

**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, OCTOBER 18, 2006 AND THURSDAY, OCTOBER 19, 2006

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, October 18, 2006, Municipal Plaza Building "B" Room, for the purpose of:

1. Staff briefing regarding the River Water Quality Work Group assessment of current conditions and recommended options to improve the water quality, chemical composition, and clarity in the San Antonio River Loop.
2. Staff briefing on Golf Management & Operations Assessment and recommendations concerning governance structure.

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

The "B" Session adjourned at 5:01 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, October 19, 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 Monsignor Adolfo Valdivia-Aguirre, Pastor, Resurrection of the Lord Catholic Church, guest of Councilmember Delicia Herrera, District 6.

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 October 5, 2006 City Council meeting. Councilmember Haass seconded the motion. The motion passed unanimously.

The City Clerk read the following Ordinances:

2006-10-19-1201

Item 4A. AN ORDINANCE APPROVING THE SELECTION OF A FINANCIAL UNDERWRITER POOL FROM WHICH FINANCIAL UNDERWRITER SYNDICATES WILL BE SELECTED AND APPROVED BY CITY COUNCIL FOR VARIOUS FINANCINGS FOR THE TERM COMMENCING WITH THE EFFECTIVE DATE OF THIS ORDINANCE AND TERMINATING ON SEPTEMBER 30, 2009.

2006-10-19-1202

Item 4B. AN ORDINANCE APPROVING INITIAL FINANCIAL UNDERWRITER SYNDICATES SELECTED FROM THE FINANCIAL UNDERWRITING POOL FOR FINANCINGS OF (1) GENERAL IMPROVEMENT AND REFUNDING BONDS AND CERTIFICATES OF OBLIGATION; AND (2) GENERAL AIRPORT REVENUE REFUNDING BONDS, WHICH ARE SCHEDULED FOR SALE IN NOVEMBER, 2006.

Mr. Ben Gorzell, Finance Director, made a presentation on the selection of Financial Underwriter Pool and Initial Syndicates, a copy of which is on file with the Office of the City Clerk. He outlined the selection process initiated on July 9, 2006, the scoring within three categories based on excess net capital, adding that the scoring of the firms in the three categories provided the opportunity for large, medium, small, local and SBEDA firms to be included in the Financial Underwriting Pool. He also stated this scoring would provide the opportunity for the firms to serve in the capacity of Senior, Co-Senior, or Co-Managing Underwriter in the City's future financing transactions. He identified the 16 firms in the underwriting pool, addressed the selection of initial syndicates, the types of financial transactions that the respective firms would handle, and the benefits of the proposed method of selecting the syndicates.

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

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

The City Clerk read the following Ordinance:

2006-10-19-1203

Item 5. AN ORDINANCE APPROVING THE CITY OF SAN ANTONIO'S LEGISLATIVE PLAN FOR THE 80TH REGULAR SESSION OF THE TEXAS LEGISLATURE, WHICH BEGINS JANUARY 9, 2007.

Mr. Andrew Smith, Director of Intergovernmental Relations presented the State Legislative Plan for the 80th Texas Legislature, a copy of which is on file with the Office of the City Clerk. He spoke to the plan organization, outlined the priority issues, initiatives, protection of municipal interests, endorsements/matters of interest, and the timeline leading to the start of the 80th State Legislative Session.

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

Mr. Jack M. Finger, P.O. Box 12048, spoke to the legislative initiatives proposed in Item 5. He spoke in opposition to relocating railroad tracks with taxpayers' money. He also stated that eliminating the public hearing for platting decisions would not be in the best interest of the community. Lastly, he noted that it was not necessary for the City to continue giving aid to Hurricane Katrina evacuees.

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:

2006-10-19-1204

Item 6. AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF \$736,578.00 IN COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AVAILABLE FROM FY 2006-2007 CDBG CONTRACTS BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO DEVELOPMENT AGENCY (SADA); AUTHORIZING THE CLOSE-OUT AND CANCELLATION OF AFFECTED PROJECTS AND THE CREATION OF APPROPRIATE PROJECTS AND PROJECT BUDGETS; AUTHORIZING THE TRANSFER OF ENCUMBERED AND UNENCUMBERED FUNDS FROM ANY AND ALL CONTRACTS BETWEEN THE CITY OF SAN ANTONIO AND SADA TO THE CITY OF SAN ANTONIO NEIGHBORHOOD SERVICES DEPARTMENT AND PLANNING DEPARTMENT; ESTABLISHING ACCOUNTS; DELINEATING PROGRAM RESPONSIBILITIES; AUTHORIZING PERSONNEL CLASSIFICATIONS AND PAY RANGES;

AUTHORIZING THE ALLOCATION OF SAID FUNDS; REVISING THE APPROPRIATE PROJECT BUDGETS; AUTHORIZING THE EXECUTION AND SUBMISSION OF CONTRACTS AND OTHER DOCUMENTS AS NECESSARY IN CONNECTION THEREWITH; AND AUTHORIZING PAYMENT.

Mr. Andrew Cameron, Director of Housing & Community Development, presented the CDBG Reprogramming of SADA Funding, a copy of which is on file with the Office of the City Clerk. He outlined background information, citing the reprogramming revenue, the proposed funding allocations, the proposed staff additions for the Planning Department and Neighborhood Services Department, and fiscal impact.

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

2006R-10-19-1205

Item 7A. A RESOLUTION ALLOWING THE DEVELOPMENT AND CONSTRUCTION OF THE ARTISAN AT SALADO, PHASE II PROJECT, LOCATED IN DISTRICT 2, IN COMPLIANCE WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS REQUIREMENT FOR A DEVELOPMENT WHICH IS LOCATED WITHIN ONE (1) LINEAR MILE OF AN EXISTING DEVELOPMENT THAT SERVES THE SAME TYPE OF HOUSEHOLD.

2006-10-19-1206

Item 7B. AN ORDINANCE AUTHORIZING THE SAN ANTONIO HOUSING FINANCE CORPORATION TO ISSUE TAX EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$15,000,000.00 TO PROVIDE FINANCING FOR THE CONSTRUCTION OF THE ARTISAN AT SALADO, PHASE II PROJECT LOCATED IN DISTRICT 2; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

Mr. Andrew Cameron, Director of Housing & Community Development, made a presentation on the Waiver of One Mile Rule for Artisan at Salado Project, a copy of which is on file with the Office of the City Clerk. He stated the San Antonio Housing Finance Corporation (SAHFC) which is governed by the Board of Directors of the Housing Authority requested a waiver of the State mandated "One Mile Rule" and subsequent authorization to issue Tax Exempt Multifamily Housing Revenue Bonds in an amount not to exceed \$15,000,000 for the Artisan at Salado Project. He outlined background information on the project, noting that the units provided by the project would be affordable, targeting households at or below 60% of Area Median Income. He stated that a tax credit multifamily project is currently located within one mile radius of the proposed project and State law prohibits approval of a new tax credit project located within a mile of another tax credit project less than 3 years old without prior approval from the municipality. He delineated revenues and fees and further noted that this project has not requested and is not receiving any City funds, and would not impact the City's HOME, CDBG, of FY 2006-07 General Fund budgets. He cited the coordination efforts and stated that staff recommended denial of this request.

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

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

CONSENT AGENDA: Items 8-31E

Consent agenda items 10, 15, 16, 17, 19, 24, 28, 30 and 31B were pulled for individual consideration. The remaining items were approved upon motion made by Councilmember Gutierrez and seconded by Councilmember McNeil.

Mr. Jack M. Finger, P.O. Box 12048, spoke in opposition to item 20. In regards to item 21, he stated that there was no way to measure success with the Head Start Program. He recommended that the City stay away from using tax dollars for housing, education, and child care initiatives.

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

2006-10-19-1207

Item 8. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$2,127,000.00, INCLUDING: SOFTWARE UPGRADES, MAINTENANCE AND REPAIRS OF THE MULTI-USER FLIGHT INFORMATION DISPLAY SYSTEM AT THE INTERNATIONAL AIRPORT; JANITORIAL SUPPLIES; I.V. ADMINISTRATION SET & I.V. SOLUTION; PASSENGER TIRES; MATERIAL AND LABOR FOR MAINTENANCE AND REPAIR OF HVAC SYSTEMS FOR THE POLICE HEADQUARTERS BUILDING; WINDOW CLEANING SERVICES; GRASS SOD; VIDEO IMAGE DETECTION SYSTEM AND TRUCK AND INDUSTRIAL TIRES.

2006-10-19-1208

ITEM 9. AN ORDINANCE AWARDED A CONTRACT TO ARIES INDUSTRIES, INC. TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH A REPLACEMENT TRUCK MOUNTED CAMERA INSPECTION SYSTEM FOR A TOTAL COST OF \$34,016.00, FROM THE STORM WATER OPERATIONS FUND.

2006-10-19-1209

Item 11. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$216,324.97, TO INCLUDE AWARDED A \$185,900.00 CONTRACT WITH UNO CONSTRUCTION, INC. AND PRINCIPLE CONTRACTING SERVICES, LLC (A JOINT VENTURE), A SBE/MBE FIRM, FOR THE RELOCATION OF A POOL DRAIN LINE IN CONNECTION WITH THE SOUTHSIDE LIONS PARK POOL DRAINLINE RELOCATION PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT IN DISTRICT 3; AND APPROPRIATING FUNDS.

2006-10-19-1210

Item 12. AN ORDINANCE AUTHORIZING \$60,775.00 INCLUDING PAYMENT IN THE AMOUNT OF \$48,875.00 TO TERRA DESIGN GROUP, FORMERLY GOULD EVANS ASSOCIATES, FOR LANDSCAPE ARCHITECTURE SERVICES UNDER A PREVIOUSLY APPROVED ON-CALL PROFESSIONAL SERVICES CONTRACT IN CONNECTION WITH THE DISTRICT 9 NEIGHBORHOOD PARK DEVELOPMENT PROJECT AT 22710 ROAN PARK FROM 2003-2007 PARK BOND FUNDS; AND APPROPRIATING FUNDS.

2006-10-19-1211

Item 13. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$229,940.00, TO INCLUDE AWARDDING A \$136,500.00 CONTRACT WITH TROPICAL CONTRACTING, LLC, FOR GENERAL REPAIRS ALONG THE RIVER WALK IN CONNECTION WITH THE RIVER WALK REHABILITATION AND IMPROVEMENTS PROJECT, AN AUTHORIZED 2003 CERTIFICATES OF OBLIGATION, RIVER WALK MAINTENANCE REPAIRS PROJECT AND RIVER WALK CAPITAL IMPROVEMENT FUND FUNDED PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS.

2006-10-19-1212

Item 14. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$249,165.59, TO INCLUDE AWARDDING A \$147,650.00 CONTRACT WITH DAVILA CONSTRUCTION, INC., A SBE/MBE/WBE FIRM, FOR THE CONSTRUCTION OF A PEDESTRIAN BRIDGE CONNECTING CONCRETE WALKWAYS BETWEEN THE POOL AND RECREATIONAL CENTER, RENOVATION OF EXISTING CONCRETE WALKS, PROVIDING ADDITIONAL IMPROVEMENTS TO A MULTI-PURPOSE TRAIL, AND AMERICANS WITH DISABILITIES ACT (ADA) MODIFICATIONS IN CONNECTION WITH THE GILBERT GARZA PEDESTRIAN BRIDGE PROJECT, AN AUTHORIZED PROJECT FUNDED THROUGH 1999-2003 PARK BONDS, U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM, AND UNIFIED DEVELOPMENT CODE (UDC) FEES IN DISTRICT 7; AND APPROPRIATING FUNDS.

2006-10-19-1213

Item 18. AN ORDINANCE ACCEPTING TITLE TO TWO PARCELS OF LAND TOTALING APPROXIMATELY 2.767 ACRES FROM THE ARCHDIOCESE OF SAN ANTONIO, IN CONNECTION WITH THE TIMBERHILL LOW WATER CROSSING #57, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT, LOCATED IN COUNCIL DISTRICT 7.

2006-10-19-1214

Item 20. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS, ON BEHALF OF THE SOUTH TEXAS BUSINESS FUND, IN THE

AMOUNT OF \$750,000.00 FROM THE U.S SMALL BUSINESS ADMINISTRATION OFFICE OF WOMEN'S BUSINESS OWNERSHIP FOR THE ESTABLISHMENT OF A WOMEN'S BUSINESS CENTER; APPROPRIATING FUNDS; AND AUTHORIZING A PERSONNEL COMPLEMENT.

2006-10-19-1215

Item 21. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO, AND ACCEPTANCE OF GRANT FUNDS UPON AWARD IN AN AMOUNT NOT TO EXCEED \$45,889,571.00 FROM, THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR OPERATION OF THE HEAD START-EARLY CHILDCARE PROGRAM OF SAN ANTONIO AND BEXAR COUNTY FOR THE PERIOD FROM FEBRUARY 1, 2007 THROUGH JANUARY 31, 2008; AUTHORIZING THE EXECUTION OF A CONTRACT WITH PARENT CHILD INCORPORATED (PCI) IN AN AMOUNT UP TO \$45,419,571.00 TO OPERATE THE HEAD START PROGRAM; AND ADOPTING A BUDGET AND PERSONNEL COMPLEMENT.

2006-10-19-1216

Item 22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE UP TO \$6,164,500.00 TO RENEW SUPPORT FOR THE ONGOING SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC) OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007; ADOPTING THE PROGRAM BUDGET; AND APPROVING THE PERSONNEL COMPLEMENT.

2006-10-19-1217

Item 23. AN ORDINANCE RESCHEDULING THE CITY COUNCIL MEETINGS OF DECEMBER 6, 7, 20 AND 21, 2006.

2006-10-19-1218

Item 25. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE GENERAL OPERATING AGENCY AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE PORT AUTHORITY OF SAN

ANTONIO EXTENDING THE TERM OF THE AGREEMENT BY ONE (1) YEAR TO EXPIRE ON SEPTEMBER 30, 2007.

2006-10-19-1219

Item 26A. AN ORDINANCE AUTHORIZING AND APPROVING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SEIRIES 2006 IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$80,000.00; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12, INCLUDING THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE OF SUCH OBLIGATIONS AND APPROXIMATELY \$180,000,000 CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT AND REFUNDING BONDS, SERIES 2006; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

2006R-10-19-1220

Item 26B. A RESOLUTION RELATING TO ESTABLISHING THE CITY'S INTENTION TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURE OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "DITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007" AND "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2007"; AUTHORIZING OTHER MATTERS INCIDENT AND RELATED THERETO; AND PROVIDING AN EFFECTIVE DATE.

2006-10-19-1221

Item 27. AN ORDINANCE APPROVING THE FORM, CONTENT, AND DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE, SALE, AND DELIVERY OF APPROXIMATELY \$18,055,000 IN PRINCIPAL AMOUNT OF "CITY OF SAN ANTONIO, TEXAS AIRPORT SYSTEM REVENUE REFUNDING BONDS, SERIES 2006"; COMPLYING WITH THE REQUIREMENTS CONTAINED IN SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12; AND AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS AND BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH BONDS.

Item 29. AN ORDINANCE AUTHORIZING PAYMENT OF THE CITY OF SAN ANTONIO'S ANNUAL MEMBERSHIP DUES TO THE TEXAS MUNICIPAL LEAGUE IN THE AMOUNT OF \$47,357.00 FOR THE PERIOD AUGUST 1, 2006 THROUGH JULY 31, 2007.

Board Appointments: Items 31A-31E

A. Appointing Patricia Tarnowski (District 7) and reappointing Lewis M. Marshall (District 2) to the Joint City/County Commission on Elderly Affairs for the remainder of unexpired terms of office to expire September 30, 2008.

C. Reappointing Oscar Williams (District 2) to the Board of Adjustment for the remainder of an unexpired term of office to expire February 22, 2008.

D. Reappointing John Braxton (District 2) to the San Antonio Commission on Literacy for a term of office to expire May 31, 2007.

E. Reappointing Xavier Gonzalez (District 8) to the Historic and Design Review Commission (Category: Business) for a term of office to commence November 1, 2006 and expire on October 31, 2008.

[CONSENT ITEMS CONCLUDED]

Consent Agenda Items pulled for Individual Consideration

The City Clerk read the following:

Item 28. An Ordinance authorizing execution of a contract with CMI Barron Risk Management Services, Inc. to provide third party claims administration and medical cost containment services for the City's self insured workers' compensation and liability programs at a cost of \$1,351,111.00 for the first year, for a term beginning January 1, 2007 and ending December 31, 2009, with renewal options.

Councilmember Haass made a motion to table the proposed Ordinance for two weeks. Councilmember Flores seconded the motion.

The following citizen(s) appeared to speak:

Mr. Roger Williams, 7551 Callaghan #240, Argus, explained the Argus business philosophy to the Council. He also went through a brief timeline of the company's history in San Antonio.

Ms. Sylvia Rios, 7551 Callaghan #240, Argus, thanked Council for the opportunity Argus has had to serve the City of San Antonio, and asked for the opportunity to continue the relationship.

Steve Warner, CMI Barron, thanked Council for the opportunity to work on the account for the last 13 months. He stated that CMI Barron has been in San Antonio since 1969, and the company looks forward to the opportunity to continue to build a positive relationship with the City.

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

The City Clerk read the following Ordinance:

2006-10-19-1223

Item 10. AN ORDINANCE APPROVING THE PROCUREMENT THROUGH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT DIR-SDD-204, OF ONE EXP MEMBERSHIP PROGRAM SEAT AND TWO ADVISORY USERS RESEARCH SEATS FROM GARTNER SERVICES, AT A COST OF \$47,017.75.

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

2006-10-19-1224

Item 15. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROGRAM AMOUNT OF \$1,010,000 FOR THE FY06-07 ANNUAL TRAFFIC SIGNAL PROGRAM TO INSTALL TRAFFIC SIGNALS AT EIGHT (8) INTERSECTIONS,

AND APPROVING A TOTAL ESTIMATED PROGRAM AMOUNT OF \$350,000 FOR THE FY06-07 ANNUAL TRAFFIC SIGNAL UPGRADE PROGRAM TO UPGRADE EXISTING CITY-WIDE TRAFFIC SIGNAL INSTALLATIONS AND SYSTEMS.

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

2006-10-19-1225

Item 16. AN ORDINANCE AUTHORIZING THE EXECUTION OF A SETTLEMENT AND RELEASE AGREEMENT WITH KGME, INC. IN THE AMOUNT OF \$50,000 PAYABLE TO THE CITY OF SAN ANTONIO, AS FINAL SETTLEMENT OF ANY AND ALL CLAIMS AGAINST KGME IN CONNECTION WITH THE GOLIAD ROAD OUTFALL PHASE I PROJECT, AND AUTHORIZING CHANGE ORDER NO. 3-FINAL IN THE DEDUCTIVE AMOUNT OF \$104,769.21 AS A RESULT OF THE SETTLEMENT AND RELEASE AGREEMENT AND RECAPITULATION OF CONTRACT QUANTITIES.

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

The City Clerk read the following Ordinance:

2006-10-19-1226

Item 17. AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A REAL ESTATE PURCHASE AND SALE AGREEMENT, CALLING FOR THE CITY TO PAY APPROXIMATELY \$692,500.00 FOR APPROXIMATELY 2.29 ACRES OF LAND, INCLUDING AN APPROXIMATELY 8,200 SQUARE FOOT

BUILDING LOCATED AT 4020 NACO PERRIN BLVD., DISTRICT 10, FOR USE AS THE NACO PERRIN MULTI-USE HEALTH FACILITY.

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:

2006-10-19-1227

Item 19. AN ORDINANCE APPROVING A SIDEWALK PATIO LICENSE AGREEMENT WITH GOODWILL INDUSTRIES OF SAN ANTONIO FOR 315 SQUARE FEET OF SIDEWALK SPACE AT 418 W. COMMERCE, FOR A FIVE YEAR TERM COMMENCING ON NOVEMBER 1, 2006, WITH A TOTAL ANNUAL RENT IN THE FIRST YEAR OF \$4,838.40 AND ESCALATING 2.5% EACH YEAR THEREAFTER.

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

The following citizen(s) appeared to speak:

Mr. Michael John, 238 Tawsyl Dr., Riverwalk Vendor, spoke to vending permits and the moratorium that is currently in place on mobile food vending, novelty vending, and the number of raspa carts. He also spoke to the lack of an appeal process for vendors who wish to do business on the Riverwalk.

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:

Item 24. An Ordinance authorizing the execution of an interlocal agreement between the City of San Antonio and the Port Authority of San Antonio to allow the Authority to

issue permits and perform inspections related thereto in accordance with local technical codes and regulations.

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

After further discussion, Councilmember Herrera made a motion to postpone item 24 for two weeks. Councilmember McNeil seconded the motion.

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

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

Mayor Hardberger recessed the Regular Session at 12:15 pm to break for lunch and announced that Council would convene in Executive Session at 1:30 pm for the purpose of:

- A. Discuss legal issues related to Mario Telles v. City of San Antonio pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discussion of legal issues related to obligations in CPS Energy's bond ordinances pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:55 pm, 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.

The City Clerk read the following Ordinance:

Item 30. AN ORDINANCE SELECTING THE JOINT VENTURE TEAM OF FREEMAN / WHITEHURST GROUP LTD. AND GAIL M. GOLDMAN ASSOCIATE, LLC FOR NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT TO PROVIDE COMPREHENSIVE PUBLIC ART MASTER PLANNING AND FACILITATION ACTIVITIES, IN AN AMOUNT NOT TO EXCEED \$88,000, IN CONNECTION WITH CITYWIDE PUBLIC ART MASTER PLAN PROJECT.

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

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

The City Clerk read the following:

Item 31B. Appointing Rolando Briones, Jr. (District 8) to the Zoning Commission for the remainder of an unexpired term of office to expire June 30, 2008.

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

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

MASTER PLAN AND ZONING CASES

Item Z-6. ZONING CASE # Z2006168 S (District 4): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "R-6 S" Residential Single Family District with Specific Use Permit for a Daycare Center on Lot 6, Block 20, NCB 18159, 9410 Adams Hill Drive as requested by Jose and Maria Maldonado, Applicant, for Jose and Maria Maldonado, Owners. Staff and Zoning Commission recommend Approval with conditions.

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

The following citizen(s) appeared to speak:

Ms. Julie Iris Oldham spoke in support of the zoning case.

Ms. Maria Maldonado presented a timeline of the learning center's existence. She presented a petition that demonstrated support from the community to allow the learning center to continue its daily operations.

Pastor Jeff Cumming spoke on behalf of the daycare center. He expressed concern for the 28 children and families who would be affected if the daycare were closed. Lastly, he urged Council to vote in favor of the daycare.

Ms. Angela Vargas urged Council to vote in favor of the daycare facility.

Ms. Jordan Maldonado urged Council to vote in favor of the daycare and have a positive impact on the lives of the children and families affected by this decision.

Ms. Janie Rodriguez stated that the employees of the learning center work hard to serve the community through caring for children. She asked Council for the opportunity for teachers at the center to continue doing their jobs.

Ms. Roberta Bernal spoke to the positive relationship the day care has with the surrounding community. She asked Council to vote in favor of the zoning case.

Ms. Sarah Luna spoke to the learning center and the excellent care provided to children, specifically her grandson. She urged Council to support the day care and not close it.

Ms. Jacqueline Luna spoke in support of the day care.

Ms. Gina Ozuna spoke to the quality day care facility. She urged Council to vote in favor of the center.

Mr. Troy Gonzales stated that after extensive searching this was the daycare of choice for his daughter. He asked Council to vote in support of the zoning case.

Ms. Kathleen Kent urged Council to support the day care.

Ms. Heather Garza spoke to the quality education her children received from the learning center. She asked Council to allow the center to continue its work.

Ms. Shanelle Simons spoke to the extensive training and upbringing this daycare provides. She urged Council to vote in favor of the daycare.

Mr. Michael Pruder urged Council to keep the learning center open. He spoke to the quality of the education his daughter received at the daycare.

Ms. Angelica Canales spoke to the advancements she noticed in her daughter since attending the learning center.

Mr. Bob Graham asked that the daycare comply with the requirement of having only 12 children enrolled at the center. He stated that the daycare was in a residential area and he wished to maintain the integrity of the neighborhood. He noted that the neighborhood was not intended to house a business. He asked Council to reduce the occupancy to its original number.

Councilmember Perez made a motion to approve the proposed rezoning case with staff recommendation for a home care facility with conditions. Councilmember Hall 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.

2006-10-19-1229

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 6, BLOCK 20, NCB 18159 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE FAMILY DISTRICT WITH SPECIFIC USE PERMIT FOR A GROUP HOME DAY CARE PROVIDED THE CONDITIONS APPROVED BY THE CITY COUNCIL ARE ADHERED TO.

Item 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 Department, explained the proposed plan amendment.

Councilmember Flores made a motion to table the proposed plan amendment to November 16, 2006. Councilmember Perez seconded the motion.

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

Item P-2. PLAN AMENDMENT CASE #06013 (District 1): An Ordinance amending the land use plan contained in the Five Points Neighborhood Plan, a component of the Master Plan of the City, by changing the use of a 0.367 acre tract of land located at 425 San Pedro Avenue from Local/Neighborhood Commercial to Regional Commercial. Staff and Planning Commission recommend Denial. Associated Zoning Case # Z2006227

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

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

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

2006-10-19-1230

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE FIVE POINTS NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE AND ASSOCIATED TEXT OF APPROXIMATELY 0.367 ACRES OF LAND LOCATED AT 425 SAN PEDRO AVENUE FROM LOCAL/NEIGHBORHOOD COMMERCIAL LAND USE TO REGIONAL COMMERCIAL LAND USE.

Item P-3. PLAN AMENDMENT CASE #06014 (District 4): An Ordinance amending the land use plan contained in the City South Community Plan, a component of the Master Plan of the City, by changing the use of a 130.78 acre tract of land located at 14990 Watson Road from Agriculture Land Use to Agriculture and Light Industry Land Use. Staff and Planning Commission recommend Approval. Associated Zoning Case # 2006238

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to several items concerning District 1. He was opposed to the construction of a Starbucks opening up in District 1. He spoke against the changes to the Five Points area master plan and asked that Council approve the designation that was recommended by staff.

Councilmember Perez made a motion to approve the proposed plan amendment per staff recommendations. Councilmember Gutierrez seconded the motion.

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

2006-10-19-1231

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE HUEBNER/LEON CREEKS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 127.99 ACRES OF LAND LOCATED AT 14990 WATSON ROAD FROM AGRICULTURE LAND USE TO AGRICULTURE AND LIGHT INDUSTRY LAND USE.

Item P-4. PLAN AMENDMENT CASE #06016 (District 8): An Ordinance amending the land use plan contained in the Huebner /Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of a 3.14 acre tract of land located at 10614 Old Prue Road from Low Density Residential to Community Commercial. Staff and Planning Commission recommend Denial.

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

Councilmember Hall made a motion to deny the proposed plan amendment. Councilmember Perez seconded the motion.

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

Item 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, the 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, with a recommendation of "C-1" Light Commercial District. Zoning Commission recommends Approval.

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

Councilmember Flores made a motion to postpone Item Z-1 to November 16, 2006. Councilmember Perez seconded the motion.

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

Item Z-2. ZONING CASE # Z2006227 (District 1): An Ordinance changing the zoning district boundary from "C-2 P" Commercial Pedestrian District to "C-3NA" General Commercial, Nonalcoholic Sales District on Lot 6 and Lot 7, Block 7, NCB 769, 425 San Pedro Avenue as requested by Harry Jewett, Applicant, for Luderus Tire Service, Inc., Owner. Staff recommends Denial, with an alternate recommendation of "C-2 P" (CD-Auto and Light Truck Repair) Commercial Pedestrian District with a Conditional Use for an Auto and Light Truck Repair. Zoning Commission recommends Approval.

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

The following citizen(s) appeared to speak:

Ms. Maria Gomez spoke in support of the zoning change. She stated that there were weaknesses in the original master plan and that she was glad there was an opportunity to fix some of the problems the neighborhood had encountered.

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

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

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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 6 AND LOT 7, BLOCK 7, NCB 769 FROM "C-2 P" COMMERCIAL PEDESTRIAN DISTRICT TO "C-3 NA" GENERAL COMMERCIAL NON ALCOHOLIC SALES DISTRICT.

Item Z-3. ZONING CASE # Z2006246 CD (District 1): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center on Lot 10, Block 2, NCB 3166, 302 Cincinnati as requested by Mary Linda Rios, Applicant, for Mary Linda Rios, Owner. Staff and Zoning Commission recommend Denial.

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

Councilmember Flores made a motion to approve the proposed rezoning case with conditions. Councilmember Hall seconded the motion.

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

2006-10-19-1233

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, BLOCK 2, NCB 3166 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6" (CD-DAY CARE CENTER) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE PROVIDED THE CONDITIONS APPROVED BY THE CITY COUNCIL ARE ADHERED TO.

Item Z-4. ZONING CASE #Z2006257 (District 1): An Ordinance changing the zoning district boundary to designate historic significance on Lot 8, A7 Block 8, NCB 846, 707 East Quincy as requested by the City of San Antonio Planning Department, Historic

Preservation Officer, Applicant, for Lydia Allegria, Owner. 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 prevailed by the following vote: **AYES:** Flores, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** McNeil, Perez.

2006-10-19-1234

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, A7, BLOCK 8, NCB 846 FROM, "O-2" OFFICE DISTRICT TO "O-2 HS" OFFICE DISTRICT HISTORIC SIGNIFICANT.

Item Z-5. ZONING CASE # Z2006215 CD (District 2): An Ordinance changing the zoning district boundary from "C-3 NA" RIO-2 General Commercial Nonalcoholic Sales River Improvement Overlay District-2 on Lots 15 and 16, Block 11, NCB 980, and "I-1" RIO-2 General Industrial River Improvement Overlay District-2 on Lots 5 through 9 and Lots 17 through 19, Block 11, NCB 980, and "MF-33" RIO-2 Multi-Family River Improvement Overlay District-2 on Lots 1 through 6 and Lots 10 through 15, Block 11, NCB 1765 to "IDZ" RIO-2 Infill Development Zone River Improvement Overlay District-2 with Uses Permitted in "MF-50" (CD-Multi-Family Dwellings) Multi-Family District with a Conditional Use for Multi-Family Dwellings not Exceeding 75 units per acre and "C-2" (CD-Nightclub) Commercial District with a Conditional Use for a Nightclub on Lots 5 through 9 and 15 through 19, Block 11, NCB 980 and Lots 1 through 6 and 10 through 15, Block 11, NCB 1765, 1734 Broadway Street , 1820 Broadway Street, 1826 Broadway Street, 1831 N. Alamo Street and 1835 N. Alamo Street as requested by Regent Communities Partners, LP, Applicant, for Paul Mauricio and Sons, Inc., Owner(s). Staff and Zoning Commission recommend Approval, pending Plan Amendment.

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

Councilmember Wolff, on behalf of Councilmember McNeil, made a motion to postpone the proposed rezoning case to November 2, 2006. Councilmember Gutierrez seconded the motion.

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

Item Z-7. ZONING CASE # Z2006238 (District 4): An Ordinance changing the zoning district boundary from "FR" Farm and Ranch District to "MI-1" Mixed Light Industrial District on 127.992 acres out of NCB 4296 as requested by W. W. Rowland Investments, Inc., Applicant, for David Friesenhahn, Owner. Staff and Zoning Commission recommend Approval pending Plan Amendment.

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

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

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

2006-10-19-1235

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 127.992 ACRES OUT OF NCB 4296 FROM "FR" FARM AND RANCH DISTRICT TO "MI-1" MIXED LIGHT INDUSTRIAL DISTRICT.

Item Z-8. ZONING CASE #Z2006033 (District 6): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "R-5" Residential Single-Family District on 31.66 acres out of NCB 16115, 1800 Grandstand Drive as requested by Perry Homes, A Joint Venture, Applicant, for State of Texas: General Land Office, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Herrera made a motion to postpone the proposed rezoning case to November 16, 2006. Councilmember Wolff seconded the motion.

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

Item Z-9. ZONING ORDINANCE #Z2006241 CD (District 7): An Ordinance changing the zoning district boundary from "C-3" General Commercial District, "R-4" Residential Single-Family District and "R-5" Residential Single-Family District to "C-2 P" (CD-Auto Sales Lot) Commercial District with Conditional Use for a Auto Sales Lot on Lot 177 and Lot 178, Block H, NCB 8360, 1158 Bandera Road as requested by Maria E.Santana, Applicant, for Maria E. Santana, Owner. Staff recommends Denial of the conditional use and Approval of C-2P. Zoning Commission recommends Approval.

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

Councilmember Guajardo made a motion to approve the proposed rezoning case as C2P without conditional use. Councilmember Perez seconded the motion.

The following citizen(s) appeared to speak:

Ms. Carina Ascencio stated that the surrounding properties were commercial. She asked Council to allow the car lot on her property.

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

2006-10-19-1236

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 177 AND LOT 178, BLOCK H, NCB 8360 FROM "C-3" GENERAL COMMERCIAL DISTRICT, "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 P"COMMERCIAL PEDESTRIAN DISTRICT.

Item Z-10. ZONING CASE #Z2006259 (District 7): An Ordinance changing the zoning district boundary to designate historic significance on Lots P-42A and P-42B, NCB 14618, 6160 Eckhert Road as requested by City of San Antonio, Planning Department, Historic Preservation Officer, Applicant, for Hawk Ventures Inc., DBA Hawk Development Inc., Owner(s). 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 approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

2006-10-19-1237

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 P-42A AND P-42B, NCB 14618 FROM "C-2" COMMERCIAL DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" (HS) COMMERCIAL "HISTORIC, SIGNIFICANT" DISTRICT AND "C-1" (HS) LIGHT COMMERCIAL "HISTORIC, SIGNIFICANT" DISTRICT.

Items Z-11 and Z-12 were considered with one motion and one vote.

Item Z-11. ZONING CASE # Z2006166 (District 8): An Ordinance changing the zoning district boundary from "R-20" Residential Single-Family District and "R-20" "GC-1" Residential Single-Family Gateway Corridor District 1 to "RP" Resource Protection District and "RP" Resource Protection District Gateway Corridor District 1 (38.83 acres out of NCB 34761) and "C-3" General Commercial District and "C-3" "GC-1" General Commercial Gateway Corridor District 1(34.10 acres out of NCB 34761 and NCB 34780) located generally at Interstate Highway 10 West and Old Camp Bullis Road as requested by Brown, P.C. Applicant, for Betty Dees Watson, Owner. Staff and Zoning Commission recommend Approval.

Item Z-12. ZONING CASE # Z2006166 A (District 8): An Ordinance changing the zoning district boundary from "R-20" Residential Single-Family District to "RP"

Resource Protection District (4.859 acres out of NCB 17700) and "C-3" General Commercial District (5.756 acres out of NCB 17700) on 10.615 acres out of NCB 17700, Interstate Highway 10 West and Old Camp Bullis Road, as requested by Brown, P.C., Applicant, for Betty Dees Watson, Owner. Staff recommends Approval.

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

Councilmember Hall made a motion to approve the proposed rezoning cases Z-11 and Z-12 with deed restrictions as presented and on file with the Office of the City Clerk. Councilmember Perez seconded the motion.

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

2006-10-19-1238

Item Z-11. 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 72.93 ACRES OUT OF NCB 34761 AND NCB 34780 FROM "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-20" GC-1 RESIDENTIAL SINGLE-FAMILY GATEWAY CORRIDOR OVERLAY DISTRICT 1 TO "RP" RESOURCE PROTECTION AND "RP" GC-1 RESOURCE PROTECTION GATEWAY CORRIDOR OVERLAY DISTRICT-1 ON 38.83 ACRES OUT OF NCB 34761 AND TO "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3" GC-1 GENERAL COMMERCIAL GATEWAY CORRIDOR OVERLAY DISTRICT -1 ON 34.10 ACRES OUT OF NCB 34761 AND NCB 34780.

2006-10-19-1239

Item Z-12. 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 10.615 ACRES OUT OF NCB 17700 FROM "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "RP" RESOURCE PROTECTION DISTRICT ON 4.859 ACRES OUT OF NCB 17700 AND TO "C-3" GENERAL COMMERCIAL DISTRICT ON 5.756 ACRES OUT OF NCB 17700.

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Item Z-13. ZONING CASE # Z2006258 (District 8): An Ordinance changing the zoning district boundary to designate historic significance on 1.663 acres out of NCB 15656, 9396 Huebner Road as requested by the City of San Antonio Planning Department, Historic Preservation Officer, Applicant, for Spectrum Lending, APT JV Ltd. Staff and Zoning Commission recommend Approval.

Mr. John Jacks, Senior Planner, Development Services Department, stated that the proposed zoning case would be considered at a later date.

Item Z-14. ZONING CASE # Z2006243 (District 9): An Ordinance changing the zoning district boundary from "C-2" ERZD (CD- Nightclub) Commercial Edwards Recharge Zone Conditional District to "C-2" ERZD (CD - Nightclub) Commercial Edwards Recharge Zone District with a Conditional Use for a Nightclub on 0.0893 acres out of Lot 63, Block 2, NCB 17608, 19141 Stone Oak Parkway; as requested by K. Partners, Applicant, for K. Partners, Owner. Staff and Zoning Commission recommend Approval with Conditions.

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

Councilmember Wolff made a motion to approve the proposed rezoning case with conditions. Councilmember Perez seconded the motion.

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

2006-10-19-1240

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 .0893 ACRES OUT OF LOT 63, BLOCK 2, NCB 17608 FROM "C-2" ERZD (CD - NIGHTCLUB) COMMERCIAL EDWARDS RECHARGE ZONE CONDITIONAL DISTRICT TO "C-2" ERZD (CD - NIGHTCLUB) COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB, AMENDING THE CURRENT HOURS OF OPERATION.

Item Z-15. 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 for a 30 day continuance of the proposed rezoning case. Councilmember Flores seconded the motion.

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

Item Z-16. ZONING CASE # Z2006177 CD (District 10): An Ordinance changing the zoning district boundary from "R-6" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a Day Care Center to PUD "RM-4" (CD-Residential Mixed District) Planned Unit Development Residential Mixed District with a Conditional Use for 16 units per acre on a 2.015 acre tract out of NCB 15837, 4168 Stahl Road as requested by Nader Shahsavary, Applicant, for Nader Shahsavary, 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 approve the proposed rezoning case. Councilmember Flores seconded the motion.

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

2006-10-19-1241

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 2.015 ACRE TRACT OF LAND OUT OF NCB 15837 FROM "R-6" (CD-DAY CARE CENTER) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE CENTER TO PUD "RM-4" (CD-RESIDENTIAL MIXED DISTRICT) PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR 16 UNITS PER ACRE PROVIDED THE CONDITIONS APPROVED BY THE CITY COUNCIL ARE ADHERED TO.

Item Z-17. ZONING CASE # Z2006234 CD (District 10): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-2" (CD-Carwash) Commercial District with Conditional Use for a Carwash on Lot 15, Block 1, NCB 16959, 13630 O'Connor Road as requested by Earl & Associates, P. C., Applicant, for Russell J. Simpson, Owner. Staff recommends Approval. Zoning Commission recommends Approval with conditions.

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

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

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

2006-10-19-1242

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 LOT 15, BLOCK 1, NCB 16959 FROM "C-2" COMMERCIAL DISTRICT TO "C-2" (CD-CARWASH) COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A CARWASH.

CITY MANAGER'S REPORT

City Manager Sheryl Sculley spoke to the new Executive appointments throughout the City. Ms. Beth Costello, Director of International Relations, introduced a representative from Taiwan.

CEREMONIAL ITEMS

Ms. Elizabeth Costello, Director of International Relations, introduced a representative from Taiwan.

Mayor Hardberger recessed the regular meeting at 4:57 pm.

Mayor Hardberger reconvened the regular meeting at 5:20 pm.

Mayor Hardberger presented the following honorariums:

- Students from Antonian High School presented Councilmembers Perez, Radle and Hall with an award for excellence in community service.
- In preparation for the colder months, the Air Conditioning Contractors of America (ACCA) launched its national project "Heat the Country." Many low-income, elderly and disabled homeowners do not have their heating units serviced due to lack of funds. When the cold weather finally arrives and their systems are not working properly, they use other, more dangerous methods to heat their homes. This volunteer effort by ACCA helps prevent serious accidents and injuries as a result of faulty heating units.
- The Cancer Center Council, in conjunction with local businesses sponsored their 7th Annual "Partners Shopping Card." This discount shopping card is valid during October 27 – November 6, 2006. Shoppers receive up to 20% off most purchases at restaurants, gift boutiques, fine clothing, national retailers and other businesses in the San Antonio area. 100% of the proceeds from card sales go directly to the Cancer Therapy Research Center (CTRC). A record breaking 400 retailers have signed up to participate in this year's campaign. Grammy-award winning Vikki Carr was named the Honorary Chairperson for 2006. Ms. Carr will kick-off the event on October 27th at the Shops of La Cantera.
- A proclamation was presented to the Founders Day Alliance who celebrated the founding of San Antonio on October 21, 2006. The observance serves to encourage reading and learning about San Antonio's history.

CITIZENS TO BE HEARD

Mr. Richard Alles, PO Box 700066, Citizens for Tree Coalition, spoke to the benefits of trees. He submitted documents to Council that linked a coalition between the numbers of trees in a community to decreases in crime rates. He stated that cedar trees remove air pollution, slow storm water run off, prevent erosion, and rebuild soil. He spoke against Cedar clearing because the reduction of the trees would decrease Aquifer recharge. Lastly he spoke to the benefits of shrub maintenance.

Mr. Javier Hernandez, 216 blanco Rd., spoke to the train derailment in a residential area. He cited personal home items that were found in the box car and stated that the damage would have been worse if residents would have been in their home. He also spoke to the speed limit in residential areas.

Mr. Dave Carr, Sierra Club, spoke to the benefits that trees bring to the community. He stated that less tree canopy and under story has led to many problems in San Antonio. He stated that tree canopy saves energy and reduces problems with ozone and pollution. He also stated that businesses with trees produce 9-12% more business than those without trees. Lastly, he spoke in favor of the tree ordinance.

Mr. Daniel Gonzales, 6900 San Pedro, Roses by Dan Dan, spoke to the moving vendor permit. He asked about the process of issuing permits for moving vendors. Lastly, he requested the opportunity to be granted a permit.

Mr. Mark Perez, 119 Hardeman, stated that Tetco has three businesses without a Certificate of Occupancy.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., spoke in opposition to the PGA developments. He also expressed concern with the amount of pollution in north San Antonio.

Ms. Nikki Kuhns, 331 Twisted Wood Dr., PGA, asked that Council reconsider their vote to accommodate the Cibolo Canyon Resort destination by allowing them to use Edwards Aquifer Water. She thanked the Councilmembers who voted against the issue. She presented a video of a speaker who spoke on the amendment to the Cibolo Canyon Project.

Mr. Elijah Canady, 1533 Delgado St., asked what the law is concerning noise in neighborhoods. He cited incidents of loud music in his neighborhood late at night. He also stated that police were not doing a good job of enforcing the noise ordinance.

Mr. Faris Hodge, Jr., 140 Dora, expressed concern with the number of Councilmembers and the Mayor missing meetings. He then asked that the speed limit for trains be reduced to 30 or 40 miles per hour.

Ms. Deborah Martin, 2207 Snowden #812, urged Council to support the goal of a 35% tree canopy cover for the City. She cited the many benefits the tree canopy would bring to San Antonio. She spoke in support of the Tree Ordinance, but asked council to resist changes to the proposed ordinance that allow developers to demolish trees.

Mr. Lloyd Cortez, 150 Amber Valley, urged Council to support the goal of maintaining a 35% tree canopy. He asked Council to reject the proposals that weaken the Tree Preservation Ordinance.

Mr. Tony Wood spoke in support of the tree Ordinance. He stated that it is a strong ordinance that supports a tree canopy. He encouraged Council to keep the canopy a priority.

Mr. Stephen Colley, 519 Artemis Dr, stated that a tree canopy is needed to maintain quality air. He stated that even with the money budgeted to replant trees, it will take years for trees to grow to the height of existing trees.

Mr. Ross Laughead, 5975 Lockhill, stated that the tree Ordinance should be maintained. He noted the extensive work that went in to developing the Ordinance and asked that it not be changed. He expressed concern with the possibility of weakening the Ordinance through allowing developers to clear cut.

Ms. Peggy Tedford, 4710 Ida, stated that the City does not do a good job of protecting trees. She cited a development in progress where trees were being cut without the developer's plat being completed. She urged Council to protect trees through hiring more people in Development Services to enforce the tree ordinance.

Mr. Harry Maiberger, 514 Redcliff Dr., spoke to the role of trees in providing oxygen to the atmosphere. He stated that trees contribute to the air quality and health of people in the community, so tree ordinances should be maintained and enforced as much as possible.

Ms. Gina Pellegrino, 751 Cincinnati, spoke to the tree Ordinance. She stated that the trees need to be protected.

Pastor Phil Schauman spoke to the Ten Tree Challenge. He emphasized the importance of clean air and a clean environment.

Ms. Judith Green, 12861 Galon Rd, Texas Parks and Wildlife, spoke in support of the tree ordinance. She also spoke to the value of understory. She stated that the more diverse plants and trees we have, the more wildlife we will protect.

Mr. Larry De Martino, 115 Armour Place, stated that the cutting of trees will cause severe consequences. He explained that when trees go so does the lower line vegetation, soils, and habitation. He cited numerous devastating effects caused by the loss of trees in his neighborhood. He stated that flooding is a direct result of the loss of trees and that his neighbors all wished for the trees in their area to be left alone.

Mr. Randy Carroll-Bradd, 2523 Turkey Oak St., spoke to his experience in deciding to move to San Antonio due to the tree canopy. He emphasized the benefits of having trees in neighborhoods. He then stated that the most desirable cities in California have strong tree ordinances.

Mr. Christopher Green, 115 Armour Place, President of River Road Neighborhood Association, spoke to the value of tree cover. He expressed concern with the number of trees that are cut down when San Antonio is concerned with air and water quality. He was opposed to the new revisions of the Tree Ordinance.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Robert P. Ritterbach. He wrote to recognize the outstanding customer service he received by two City employees: Monica Aguilar and Patsy Delgado. He wrote that he received friendly and efficient service from both employees and he wished all City employees were as outstanding as those two individuals.

ADJOURNMENT

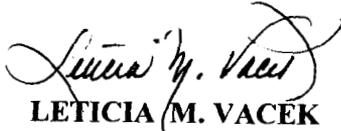
There being no further business to discuss, Mayor Pro Tem Perez adjourned the meeting at 7:27 p.m.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
CityClerk