a Sound and Recording Studio

on Lot 10, NCB 14595, 8535 Fairhaven Street as requested by Richard M. Veliz, Applicant, for V Studio, Ltd/Richard M. Veliz, Owner. Staff and Zoning Commission recommend Approval.

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

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

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

2006-09-21-1136

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 10, NCB 14595 FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" (CD-SOUND AND RECORDING STUDIO) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A SOUND AND RECORDING STUDIO.

Z-12. ZONING CASE #Z2006210 (District 8): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on 0.35 acres out of Lot 8, Block 2, NCB 19189, 12840 Interstate Highway 10 West as requested by Javad Bonakchi, Applicant, for Giovanni Enterprises, Inc., Owner. Staff and Zoning Commission recommend Approval.

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

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

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

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 0.343 ACRES OUT OF LOT 8, BLOCK 2, NCB 19189 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-13. ZONING CASE #Z2006159 (District 10): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-4" Residential Single-Family District on Lot P-3, NCB 16587, 15088 Toepperwein Road as requested by Sergio Tubilla, Applicant, for Bryan and Katina DeKay, Owners. Staff recommends Approval.

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

The following citizen(s) appeared to speak:

Mr. James Webster, 6303 Wenzel, spoke in opposition to the zoning case. He stated that the developer refused to work with residents of the area. He asked that Council keep the district boundary at R-6.

Mr. Sergio Tubilla, Applicant, 15088 Toepperwein, stated that he had amended the plan several times in order to appease the community. He also stated that he had addressed community concerns with drainage and traffic issues. Lastly, he stated that changing the zoning to D-4 would be a good compromise for all parties concerned.

Ms. Linda Owen, 6434 Green Apple, spoke in opposition to the zoning change.

Mr. David Owen, 6434 Green Apple, spoke against the zoning change. He stated that the developer did not try to work with the community.

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

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

Z-14. ZONING CASE #Z2005289 (Districts 9 and 10): An Ordinance changing the zoning district boundary from "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres all on 29.83 acres out of NCB 17727, 3500 Block to the 3600 Block of North Loop 1604 East as requested by Earl & Associates, Applicant, for The Sitterle Corporation, Owner. Staff and Zoning Commission recommend Approval.

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

Councilmember Haass made a motion to continue the proposed rezoning case for 30 days. Councilmember Wolff seconded the motion.

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

Z-15. ZONING CASE #Z2006122 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 14 Units per acre on P-33A, NCB 15479, Old Tezel Road as requested by Trinity Construction and Developments, Applicant, for William C. Hunger, Owner. Staff and Zoning Commission recommend Approval.

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

Councilmember Guajardo made a motion to deny the proposed rezoning case. Councilmember Herrera seconded the motion.

The following citizen(s) appeared to speak:

Ms. Teresa Schneider presented Council with a petition that was against the development. She spoke against the proposed zoning change. She stated that a multi-family dwelling does not align with the current neighborhood. She was not in favor of multi-family dwellings in the neighborhood. She asked the City to protect neighborhoods.

Mr. Paul Tausch presented a layout of the development plan. He stated that the entire development would only contain 14 units. He stated that several meetings have been

held with neighborhood associations, homeowners and his Councilmember. He stated that the community had input on the style of the homes. He noted that all streets will be private with entryway drives into the units. He explained that the development was not for low income families. Lastly, he stated that he will continue to work with the community throughout the development process and urged Council to support the zoning change.

Mr. Terry Ehrlich, 8714 Bent Willow, stated that after she looked at the development plans she decided they were acceptable. She noted that the development will not interfere with the neighborhood.

Mr. Clarke Ehrlich, 8714 Willow, stated that the development will not detract from the neighborhood. He noted that the developer will comply with the tree ordinance. He urged approval of the rezoning.

Mr. Victor Castillo stated that initially incorrect information was sent to the homeowners. He noted that he and his family have no concerns with the development. He further stated that the new homes will not detract from the neighborhood. He urged Council to approve the proposed change.

Mr. William Hungar, property owner, stated that he originally bought the property with the intent to build a home on it. He explained that since building was so expensive, he bought a home elsewhere, but has enjoyed the property because of the green space. He noted the importance of keeping the trees and helping out in the neighborhood and stated that the developer has the same goal in mind. He asked Council to support the zoning change.

Mr. Darnell Harkley stated that he knows the developer and appreciates that he builds quality homes.

Mr. Fernando Trevino stated that he knows the developer. He stated that he had sold property that was built by this developer and never received any complaints. He stated that the developer is very professional and will follow whatever guidelines are given to him by the City.

Mr. Scott Diye stated that he was an engineer hired to do the master plan for the development. He stated that a central drive system would be used which would help preserve trees on the property. He further noted that with the flexibility to change the planning, more trees could be preserved and the overall aesthetic of the neighborhood would not be hindered.

The motion to deny prevailed by the following vote: **AYES:** McNeil, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** Flores. **ABSENT:** Gutierrez, Perez.

P-1. PLAN AMENDMENT #06011 (District 1): An Ordinance amending the Land Use Plan contained in the North Central Neighborhoods Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.51 acres of land located at 3910 McCullough from Neighborhood Commercial land use to Community Commercial land use. Staff and Planning Commission recommend Denial. Associated Zoning Case: Z2006136

Ms. Nina Nixon-Mendez, Planning Manager, explained the proposed plan amendment.

Councilmember Flores made a motion to continue the proposed plan amendment for 30 days. Councilmember Hall seconded the motion.

After consideration the motion to continue for 30 days prevailed by the following vote: **AYES:** Flores, McNeil, Radle, Guajardo, Hall, Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez, Herrera, Wolff, Haass.

Z-1. ZONING CASE #Z2006136 (District 1): An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District and "R-4" Residential Single-Family District to "C-2" Commercial District on the East 80.4 feet of Lot 42, Block 9, NCB 2802, 200 Block of East Hildebrand Avenue as requested by Olmos Park Village, L. P. c/o Steward Capital Ventures, LLC, General Partner, Applicant, for Olmos Park Village, L. P. c/o Steward Capital Ventures, LLC, General Partner, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

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

Councilmember Flores made a motion to continue the proposed rezoning case for 30 days. Councilmember Hall seconded the motion.

The motion to continue for 30 days carried prevailed by the following vote: **AYES:** Flores, McNeil, Radle, Guajardo, Hall, Mayor Hardberger. **NAYS:** None. **ABSENT:** Gutierrez, Perez, Herrera, Wolff, Haass.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

- A Proclamation for the American Institute of Architects (AIA) San Antonio. The organization will host its 10<sup>th</sup> annual Town & Country Homes Tour on September 30<sup>th</sup>, which is the kick-off for “Architecture Month,” celebrated every October. The self-guided, self-driving tour features 7 San Antonio and Hill Country homes designed by AIA San Antonio member architects. Everything from modern and traditional design favorites to hill country classics will be showcased. This year also marks the 50<sup>th</sup> anniversary of AIA San Antonio.
- A Proclamation for the Texas Music Coalition. “Texas Music Month” is being observed October 2006. This month-long celebration is to raise the awareness and appreciation of Texas music and the local live music industry by encouraging people to go out and enjoy live music throughout October. Live music performances and education panels will take place at area clubs and venues to demonstrate the great wealth and diversity of live music.
- A Citation to George Alva for Taxicab Driver of the year. Mr. George Alva was named the 2006 Cab Driver of the Year by the Taxicab, Limousine and Paratransit (TLPA). Mr. Alva is the District 10 Appointee to the Transportation Advisory Board. He will be featured in the fall issue of TLPA’s *Transportation Leadership Magazine*.

### **CITIZENS TO BE HEARD**

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., spoke to Kelly Air force Base and the Port Authority of San Antonio. He also spoke to the Islamic religion. He cited an article from the Southside Recorder that referred to demolition for the East Kelly Rail Port project. He noted the amount of well water that is used on a daily basis. He recommended that the well water be recycled instead of wasted.

Mr. Faris Hodge, Jr., 140 Dora, stated that the Mayor and the Council should be required to take drug tests. He also stated that the City needs to hire more 911 operators.

Ms. Perle Reyes, 3422 Fontenay Park, spoke to problems with her home and asked the City to help. She stated that inspections are not proper. She asked why the drainage problems were not caught by inspectors before she purchased her home.

Ms. Janet Ahmad, 18 Silver Horn, spoke on the topic of freedom of speech. She noted that sloppy building inspections, worthless home warranties, binding arbitration, and the

builder protection agency have all brought shame to the State of Texas. She stated that builders are not forced to face consequences for poor home construction. She further stated that homeowners are the City's most valuable asset because they are the tax base. She asked the Mayor and Council to enforce more stringent home inspection policies.

Mr. Nick Calzoncit, 66 Brees #114, spoke to the Voter Registration Drive. He asked Council to assist with voter registration. He recommended that the City Council work with School Boards for joint work. He also suggested that Council meetings be held at public schools to encourage a higher turn out of citizens. Lastly, he spoke to the condition of our school systems.

Mr. Hal McClosky, 920 Camaron, expressed concern with the Riverwalk vending ordinance. He stated that with the consent of business owners he should be able to sell on their entire property, not just the inside of the business. He also asked that vendors not be forced to deal with Paseo del Rio to get permits. He stated that there was an overwhelming response in support of Riverwalk vending in a survey that was distributed over the weekend. He also mentioned an article that was published in the San Antonio Express Newspaper concerning Riverwalk Vending.

Ms. Nikki Kuhns, 331 Twisted Wood Dr., spoke in opposition to fluoridation of the City's water. She stated the negative effects that fluoridation has on children. She presented a video on the problem with fluoride.

Mr. Mark Perez, 119 Hardeman, expressed concern with the City's emergency response plan. He spoke to environmental issues that took place at a chemical spill in San Antonio. He stated that the environmental officer from the City falsified information on reports of the spill. Lastly, he asked that the City do an environmental assessment of the site.

## **ADJOURNMENT**

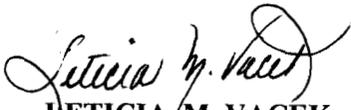
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:47 p.m.

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

A P P R O V E D



PHIL HARDBERGER  
MAYOR

Attest:   
LETICIA M. VACEK  
City Clerk