

**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, NOVEMBER 1, 2006 AND THURSDAY, NOVEMBER 2, 2006**

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The City Council convened in an informal "B" Session at 3:00 p.m., Wednesday, November 1, 2006, Municipal Plaza Building "B" Room, for the purpose of:

1. Discussion and possible action related to the 2007 General Obligation Bond Program and the Bond Election Process.
2. An annual City Council briefing on the Citizens Bond Oversight Commission; progress on prior bond issues and recommendations for future bond programs.

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

The "B" Session adjourned at 5:11 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, November 2, 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 Rev. Dave Smith, Northwest Community Evangelical Free Church, guest of Councilmember Elena Guajardo, District 7.

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 12, 2006 City Council meetings. Councilmember Haass seconded the motion. The motion passed

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

**CONSENT AGENDA ITEMS 8-29B**

Consent agenda items 8, 9, 10, 12, 15, 19, 22, 25, 29a were pulled for individual consideration. The remaining items were approved upon motion made by Councilmember Perez and seconded by Councilmember Hall.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke to item 18, stating that he disagreed with the \$100,000 settlement associated with the item. He also expressed discontent with the increase in river barge ticket fees for the San Antonio River. In relation to item 23, he asked if more little league fields were necessary.

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 that the Police Department takes advantage of other City employees because they received a higher salary increase than any other department.

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

2006-11-02-1243

11. AN ORDINANCE APPROVING A \$62,657.35 AMENDMENT TO A \$183,000 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH THE SAN ANTONIO RIVER AUTHORITY, FOR ADDITIONAL ENGINEERING SERVICES, AND ADDING \$6,265.76 TO PROJECT CONTINGENCY, IN CONNECTION WITH THE SAN ANTONIO RIVER IMPROVEMENT – EAGLELAND RIVERWALK LINK FROM ALAMO TO GUENTHER: PEDESTRIAN PHASE, LOCATED IN DISTRICT 5; AND APPROPRIATE FUNDS.

206-11-02-1244

13. AN ORDINANCE AUTHORIZING A TWO-YEAR RENEWAL AND EXECUTION OF LEASE WITH MIDTOWN ENTERPRISES, LTD., COSTING THE

CITY \$975 A MONTH FOR A 750 SQUARE FOOT DISTRICT 1 CONSTITUENT OFFICE AT 1804 BLANCO RD., AND PROVIDING FOR PAYMENT.

2006-11-02-1245

14. AN ORDINANCE AUTHORIZING A FIVE-YEAR AGREEMENT WITH THE FEDERAL RESERVE BANK IN THE AMOUNT OF \$5,320 PAYABLE TO THE CITY, FOR THE CITY'S FORBEARING FROM INSTALLING PARKING METERS WHERE THE FEDERAL RESERVE WANTS A LOADING ZONE, ON STUMBERG BETWEEN MAIN AND DWYER, DISTRICT 1.

2006-11-02-1246

16. AN ORDINANCE RATIFYING THE ACCEPTANCE OF GRANT FUNDS FROM THE 2006 METROPOLITAN MEDICAL RESPONSE SYSTEM AS PART OF THE 2006 HOMELAND SECURITY GRANT PROGRAM IN THE AMOUNT OF \$232,330.00 FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, EFFECTIVE JULY 1, 2006 THROUGH FEBRUARY 28, 2008.

2006-11-02-1247

17. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TOTALING \$184,272.00 WHICH PROVIDES SUPPORT FOR THE SPECIAL OUTREACH TEAM WITHIN THE TUBERCULOSIS PREVENTION AND CONTROL PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; APPROVING THE PERSONNEL COMPLEMENT; AND ADOPTING THE PROGRAM BUDGET.

2006-11-02-1248

18. AN ORDINANCE AUTHORIZING A SETTLEMENT IN THE LAWSUIT STYLED MARIO A. TELLES V. CITY OF SAN ANTONIO, CAUSE NO. 2004-CI-14612, IN THE AMOUNT OF \$100,000.00.

2006-11-02-1249

20. AN ORDINANCE APPROVING THE TERMS AND CONDITIONS OF A NON-EXCLUSIVE STANDARDIZED CATERING AGREEMENT FOR USE AT THE MUNICIPAL AUDITORIUM.

2006-11-02-1250

21. AN ORDINANCE APPROVING THE SECOND AMENDMENT TO THE FIESTA CARNIVAL AND PARADE ROUTE CONCESSION CONTRACT BETWEEN FIESTA SAN ANTONIO COMMISSION, INC. AND REED EXPOSITION MIDWAY TO OPERATE THE FIESTA CARNIVAL, TO ACT AS THE EXCLUSIVE CONCESSIONAIRE IN SELLING FOOD, BEVERAGES AND NOVELTIES ON THE GROUNDS OF THE CARNIVAL SITE, AND TO ACT AS THE EXCLUSIVE CONCESSIONAIRE IN SELLING CONCESSIONS FOR AN ADDITIONAL TWO (2) YEARS TO INCLUDE THE 2007 AND 2008 FIESTA YEARS AND WITH MODIFIED PRICING, AS REQUESTED BY THE SAN ANTONIO FIESTA COMMISSION, INC.

2006-11-02-1251

23. AN ORDINANCE APPROVING A FUNDING AGREEMENT WITH MCALLISTER PARK LITTLE LEAGUE, INC. FOR CERTAIN IMPROVEMENTS TO THE MCALLISTER PARK YOUTH SPORTS FIELDS IN AN AMOUNT NOT TO EXCEED \$500,000.00.

2006-11-02-1252

24. AN ORDINANCE AMENDING THE DOWNTOWN SAN ANTONIO RIVER BARGE CONCESSION CONTRACT WITH RIO SAN ANTONIO CRUISES LTD. TO ALLOW AN INCREASE IN RIVER TOUR AND RIVER TAXI TICKET PRICES.

2006-11-02-1253

26. AN ORDINANCE ABOLISHING THE CONVENTION CENTER HOTEL ADVISORY BOARD (THE "CCHAB") AND REPEALING ORDINANCE NO. 97262, WHICH ESTABLISHED THE CCHAB.

## **BOARD APPOINTMENTS ITMES 27A-27R**

- A. Appointing Gilbert Barrera (District 8) to the Parks and Recreation Board for a term of office to expire May 31, 2007.
- B. Appointing Alex Manitzas (District 10) to the San Antonio Local Development Company, Inc. (dba South Texas Business Fund) (Category: Trustee) for the remainder of an unexpired term of office to expire May 9, 2009.
- C. Appointing Mary M. Dennis (District 2) to the Mayor's Commission on the Status of Women for a term of office to expire May 31, 2007.
- D. Reappointing Roy R. Botello (District 5) and Doris Griffin (District 1) to the Joint City/County Commission on Elderly Affairs for the remainder of unexpired terms of office to expire September 30, 2008 and September 30, 2007, respectively.
- E. Reappointing Paul C. Stahl (District 7) and Enedina C. Vasquez (District 5) to the San Antonio Public Library Board of Trustees for the remainder of unexpired terms of office to expire September 30, 2008.
- F. Reappointing Jim Greenfield (District 5) to the Brooks Development Authority (Category: Community) for a term of office to commence November 5, 2006 and expire November 4, 2008.
- G. Reappointing Marianna C. Jones (District 7) to the Historic and Design Review Commission (Category: Historian) for the remainder of an unexpired term of office to expire October 31, 2008.
- H. Reappointing Ralph Gomez (District 5) to the Port Authority of San Antonio for a term of office to commence December 1, 2006 and expire November 30, 2008.
- I. Reappointing Tony C. Kuberski (District 7) to the Capital Improvements Advisory Committee (Category: Community Representative) for the remainder of an unexpired term of office to expire October 25, 2008.

J. Reappointing Paul K. Davila (District 7) to the Electrical Examining and Supervising Board (Category: Journeyman Electrician – Open Shop) for the remainder of an unexpired term of office to expire July 31, 2008.

K. Appointing Albert Fernandez Jr. to the Board of Directors for Tax Increment Reinvestment Zone Number Four, City of San Antonio, Texas (Highland Heights TIRZ) for the remainder of an unexpired term of office to expire May 7, 2007, and waiving City Code Section 2-528, the at-large appointment process, for this appointment.

L. Appointing Behjan (Bay) Rajabi to the Board of Directors for Tax Increment Reinvestment Zone Number Ten, City of San Antonio, Texas (Stablewood Farms TIRZ) for the remainder of an unexpired term of office to expire March 17, 2007, and waiving City Code Section 2-528, the at-large appointment process, for this appointment.

M. Appointing Ruth Irene Morris, Ethel Alice Nelson, and Bartolo Noel Sanchez to the Board of Directors for Tax Increment Reinvestment Zone Number Sixteen, City of San Antonio, Texas (Brooks City-Base TIRZ) for the remainder of unexpired two-year terms of office to expire May 14, 2007, and waiving City Code Section 2-528, the at-large appointment process, for these appointments.

N. Appointing Janelle Ann Ellison to the Board of Directors for Tax Increment Reinvestment Zone Number Seventeen, City of San Antonio, Texas (Mission Creek TIRZ) for the remainder of an unexpired term of office to expire May 7, 2007, and waiving City Code Section 2-528, the at-large appointment process, for this appointment.

O. Appointing Janelle Ann Ellison to the Board of Directors for Tax Increment Reinvestment Zone Number Nineteen, City of San Antonio, Texas (Hallie Heights TIRZ) for the remainder of an unexpired term of office to expire May 7, 2007, and waiving City Code Section 2-528, the at-large appointment process, for this appointment.

P. Appointing Jaime Armando Arechiga, Jason Juan Arechiga, Edward Roger Campos, Donald H. Griffin, Danny C. McKnight and Lester Wade Scott to the Board of Directors for Tax Increment Reinvestment Zone Number Twenty-Four, City of San Antonio (Palo Alto Trails TIRZ) for the remainder of unexpired terms of office to expire May 18, 2008, and waiving City Code Section 2-528, the at-large appointment process, for these appointments.

Q. Appointing Romelia Escamilla, Lazar A. Hausman, Terry M. Hausman, Keli A. Hausman-Gonzales and Ramiro S. Martinez to the Board of Directors for Tax Increment Reinvestment Zone Number Twenty-Five, City of San Antonio (Hunters Pond TIRZ) for the remainder of terms of office to expire June 1, 2008, and waiving City Code Section 2-528, the at-large appointment process, for these appointments.

R. Appointing Jaime Armando Arechiga, Jason Juan Arechiga, Edward R. Campos, Donald H. Griffin, Danny C. McKnight and Lester Wade Scott to the Board of Directors for Tax Increment Reinvestment Zone Number Twenty-Six, City of San Antonio (Rosillo Ranch TIRZ) for the remainder of unexpired terms of office to expire June 29, 2008, and waiving City Code Section 2-528, the at-large appointment process, for these appointments.

2006-11-02-1254

28. AN ORDINANCE APPROVING THE REAPPOINTMENTS OF LYDIA MARTINEZ (LITERACY CATEGORY) AND TONI VAN BUREN (COMMUNITY BASED ORGANIZATION CATEGORY), AND THE APPOINTMENT OF BERNARD ZAROSKY (EDUCATION CATEGORY) TO THE ALAMO WORKFORCE DEVELOPMENT BOARD, ALSO KNOWN AS ALAMO WORKSOURCE.

2006R-11-02-1255

29B. A Resolution approving the formation, creation, proposed Articles of Incorporation and Bylaws of the "City of San Antonio Westside Development Corporation".

[CONSENT ITEMS CONCLUDED]

The City Clerk read the following Ordinance:

2006-11-02-1256

5A. AMENDING CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS BY AMENDING VARIOUS PROVISIONS REGULATING VENDING

IN THE RIVER WALK AREA; PROVIDING FOR PENALTIES; AND PROVIDING FOR PUBLICATION.

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

Mr. Malcolm Matthews, Director of Parks and Recreation made a presentation on the City Code amendments addressing Riverwalk and Downtown vending, a copy of which is on file with the Office of the City Clerk. He outlined background information on the Riverwalk vending item which would amend the UDC by strengthening the prohibition of vending except by City permit on leased public space and private property, pursuant to Vending Policies and Procedures. He further spoke to the Downtown Street Level item which would amend the City Code to prohibit public property street level vending in the Downtown Business District, except by City permit on leased public space pursuant to the Vending Policies and Procedures. He delineated the definition of vending and the types of goods and services covered, the basis for staff's recommendation on vending at the River Walk and street level, and expounded on the Vending Permit Policies and Procedures. He presented the sites recommended by the Quality of Life, explained the Zoning Commission recommendation and the final staff recommendation which would not allow vending on public property on the River Walk; required that all vending on private property must be approved by owner/business operator and receive a City Vendor Permit, and that all vending on public leased space can only occur through lease/lease amendment with adjacent owner/operator, compatible with the main business, no impact to adjacent City/private property, with City Vendor permit and no vending adjacent to the River. With respect to the Downtown Street Level Vending, no vending would be allowed on public property; and all vending on public leased space can only occur through lease/lease amendment with adjacent owner/operator, compatible to main business, no impact to adjacent City/private property, with City Vendor Permit.

The following citizen(s) appeared to speak:

Mr. Bob Buchanan, 133 Armour, stated that he did not want a theme park environment on the Riverwalk, but rather a family oriented atmosphere. He expressed concern for the health and safety of citizens if the Riverwalk is turned into a carnival. He also stated that having a carnival atmosphere year round will take away from Fiesta and the River Lighting Parade.

Mr. Paul Fletcher, 111 Soledad, Downtown Vendors Association, stated that vendors want the same opportunities as other businesses on the Riverwalk. He spoke to the crowding of the Riverwalk during special events. He then asked Council to reject staff recommendations and adopt a proposal that allows controlled vending on the Riverwalk. He also asked to remove Paseo del Rio from vending provisions and to remove

public/private property prohibitions which affect vendors. Lastly, he asked Council to help small business people.

Mr. Mark Meyer, 17909 Scenic Loop, spoke to the beauty of our City and noted that the Riverwalk contributes to the beauty. He also spoke to the vending problem and stated that vendors take away from the peaceful ambiance of the River.

Mr. Lawrence Sutterly, 602 E. Commerce, Greater San Antonio Chamber of Commerce, stated that the Chamber opposed staff's recommendations to change the vending sites along the Riverwalk. He stated that tenants who pay rent on the Riverwalk should have priority to business sales. He spoke in opposition to commercializing the Riverwalk by allowing every square foot of the venue to be used for profit making purposes. He then stated that the City should be responsible for permits and regulations related to Riverwalk vending and should thoughtfully consider each applicant. He stated that the Chamber did not support stationary vending sites along the Riverwalk but did support vending at private business locations that have agreements with vendors.

Mr. Henry Rodriguez, PO Box 5431, LULAC, spoke in support of downtown Riverwalk vending. He stated that vendors are just trying to make a living like anybody else and they are insulted with accusations that vending takes away from the ambiance of the River. He noted that there are many businesses along the Riverwalk that do not align with the character of the River and asked why those businesses are allowed to stay if vendors are not.

Mr. Robert Martinez, 114 Roberts, stated that vendors work hard to try and make a living. He expressed concern with the policies that allow large corporations to monopolize business on the Riverwalk. He presented a survey of citizens and tourists that voted in support of Riverwalk vending.

Ms. Cheryl Franklin, 429 E. Commerce, read a letter on behalf of Mr. William Brenham, a Riverwalk business owner, which stated that he was opposed to Riverwalk vending. He urged Council to ban Riverwalk vending.

Ms. Teeta Ansley, Tower Life Building, spoke in opposition to Riverwalk vending on the street and river level.

Ms. Xochilt Monica Hidalgo, 7018 Neptune, spoke to a family owned business on the Riverwalk. She noted that the items her family sold should not be compared to carnivals or theme parks. She asked Council to allow her family to keep their business on the Riverwalk.

Mr. Greg Gallaspy, Paseo del Rio Association, spoke to the popularity of the Riverwalk as a tourist destination, noting that the atmosphere should not be diminished by the hawking and peddling of carnival items. He stressed the importance of protecting the integrity of the Riverwalk. Lastly, he noted that there are many kid friendly businesses on the Riverwalk.

Ms. Laurrie Newbury, Rivercenter Mall, spoke in opposition to Riverwalk vending.

Mr. Hal McCloskey, Riverwalk Vendor, noted that vending and trading is an integral part of history and culture in the San Antonio area. He asked Council to review the amendments that the Vendors' Association was proposing in regard to Riverwalk vending. Lastly, he noted that convention people love the vending and Mariachis.

Mr. Bobby Costreras spoke to the type of vending that takes place on the Riverwalk and noted that many facts concerning vending are taken out of context. He stated that vendors were not hawking. He noted that they pay taxes and try to make a living like everyone else. Lastly, he urged Council to review the Vending Ordinance.

Ms. Yvette Ramirez, 119 S. Gardenvue, Downtown Vendors Association, spoke in support of vending on the Riverwalk. She stated that vendors do not promote a carnival like atmosphere on the River. She then commended Art Hall for his leadership and thanked him for inviting vendors to meetings concerning Riverwalk vending. She cited examples of controlled vending that is allowed in Chicago and urged Council to promote a similar environment for the Riverwalk. Lastly, she stated that vendors were not opposed to background checks as long as other business owners were faced with the same requirement.

Mr. Rick Drury stated that visitors are bothered by vendors who approach them and solicit on the Riverwalk. He spoke in support of the new ordinance. Lastly, he noted that he was not opposed to vending, but he was opposed to soliciting and aggressive selling of items.

Ms. Mary Perez, 5622 Evers Rd., spoke to an individual named Robert Martinez and his contributions to children and the community. She cited an example of Mr. Martinez using vendors to teach children about their own skills and talents. Finally she stated that vendors are part of the essence of the Riverwalk and without them the City will be serving an injustice.

Mr. Barry Harrison, 808 Garrety, spoke to his family owned business that has contributed to downtown San Antonio for over ninety years. He expressed concern for the change in the ambiance and character of the Riverwalk. Lastly, he stated that he was opposed to turning the Riverwalk into a French Quarter.

Mr. Tom DeBrook, Downtown Advisory Board, urged Council to prohibit vending in public areas of the Riverwalk.

Ms. Joan Korte, 1022 Navarro, Riverwalk Property owner, spoke to the River Improvement Overlay district ordinances which serve to protect, preserve, and enhance the San Antonio River. She stated that the River was a unique and historic resource which needs to be preserved. She spoke in support of the RIO ordinances and spoke in opposition to Riverwalk vending on public rights of way. She then stated that vending on the walkway and stairways of the River causes concerns for safety due to crowding.

Mr. Jesse Cano, 112 College, read a letter in opposition to Riverwalk vending. He spoke in support of the proposed ordinance that would make vending on the River unlawful and urged Council to approve said ordinance.

Ms. Dru Van Steenberg, 215 W. Lynwood, San Antonio Conservation Society, spoke in opposition to vending on the Riverwalk right of way. She urged Council to approve staff recommendation concerning the Vending Ordinance.

Ms. Peggy Malloy, 12730 Via Perfecto, spoke in support of controlled, stationary vending along the Riverwalk. She also spoke in support of criminal background and drug testing for vendors. She then recommended that the City enforce the attire and proper identification of vendors. Lastly she asked that Council allow professional regulated vending.

Mr. Jeff Fetzer, 10506 Ballerina Ct., spoke in opposition to vending on the Riverwalk. He also spoke in opposition to vending on the streets of downtown. He noted that vending takes away from the uniqueness of downtown San Antonio.

Mr. Parker Scott, 264 Larchmont, Paseo del Rio Association, thanked Council for considering a vending ordinance and noted that it will affect the atmosphere and character of the Riverwalk for years to come. He stated that vending should not be allowed on the Riverwalk.

Mr. Frank Burney, 300 Convent, representing SA 2000, noted the importance of the River to San Antonio. He noted that his client's hotel is one of the premiere locations for tourists who come to San Antonio. He stated that his client was opposed to Riverwalk vending and also to the alternative which would allow stationary vending near the hotel. He urged Council to vote against any type of vending on the San Antonio River.

Mr. Ben Brewer, Downtown Alliance, urged Council to support staff recommendations. He spoke in opposition to vending on the Riverwalk and streets downtown. Finally, he asked Council to support staff recommendations concerning vending.

Mr. Michael John, 238 Tawsyl Dr., Riverwalk vendor, spoke to the appeal process which he was denied. He noted the three types of vending and stated that all types should be prohibited, not just certain ones. He also stated that many of the permanent businesses on the River contribute to a carnival like atmosphere, but they were not regulated.

Mr. Jack M. Finger, P.O. Box 12048, stated that he did not want vending on the Riverwalk. He stated that vending can only be allowed where the ambiance calls for it. He also spoke to item 6 and asked Council to table the item until thorough research could be conducted.

Mr. Gilbert Hernandez spoke in support of staff recommendations to not allow vending on the Riverwalk in order to protect the ambiance of the River.

Mayor Hardberger recessed the meeting at 12:05 pm.

Mayor Hardberger reconvened at 1:30 pm for Executive Session.

### **EXECUTIVE SESSION**

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

Discuss and deliberate the purchase, exchange, lease or value of real property pursuant to Texas Government Code Sec. 551.072 (real property).

Discuss legal issues related to City Council agenda and meeting procedures pursuant to Texas Government Code Sec. 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:50 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.

Mayor Hardberger reconvened the regular meeting at 2:50 PM

Councilmember Guajardo made a motion to amend Item 5A to approve staff's recommendation and add six additional fixed locations on the Riverwalk. Councilmember McNeil seconded the motion.

Councilmember Wolff made a friendly amendment to the motion to allow staff and Quality of Life to iron out details for the permitting. The friendly amendment was accepted by Councilmembers Guajardo and McNeil.

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

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

2006-11-02-1257

5B. AN ORDINANCE AMENDING SECTION 16-236(B) OF THE CITY CODE OF SAN ANTONIO, TEXAS REGARDING STREET LEVEL VENDING OF NOVELTY AND SOUVENIRS IN THE DOWNTOWN BUSINESS DISTRICT; PROVIDING FOR PENALTIES; AND PROVIDING FOR PUBLICATION.

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

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

The City Clerk read the following Ordinance:

2006-11-02-1258

6. AN ORDINANCE AMENDING CHAPTER 35 UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS BY AMENDING VARIOUS SECTIONS RELATING TO TREE PRESERVATION AND PROVIDING FOR PENALTIES.

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

Mr. Roderick Sanchez, Interim Director of Development Services, made a presentation on the proposed Tree Preservation Ordinance amendments, a copy of which is on file with the Office of the City Clerk. He outlined background information on the process followed by staff to bring the amendments forward, and expounded on the 7 amendments individually. He ultimately presented staff's recommendation which included approval for amendments 1-5 as approved by Zoning and Planning Commissions, approval for amendment 6 parts a, b, and c, and approval for amendment 7 alternative recommendation. With regard to the Tree Canopy Ordinance direction, he noted that a tree expert would be hired to determine expectations and provide recommended tree canopy goal, compile information to develop and recommend a tree canopy ordinance, involve stakeholders in the development of a proposed ordinance, and update the Quality of Life City Council Committee.

The following citizen(s) appeared to speak:

Ms. Tao Bennet, 103 W. Elsmere, San Antonio Conservation Society, read a letter concerning the proposed Tree Ordinance amendments. She said the Conservation Society supported the amendments that strengthen the protection of native trees.

Mr. Ralph Rodriguez, 3625 Paesanos Parkway, Greater San Antonio Builders Association, spoke to the value of trees and the affordability of homes in San Antonio. He spoke in support of the amendments that will stabilize trees and the market for home buyers.

Mr. Rick Montelongo, Greater San Antonio Builders Association, expressed concern with the lack of housing affordability in San Antonio. He noted the increased cost of materials and labor in the home building industry which contributes to the increase in housing costs. He also stated that an increase in unnecessary regulation contributes to the lack of affordable housing. Lastly, he asked for a more practical and effective tree ordinance that will not hinder the development of affordable housing for the citizens of San Antonio.

Mr. Richard Alles, PO Box 700066, spoke to the many options considered for a Tree Ordinance such as tree canopy cover and root protection zones. He stated that all trees need to be included in the Ordinance including Ash Juniper and spoke to the benefits of saving Ash Juniper trees. He explained that the tree canopy goal cannot be accomplished if native species of trees are removed.

Mr. Pat Bibb, 1346 N. Loop 1604 E., Centex Homes, stated that the Tree ordinance is overly complicated and needs to be simplified. He also spoke in support to the current amendments but stated that he disagreed with the costs for developers that are associated

with these amendments. He spoke to the increase in the cost of homes if these fees are put in place.

Mr. David Klar, 3925 Chimney Springs, urged Council to keep the current Tree Ordinance. He spoke to the benefits of tree canopies and under story including an increase in property value for homeowners.

Mr. Gary Neill, 2171 Encino Loop, spoke in support of the amendments. He stated that the Tree Ordinance imposes financial burdens to land owners. He noted that survey costs are high which reflects high costs of homes. He also explained the lengthy process that is entailed for developers to follow the new Tree Ordinance.

Mr. Brian Hanan, 11326 Enclave Run, stated that he would like the mitigation to go back to a two to one ratio. He spoke in support of an undesirable species list and asked that Ash Juniper be included on the list. Lastly, he stated that under story only attracts undesirable animals and rodents.

Mr. Larry Heimer, 922 Isom Rd, spoke in support of the proposed amendments, but stated that he felt they did not go far enough. He cited an experience he had with a client who would have to spend over \$1 million in order to build on his land due to mitigation fees. He asked that the minimum trunk size be six inches for a tree to be considered significant.

Ms. Judit Green, 12861 Galm Rd, Texas Parks and Wildlife, urged Council to support a Tree Ordinance that recognizes the importance of understory. She spoke to the many benefits of understory.

Ms. Kathleen Trenchard, 215 E. Park Ave, spoke in strong support of the Citizens Tree Coalition's position on the amendments. She urged the planting of trees in collective, arterial, and highway areas. She spoke to the need of a diverse tree canopy to help combat pollution, make the City more livable and attractive, and protect birds.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. George Rice, 414 E. French St. He wrote on behalf of AGUA and stated that they support tree canopy goals of 35% overall, 45% in residential areas, 45% in ecological zones, 35% in urban residential, and 15% in central business districts. He expressed disappointment with the rapid decrease of trees in San Antonio. He urged Council to implement standards for tree preservation and to vote against any amendments that do not preserve native trees.

Ms. Elaine Talarski, 7922 Quail Breeze, spoke in support of the Citizen Tree Coalition's stand on the Tree Ordinance and its amendments. She stated that the amendments do not

get to the root of the problem and much work needs to be done to save the trees in our area. She also stated that the amendments do not call for a high enough percentage of tree canopies in San Antonio.

Mr. Jim Mattox, 2928 Hidden Hills, stated that the current tree ordinance was a hazard to the community. He cited examples of children getting injured because school districts cannot remove thorn bushes and trees. He spoke to the large amounts of money that developers must spend to comply with the current tree ordinance. Lastly, he stated that many trees should not be protected.

Mr. Steven Hanan, 18618 Tuscany Stove Dr., stated that staff recommended amendments are a minor improvement to the Tree Ordinance. He urged Council to help by making the Tree Ordinance more fair and balanced. He spoke to the non protected species lists utilized by other cities. He also stated that there needs to be a minimum size trunk for protected trees.

Mr. David Beales spoke in support of staff amendments but stated that they need to go further.

Mr. Phil Crane, Real Estate Council of San Antonio, asked for a fair and balanced tree ordinance that considers property owners.

Mr. Norman Dugas made a presentation concerning the proposed amendments to the Tree Ordinance.

Mr. Allen Townsend spoke to the benefits of trees and a tree canopy. He urged Council to use caution when approving the amendments. He recommended developing strip parks that could contain the vast majority of trees to give homeowners and developers freedom to maintain their individual lots as they please.

Mr. Bob Liesman, 2310 Encino Hollow, stated that there are many native trees that should not be protected. He urged Council to support the staff recommendations for Tree Ordinance amendments.

Mr. Jerry Morissey, 19031 Encino Way, spoke to the value of all trees. He stated that he did not agree that certain trees should not be protected. He urged Council to evaluate trees that are labeled as junk.

Mr. Phil Schulman stated that the Tree Ordinance imposes a great deal of money on developers but that for the greater good of San Antonio the ordinance is necessary. He also stated that air quality and water quality should be a priority no matter the cost. He

noted that the environment is an infrastructure that must be protected for the future and stated that the community needs to do more to protect trees.

Ms. Diane Lang spoke to the importance of native species of trees. She stated that shade from trees helps lower the cost of utility bills. She also stated that trees need time and space to grow, and native trees are important because they withstand the harsh weather conditions in San Antonio.

City Clerk Leticia Vacek read written testimonies, copies of which are on file with the Office of the City Clerk, submitted by the following individuals:

- Mr. Brett Vessel wrote that sacrificing trees is an injustice to our community. He noted that air and water quality will suffer with a lack of trees.
- Mr. Jonathon Quesada wrote that developers should not be permitted to pave excessive amounts of land. He noted that due to the temperature shade is needed in the summer. He expressed concern with the quality of life in San Antonio.
- Mr. Henry Noyes III urged Council to vote to protect trees. He noted that developers do not have the best interest of citizens in mind.
- Ms. Terri Stokes urged Council to support a strong Tree Ordinance. She wrote about the many benefits trees bring to our community.
- James and Kathy Viescas wrote that San Antonio needs to protect native trees. They wrote that developers should not be allowed to remove trees from property.

### CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Proclamation for the 7<sup>th</sup> Annual Veterans Day parade to be held on Saturday, November 11, 2006. The United States Military Veterans Parade Association was formed by a group of citizens as a way to honor our veterans – men and women, who have served in all military branches.
- Presentation for The Alamo Detachment Post 315 of the Marine Corps League celebrating the 231<sup>st</sup> Anniversary of the founding of the Marine Corps November 5-11, 2006. Established November 10, 1775, the Marine Corps was originally part of the Navy. The U.S. Marines defend and fight for the American people, and uphold three core values that are the soul of its institution: honor, courage and commitment.
- Toyota Motor Manufacturing, Texas, Inc. and all of its suppliers were presented with their Certificates of Occupancy.

Amendment 1. Councilmember Perez made a motion to amend staff amendment 4 by reducing mitigation, keeping the heritage size for Hackberry and Arizona Ash at 24", and considering Arizona Ash and Hackberry to be significant when one trunk is 10" or greater. He added that if a tree is torn down, replacement trees must be 3 inches or greater in diameter. He also amended staff amendment 6 by adding Huisache, Mesquite, and Ash Juniper to the exemption of non-native trees and increasing their significant designation size from 6" DBH to 10" DBH. He proposed that all three shall be mitigated at a 1:1 basis upon reaching Heritage status which is 24" or greater, and proposed increasing the Significant designation of the Small Tree Species from 2" to 5" with mitigation based on one trunk that is 5" or greater. He then proposed that the Small Tree Species achieve Heritage status only if at least one trunk measures 12" DBH or greater and shall be mitigated on a 1:1 basis. Councilmember Wolff seconded the motion. Lastly he proposed the creation of a Tree Canopy Investment Fund which would be financed through charging a fee of \$15 per lot for residential building permits and a fee of \$25 per lot for commercial building permits to provide more trees.

Councilmember Gutierrez added a friendly amendment to acknowledge the 2003 amendments banning the tree credit certificate allowances, but to continue to acknowledge the existing certificates numbers 001 and 002 and acknowledge the language of those certificates with no limitations.

Amendment 2. Councilmember Haass made a motion to amend staff amendment 3 to propose for any commercial development over 2 acres, a \$10,000 fine or levying of the staff recommendation, whatever is greater, propose for any residential development over 10 lots, a \$10,000 fine or, levying of the staff recommendation, whatever is greater, and propose a new category of development called Small Scale Development. Councilmember Gutierrez seconded the motion.

Councilmember Radle made a motion to continue the proposed Ordinance for one week. Councilmember Guajardo seconded the motion.

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

The main motion to approve staff amendment 1, concerning athletic fields, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Wolff, Haass, Mayor Hardberger. **NAYS:** Radle, Guajardo. **ABSENT:** Hall.

The main motion to approve staff amendment 2, concerning the elimination of Woodland Preservation Standards, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Hall.

The motion to amend staff amendment 3, as presented by Councilmember Haass, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Wolff, Haass, Mayor Hardberger. **NAYS:** Guajardo. **ABSENT:** Hall.

The main motion to approve staff amendment 3, concerning fines for development without a permit, as amended, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Hall.

The motion to amend staff amendment 4 as presented by Councilmembers Perez and Gutierrez prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Wolff, Haass. **NAYS:** Radle, Guajardo, Mayor Hardberger. **ABSENT:** Hall.

The main motion to approve staff amendment 4, concerning reducing mitigation, as amended prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Wolff, Haass. **NAYS:** Radle, Guajardo, Hall, Mayor Hardberger. **ABSENT:** None.

The motion to approve staff amendment 5, concerning the root protection zone, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Hall, Wolff, Haass. **NAYS:** Radle, Guajardo, Mayor Hardberger. **ABSENT:** None.

The motion to amend staff amendment 6, as presented by Councilmember Perez, prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Wolff, Haass. **NAYS:** Radle, Guajardo, Hall, Mayor Hardberger. **ABSENT:** None.

The main motion to approve staff Amendment 6, concerning the exemption of non-native trees, as amended prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Wolff, Haass. **NAYS:** Radle, Guajardo, Hall, Mayor Hardberger. **ABSENT:** None.

The motion to approve staff's alternative for amendment 7 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Hall, Wolff, Haass. **NAYS:** Radle, Guajardo, Mayor Hardberger. **ABSENT:** None.

The motion to create a Tree Canopy Investment Fund as requested by Councilmember Perez prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** Radle. **ABSENT:** None.

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

P-1. PLAN AMENDMENT CASE # 05009 (District 2): An Ordinance amending the land use plan contained in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of a 16.43 acre tract of land located at 3841 Commerce Street East from High Density Multi-Family Residential land use to Light Industrial land use. Staff and Planning Commission recommend Approval. Associated Zoning Case #Z2005145.

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

Councilmember McNeil made a motion to postpone the proposed plan amendment to February 1, 2007. Councilmember Wolff seconded the motion.

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

P-2. PLAN AMENDMENT CASE # 06017 (District 2): An Ordinance amending the land use plan contained in the Government Hill Neighborhood Plan, a component of the Master Plan of the City, by changing the use of a 3.254 acre tract of land located at 1734 Broadway, 1820 Broadway, 1826 Broadway; 1831 North Alamo Street and 1835 North Alamo Street from Local/Convenience Commercial land use to Mixed Use Commercial land use. Staff and Planning Commission recommend Approval. Associated Zoning Case #Z2006215.

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

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

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

2006-11-02-1259

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE GOVERNMENT HILL NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 3.3 ACRES OF LAND LOCATED AT 1734, 1820, 1826 BROADWAY AND 1831, 1835 NORTH ALAMO STREET FROM LOCAL/CONVENIENCE COMMERCIAL LAND USE TO MIXED USE COMMERCIAL LAND USE.

**Z-1. ZONING CASE # Z2006010 (District 1)** An Ordinance changing the zoning district boundary from "R-6" NCD-5 Residential Single-Family Neighborhood Conservation Overlay District and "C-3" NCD-5 General Commercial Neighborhood Conservation Overlay District to "C-2" NCD-5 Commercial Neighborhood Conservation Overlay District on Lots 21 through 26, Block 3, NCB 6402, 1900 Blanco Road and 831 W. Hollywood Avenue, as requested by Christopher A. Madrid, Applicant, for Christopher A. Madrid, 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 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.

2006-11-02-1260

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 21 THROUGH 26, BLOCK 3, NCB 6402 FROM "C-3" NCD-5 GENERAL COMMERCIAL NEIGHBORHOOD CONSERVATION DISTRICT-5 TO "C-2" NCD-5 COMMERCIAL NEIGHBORHOOD CONSERVATION DISTRICT-5 ON LOTS 21, 22, 23 AND 24, BLOCK 3, NCB 6402

AND FROM "R-6" NCD-5 RESIDENTIAL SINGLE-FAMILY NEIGHBORHOOD CONSERVATION DISTRICT-5 TO "C-1" NCD-5 LIGHT COMMERCIAL NEIGHBORHOOD CONSERVATION DISTRICT-5 ON LOTS 25 AND 26, BLOCK 3, NCB 6402.

**Z-2. ZONING CASE # Z2005145 CD (District 2):** An Ordinance changing the zoning district boundary from "R-5 EP-1" Residential Single-Family Event Parking District and "C-2 EP-1" Commercial Event Parking District to "L EP-1" Light Industrial Event Parking District on 16.432 acres out of NCB 10578, 3841 East Commerce Street as requested by Brown, P.C., Applicant for Rockhill Partners, Ltd., Owner. Staff and Zoning Commission recommend Approval pending Plan Amendment.

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

Councilmember McNeil made a motion to postpone the proposed rezoning case to February 1, 2007. 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.

**Z-3. ZONING CASE #Z2006167 (District 2):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "MF-25" Multi-Family District on Parcel 3 and Parcel 11, NCB 15894, 6670 Walzem Road and 6726 Walzem Road as requested by H. B. Newman, Applicant, for Ernest C. Brehm and Eldora A. Brehm, Owners. Staff and Zoning Commission recommend Approval.

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

Councilmember McNeil made a motion to postpone the proposed rezoning case for thirty days. 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.

**Z-4. ZONING CASE # 2006215 CD (District 2):** An Ordinance changing the zoning district boundary from "C-3 NA" General Commercial Nonalcoholic Sales District, "I-1" General Industrial District and "MF-33" Multi-Family District to "IDZ" Infill Development Zone District allowing the following uses:

- 1.) Uses permitted in the "C-2" Commercial District,
- 2.) Multi-family dwellings not exceeding 75 units per acre,
- 3.) A nightclub,

on Lots 5, 6, 7, 8, 9, 15, 16, 17, 18 and 19, Block 11, NCB 980 and Lots 1, 2, 3, 4, 5, 6, 10, 11, 12, 13, 14 and 15, NCB 1765, at 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., Owners. Staff and Zoning Commission recommend Approval pending Plan Amendment. This property is located and will remain within the River Improvement Overlay District-2.

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 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.

2006-11-02-1261

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 5 THROUGH 9 AND 15 THROUGH 19, BLOCK 11, NCB 980 AND LOTS 1 THROUGH 6 AND 10 THROUGH 15 BLOCK 11, NCB 1765 FROM "C-3 NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE ALLOWING THE FOLLOWING USES:

1. USES PERMITTED IN THE "C-2" COMMERCIAL DISTRICT,
2. MULTI-FAMILY DWELLINGS NOT EXCEEDING 75 UNITS PER ACRE,
3. A BAR, TAVERN AND/OR NIGHTCLUB SHALL BE ALLOWED.

**Z-5. ZONING CASE # Z2006222 CD (District 2):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "R-4" (CD-Dwelling, Two Family) Residential Single-Family District with a Conditional Use for a Two-Family Dwelling with a density not exceeding 13 units per acre on Lot 30, Block D, NCB 1161, 409 Coleman Street as requested by HTG Real Property Management, Inc., Applicant for HTG Real Property Management, Inc., Owner. Staff and Zoning Commission recommend Approval.

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

Councilmember McNeil made a motion to postpone the proposed rezoning case for thirty days. 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.

**Z-6. ZONING CASE # Z2006263 CD (District 3):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2" (CD - Nightclub) Commercial District with a Conditional Use for a Nightclub on Lot 703 and Lot 704, NCB 9484, 3100 Pleasanton Road as requested by Barbara J. Kothman, Applicant, for Barbara J. Kothman, Owner. Staff and Zoning Commission recommend Approval.

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

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

2006-11-02-1262

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY

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CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 703 AND 704, NCB 9484 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" (CD - NIGHTCLUB) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A NIGHTCLUB.

Items Z-7, Z-8, Z-9, Z-10, and Z-11 were considered in one motion with one vote.

**Z-7. ZONING CASE # Z2006252 (District 4):** An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District to "O-1" Office District on 0.40 acres out of Block 6, NCB 9306, 200 Block of Escalon Avenue as requested by Escalon Crossing Partners, LP, Applicant, for Escalon Crossing Partners, LP, Owner. Staff and Zoning Commission recommend Approval.

**Z-8. ZONING CASE # Z2006255 (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to PUD "R-6" Planned Unit Development Residential Single-Family District on 41.66 acres out of NCB 17673, southwest of the intersection of Westover Hills and North Hunt Lane, as requested by Brown, P.C., Applicant, for Hill Country Resort Estates Joint Venture, Owner. Staff and Zoning Commission recommend Approval.

**Z-9. ZONING CASE # Z2006206 S (District 8):** An Ordinance changing the zoning district boundary from "R-6" "GC-1" Residential Single-Family Gateway Corridor District 1 and "R-6" Residential Single-Family District to "R-6" "GC-1" S Residential Single-Family Gateway Corridor District 1 and "R-6" S Residential Single-Family District with Specific Use Permit for a Cemetery on Lot 1, Parcel 37 and Parcel 37A, NCB 16385, 20900 IH-10 West, as requested by Mission Park Cemetery-North, Applicant, for MPIO, Inc., Owner. Staff and Zoning Commission recommend Approval.

**Z-10 ZONING CASE #2006262 CD (District 8):** An Ordinance changing the zoning district boundary from "R-6" GC-1 Residential Single Family Gateway Corridor Overlay District-1 and "R-20" GC-1 Residential Single Family Gateway Corridor Overlay District-1 to "C-2" GC-1 (CD-Contractor Facility with Outside Storage) Commercial Gateway Corridor Overlay District-1 with a Conditional Use for a Contractor Facility with Outside Storage, on 4.7610 acres out of NCB 35733 and 8.8920 acres out of NCB 18336, generally located at the Northwest corner of IH 10 West and Heuermann Road as requested by Brown, P.C., Applicant, for Cypress No. 1, L.P., Owner. Staff and Zoning Commission recommend Approval with Conditions.

**Z-11. ZONING CASE # Z2006264 S (District 8):** An Ordinance changing the zoning district boundary from "O-2" Office District and "C-1 S" Light Commercial District with a Specific Use Permit for a Hospital to "C-2 NA S" Commercial Nonalcoholic Sales District with Specific Use Permit for a Hospital on 8.507 acres out of NCB 17102, 8535 Tom Slick as requested by San Antonio Medical Foundation, Applicant, for San Antonio Medical Foundation, Owner. Staff and Zoning Commission recommend Approval.

Councilmember Perez made a motion to approve the proposed Ordinances with staff recommendations. 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.

2006-11-02-1263

**ITEM Z-7. 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 0.40 ACRES OUT OF BLOCK 6, NCB 9306 FROM "MF-33" MULTI-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.**

2006-11-02-1264

**ITEM Z-8. 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 41.66 ACRES OF NCB 17673 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO PUD "R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.**

2006-11-02-1265

**ITEM Z-9. AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, PARCEL 37 AND PARCEL 37A, NCB 16385 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6 S"**

RESIDENTIAL SINGLE FAMILY DISTRICT WITH A SPECIFIC USE PERMIT FOR A CEMETERY.

2006-11-02-1266

ITEM Z-10. 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 4.7610 ACRES OUT OF NCB 35733 AND 8.8920 ACRES OUT OF NCB 18336 FROM "R-6" GC-1 RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR OVERLAY DISTRICT-1 AND "R-20" GC-1 RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR OVERLAY DISTRICT-1 TO "C-2" GC-1 (CD-CONTRACTOR FACILITY WITH OUTSIDE STORAGE) COMMERCIAL GATEWAY CORRIDOR OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR A CONTRACTOR FACILITY WITH OUTSIDE STORAGE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2006-11-02-1267

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 8.507 ACRES OUT OF NCB LOT 3, BLOCK 1 17102 FROM "O-2" OFFICE DISTRICT AND "C-1 S" LIGHT COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A HOSPITAL TO "C-2 NA S" COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH SPECIFIC USE PERMIT FOR A HOSPITAL.

The City Clerk read the following Ordinance:

2006-11-02-1268

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

Ms. Sharon De La Garza, Assistant to the City Manager, made a presentation on the Third Party Administration and Medical Cost Containment Services for Workers' Compensation and Liability Claims, a copy of which is on file with the Office of the City Clerk. She stated the City utilizes Third Party Administrator (TPA) for liability and workers' compensation claims processing, in accordance with Texas Workers' Compensation Act and the Texas Tort Claims Act. She spoke to the services provided by the Third Party Administrator, noting that the current contract would expire on December 31, 2006. She added that the TPA processes approximately 1,900 workers' compensation claims and 1,100 liability claims per year. She outlined the timeline and process for the RFP, the selection criteria, the fee pricing and scores, final total scoring, RFP staffing requirements, TPA staffing comparison, pricing proposal impact, and the simulated pricing summary and total scoring scenario. She stated that staff recommended CMI Barron Risk Management as the third party administrator because they were the leading TPA in business since 1969 with fifty-six San Antonio-based employees and their demonstrated performance.

The following citizen(s) appeared to speak:

Mr. Jimmy Deyer, Tristar Risk Management, spoke to the bid RFP process. He stated that he felt their proposal met all of the requirements.

Mr. Roger Williams, 2429 Majestic Dr., urged Council to support staff's recommendations. He stated that their company has saved the City \$11 million dollars in medical bills over the past year. He stated that they wish to continue serving the City over the next year.

Ms. Mary Loftis, spoke to the RFP response. She spoke to the process utilized for staffing requirements. She noted the benefits that her company has brought to the City and asked for the opportunity to continue to work with the City.

Concilmember Gutierrez mad a motion to re-bid for the contract. Councilmember Flores seconded the motion.

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

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

The City Clerk read the following Resolution:

2006R-11-02-1269

29A. A RESOLUTION APPOINTING SEVENTEEN (17) INDIVIDUALS TO THE BOARD OF DIRECTORS FOR THE WESTSIDE DEVELOPMENT CORPORATION.

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

The following citizen(s) appeared to speak:

Mr. Elginio Rodriguez, 450 N. San Gabriel, spoke to a PowerPoint presentation he viewed at a meeting in June. He expressed concern with the lack of accountability for the Westside Development Board.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Janie Gonzalez. She wrote that the Empowerment Zone Governance Board is in favor of the Westside Development Board.

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

The City Clerk read the following Ordinance:

2006-11-02-1270

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 \$2,685,000, INCLUDING: GOLF CART BATTERIES; RADIATORS, FUEL TANKS, HEATER CORES, COOLERS & EVAPORATOR UNITS; TELEPHONE SYSTEM PARTS AND SERVICE; PAGERS; MAINTENANCE SERVICE FOR STATIC UNINTERRUPTIBLE POWER SOURCE UNITS; PRENTICE GRAPPLER PARTS AND SERVICE; DOCUMENT MANAGEMENT PUBLIC ACCESS; VEHICLE APPRAISAL SERVICE; CONCEALABLE BODY ARMOR; FIRE EXTINGUISHERS, INSPECTION AND MAINTENANCE; AND LAWN MAINTENANCE, IRRIGATION, & LANDSCAPING.

Councilmember Perez 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, Mayor Hardberger. **NAYS:** None. **ABSENT:** Haass.

The City Clerk read the following Resolution:

2006R-11-02-1271

9. A RESOLUTION DETERMINING THAT JOB-ORDER CONTRACTING OFFERS THE BEST VALUE FOR PROCURING MINOR REPAIR, REHABILITATION, AND ALTERATION OF FACILITIES AND DELEGATING TO THE DIRECTOR OF ASSET MANAGEMENT THE AUTHORITY TO DETERMINE THE BEST VALUE OF ALTERNATE DELIVERY METHODS FOR FUTURE ASSET MANAGEMENT WORK.

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

The motion 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 Ordinance:

2006-11-02-1272

10. AN ORDINANCE AUTHORIZING SCHEDULE A, NO. 1 TO THE 2006 MASTER LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP, IN THE AMOUNT OF \$1,182,072.58, FOR THE ACQUISITION OF SEVEN (7) REFUSE COLLECTION TRUCKS FOR THE CITY'S ENVIRONMENTAL SERVICES DEPARTMENT, AT A RATE OF 3.6697 % FOR AN 84 MONTH TERM, TO PAY THE COSTS OF THE TRANSACTION; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

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

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

The City Clerk read the following Ordinance:

2006-11-02-1273

12. AN ORDINANCE APPROVING A \$102,982.31 AMENDMENT TO A \$890,923.93 PROFESSIONAL ARCHITECTURAL SERVICES CONTRACT, AS AMENDED, PAYABLE TO O'NEILL CONRAD OPPELT, ARCHITECTS, INC. FOR ADDITIONAL ARCHITECTURAL SERVICES PROVIDED IN CONNECTION WITH THE NEW FIRE FIGHTING TRAINING ACADEMY PROJECT, LOCATED IN DISTRICT 6, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION PUBLIC SAFETY IMPROVEMENT BOND FUNDED 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, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Mayor Hardberger. **NAYS:** None. **ABSENT:** Haass.

The City Clerk read the following Ordinance:

2006-11-02-1274

15. AN ORDINANCE AUTHORIZING PARTIALLY RELEASING A DRAINAGE EASEMENT IN KNIGHTS CROSS SUBDIVISION NEAR STONE OAK PARKWAY, DISTRICT 9.

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

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

The City Clerk read the following Ordinance:

2006-11-02-1275

19. AN ORDINANCE AMENDING THE TRAFFIC CONTROL DEVICES SCHEDULES ESTABLISHED BY THE CITY CODE, CHAPTER 19 (TRAFFIC REGULATIONS), ARTICLE III (TRAFFIC CONTROL DEVICES), SECTION 19-68(B) TO INCLUDE CERTAIN ADDITIONS TO THE OFFICIAL TRAFFIC-CONTROL DEVICE SCHEDULES FOR "FULL TRAFFIC SIGNAL LOCATIONS", "ONE WAY AT ALL TIMES" "CROSS STREET STOP", "CROSS STREET YIELD", "MAXIMUM SPEED LIMIT", "PROHIBITED RIGHT TURN ON RED PROHIBITED AT ALL TIMES"; AUTHORIZING THE PERMANENT INSTALLATION OF SAID DEVICES; DECLARING THEM AS OFFICIAL TRAFFIC CONTROL DEVICES OF THE CITY OF SAN ANTONIO; AND DECLARING VIOLATIONS OF THESE TRAFFIC REGULATIONS TO BE MISDEMEANOR CRIMES PUNISHABLE BY A FINE OF NOT MORE THAN \$200.00, AND ESTABLISHING AN EFFECTIVE DATE OF NO MORE THAN 5 DAYS AFTER PUBLICATION IN ACCORDANCE WITH ARTICLE 2, SECTION 17, OF THE CITY CHARTER.

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

Councilmember Guajardo mad a friendly amendment to include the following cross street signs: Timberhill & Stillbrook, Benrus & Faith, Olde Village & Rebud Woods, Silverbrook & Silvercrown, and Abe Lincoln/Hollyhock & Oxford Tace – on Abe Lincoln. Councilmember Perez accepted the amendment.

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

The City Clerk read the following Ordinance:

2006-11-02-1276

22. AN ORDINANCE AUTHORIZING THE EXECUTION OF A RENEWAL PROFESSIONAL SERVICES AGREEMENT FOR NURSING SERVICES AT THE CITY DETENTION CENTER IN THE AMOUNT OF \$399,194.00 PER YEAR WITH DEPENDABLE HEALTH SERVICES, INC. FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2008.

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

The City Clerk read the following Ordinances:

2006-11-02-1277

25A. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$180,000 AND AUTHORIZING THE INSTALLATION OF AN UNWARRANTED TRAFFIC SIGNAL AT THE INTERSECTION OF SOUTHCROSS AND HURON STREETS, LOCATED IN DISTRICT 4, FROM HOUSING & URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM – DISTRICT 4 ACCESS AND MOBILITY FUNDS.

2006-11-02-1278

25B. AN ORDINANCE AUTHORIZING THE INSTALLATION OF AN UNWARRANTED “ALL WAY STOP” AT THE INTERSECTION OF MARTIN LUTHER KING DRIVE AND SOUTH MESQUITE STREET, LOCATED IN DISTRICT 2.

Councilmember Perez made a motion to approve the proposed Ordinances with the addition of Councilmember Gutierrez recommendation for a street light at SE Military and Padre. Councilmember Guajardo seconded the motion.

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

### CITIZENS TO BE HEARD

Ms. Mae Owens, 1104 Denver, spoke to the treatment her son received from the Police Department. She noted that charges were dropped against her son. She asked that the Police Department treat people with more respect.

Mr. T.C. Owens, 1104 Denver, stated that the San Antonio Police Department destroyed his career and his life. He stated that he was wrongly accused of a crime, but never received a formal apology from SAPD.

Ms. Samantha Rivera, 1104 Denver, stated that police are not properly trained. She cited examples in which police officers fire their guns before using other forms of protection. She asked that her case be reviewed.

Ms. Josephine Paz, 1104 Denver, stated that she wanted answers regarding her son's death. She stated that she is raising her grandchildren now because her son is dead.

Ms. Deborah Merton, 1104 Denver, spoke in regards to a police officer shooting her son in 1996. She stated that she is concerned for her son because police officers continue to harass him. She also wanted to know which Councilmembers represent the East side communities.

Mr. Michael Mc Cracken, 1104 Denver, stated that he wants something to be done about the police officer who shot him in his left arm and paralyzed him from his elbow to his hand. He noted that the same officer had shot and killed someone a few weeks before.

Mr. James Myant, 1104 Denver, stated that San Antonio is an ethnically diverse City, but City Management is not ethnically diverse. He also spoke to Council diversity. He noted that City Manager Sculley does not have an open door policy. He stated that it took her 2 1/2 months to respond to him. He then stated that the City Attorney avoids conversations related to civil rights issues and violations. He cited instances in which citizens were hurt by SAPD. He stated that SAPD is a national disgrace because they are constantly talked about and written about. He then spoke to the management of the Police Department and stated that the police union runs the entire City. He urged the City Attorney and the Mayor to support the citizens of San Antonio. Lastly, he noted that there is a race problem in San Antonio.

Ms. Julie Iris Oldham spoke to the new equipment and fire stations the Fire Department has received. She also spoke to an audit conducted for Market Square Fiesta. She asked that Trinity Episcopal Church receive assistance from Development Services and requested that an audit be conducted of Development Services.

Mr. Chris Steele spoke to the negotiations for health care plans for the Fire Department. He stated that first responders in the Fire and Police Departments need the best healthcare plans that are available. He then spoke to the health conditions of firefighters and the health insurance available for retired firefighters. He noted that firefighters and retired firefighters deserve nothing less than the health benefits the City Manager is provided with.

Mr. Mark Perez, 119 Hardeman, spoke on the issue of hazardous chemicals in San Antonio. He expressed concern for the safety of firefighters and citizens who come in contact with these chemicals. He asked that Development Services be more thorough when issuing Certificates of Occupancy.

Mr. Faris Hodge, Jr., 140 Dora, expressed concern with the Police Department using racial profiling. He also spoke to the issue of nepotism with board members. He stated that the City Manager and her staff do not respond to citizens. Lastly, he cited an instance when a family member was shot in the back by a San Antonio Police Officer.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 10:50 p.m.

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

  
**PHIL HARDBERGER**  
M A Y O R

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