

**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, MARCH 14, 2007 AND THURSDAY, MARCH 15, 2007**

The City Council convened in a Work Session at 3:00 pm, Wednesday, March 14, 2007, Municipal Plaza Building "B" Room.

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

**1. UPDATE AND OVERVIEW OF THE CONVENTION CENTER EXTERIOR IMPROVEMENTS PROJECT.**

Mr. Mike Sawaya, Director of Convention Sports and Entertainment Complex gave an update and overview of the Convention Center Exterior Improvements Project. Mr. Sawaya noted the lack of a front door and other existing false entries. Mr. Sawaya commented on the incongruity between old and new architecture, and stressed the need for improvements to the pedestrian experience across the site.

Mr. Mike Beaty representative of Beaty Palmer Architects presented drawings of the proposed exterior expansion project. Mr. Beaty outlined the proposed construction timeline noting a completion date in 2009.

**2. PRESENTATION TO THE MAYOR AND CITY COUNCIL ON THE INTERNATIONAL AFFAIRS DEPARTMENT'S HISTORY, MISSION, ACCOMPLISHMENTS, PARTNERSHIPS AND FUTURE DIRECTION.**

Ms. Beth Costello, Director of International Affairs gave an update on the International Affairs Department. Ms. Costello focused on the following:

- Oldest, and largest International Affairs Department in a Municipal Government
- Generated over \$1 billion in International Trade and Investment
- Assisted over 4,500 clients to access world markets
- Managed 7 Sister Cities – best overall award
- Established Foreign Trade Offices: 3 Mexico; Tokyo
- New contractual relationship with Chinese Representatives.

The "B" Session was adjourned at 4:30 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, March 15, 2007 at 9:00 am.

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

The Invocation was delivered by Reverend Milton Lewis, Senior Pastor, Northern Hills United Methodist Church, guest of Councilmember Kevin Wolff.

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

### **MINUTES**

Councilmember Flores made a motion to approve the minutes of the March 1, 2007 Regular City Council Meeting. Councilmember Perez seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

2007-03-15-0280

Item 4. AN ORDINANCE APPROVING A MEMORANDUM OF AGREEMENT WITH THE SAN ANTONIO AREA FOUNDATION TO COLLABORATE WITH ANIMAL CARE SERVICES ON STRATEGIC PLAN INITIATIVE PROJECTS FROM APRIL 1, 2007 THROUGH MARCH 31, 2008; AND APPROPRIATING FUNDS.

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

Mr. Pat DiGiovanni, Deputy City Manager presented the Animal Care Strategic Plan. Mr. DiGiovanni noted that the City's plan is to achieve a "no kill" goal by 2012. Mr. DiGiovanni listed six priorities; increase community awareness and owner responsibility; reduce the number of stray animals; promote best practices among all animal care and protection organizations; implement effective public policy and ordinances; secure needed human and financial resources; and foster the development of a consortium of partners that will enhance the standing of animal care services within various segments of the community.

The following citizens appeared to speak:

Mr. Reggie Williams a representative of the San Antonio Area Foundation (SAAF) addressed the Council stated the foundation's mission and noted that community involvement is essential to the overall success of the Animal Care Services Strategic Plan.

Mr. Jack M. Finger addressed the Council and stated that this was a feel good initiative because it did not solve the real problem. Mr. Finger noted that the real problem is pet owners who allow their pets to run stray disregarding the leash law. Mr. Finger noted that additional monies should be allocated to increasing enforcement of the leash laws. Mr. Finger commented on Pastor Narcisso Mendoza who passed away a few weeks ago due to health problems.

Mr. John A. Bachman addressed the Council in support of the Memorandum of Agreement. He noted that too much money is being spent on planning but not enough action is taking place. He stated that thousands will be spent on spaying and neutering animals and that the City should spend additional monies educating the public of the adoption process in order to reduce the killing.

Leticia M. Vacek, City Clerk read written testimony from Mr. Faris Hodge. The written testimony was read as follows:

Animal Care Services needs to fine people who do not keep their animals confined in their yard. He stated that some people have too many dogs and cannot afford the feed them.

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

**CONSENT AGENDA: Items 5-17**

Consent Agenda Items 5, 9, 14, and 17 were pulled for Individual Consideration. Councilmember Perez moved to approve the remaining Consent Agenda Items. Councilmember McNeil seconded the motion.

Jack M. Finger referenced Item 10 and stated that Zachary will be a part of building the toll roads. Mr. Finger added that Zachry Shareholders gave \$40,000 in campaign contributions to the Mayor and Council and asked that this item be pulled for abstentions of the Council.

The motion to approve the remaining Consent Items prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

2007-03-15-0282

Item 6. AN ORDINANCE ACCEPTING THE BID OF MAVRON, INC. TO PROVIDE THE CITY'S ANIMAL CARE SERVICES DEPARTMENT WITH REPLACEMENT TRUCK-MOUNTED COMPARTMENTS FOR A TOTAL COST OF \$193,020.00.

2007-03-15-0283

Item 7. AN ORDINANCE ACCEPTING AN OFFER FROM OFFICE COMMUNICATIONS SYSTEMS, D/B/A TOSHIBA BUSINESS SOLUTIONS, AS AN AUTHORIZED DISTRIBUTOR FOR MICHAEL BUSINESS MACHINES UNDER THE TEXAS MULTIPLE AWARD SCHEDULE CONTRACT, TO PROVIDE THE OFFICE OF THE CITY CLERK WITH A SHREDDER AND CONVEYOR BELT SYSTEM FOR THE MUNICIPAL RECORDS FACILITY FOR A COST OF \$32,762.83, FROM AACOG GRANT FUNDS.

2007-03-15-0284

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM OCE-USA INC., UNDER THE TEXAS MULTIPLE AWARD SCHEDULE CONTRACT, TO PROVIDE THE CITY WITH TWO SCANNER AND PLOTTER SYSTEMS, FOR AN ESTIMATED TOTAL OF \$77,000.00.

2007-03-15-0286

Item 10. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-02 IN THE DEDUCTIVE AMOUNT OF \$1,268,000.00 TO THE CONSTRUCTION CONTRACT WITH ZACHRY CONSTRUCTION CORPORATION TO ADDRESS NEEDED AND REQUESTED CONTRACT ADJUSTMENTS RELATED TO TECHNOLOGY AND CONSTRUCTION MATTERS, AND AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH FACILITY PROGRAMMING AND CONSULTING IN THE AMOUNT OF \$98,898.00, FOR CONSTRUCTION MATERIALS TESTING SERVICES IN CONNECTION WITH THE EMERGENCY OPERATIONS CENTER PROJECT, LOCATED IN DISTRICT 3.

2007-03-15-0287

Item 11. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A STATE LAWSUIT STYLED *CINDY MERRILL V. CITY OF SAN ANTONIO*, IN THE 408TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, CAUSE NO. 2006-CI-08840, FOR THE AMOUNT OF \$180,000.00.

2007-03-15-0288

Item 12. AN ORDINANCE AUTHORIZING THE AMENDMENT OF TWO (2) UTILITY SERVICE LICENSE AGREEMENTS WITH HARPER WOOD ELECTRIC CO. BY EXTENDING THE TERM OF THE AGREEMENTS BY SIX (6) MONTHS. ITEM 12 RECONSIDERED AT A LATER TIME DURING THE MEETING IN ORDER TO INCORPORATE THE REVISED CAPTION.

2007-03-15-0289

Item 13. AN ORDINANCE APPROVING A FOREIGN TRADE ZONE OPERATING AGREEMENT WITH OPERATIONAL TECHNOLOGIES CORPORATION FOR ACTIVATION AT ZONE NO. 80, SITE NO. 10 AT PORT OF SAN ANTONIO

2007-03-15-0291

Item 15. AN ORDINANCE APPROVING AN ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT IN THE AMOUNT OF \$100,000.00 WITH THE TEXAS RESEARCH AND TECHNOLOGY FOUNDATION FOR THE ESTABLISHMENT OF THE MCDERMOTT PRE-SEED FUND.

2007-03-15-0292

Item 16. AN ORDINANCE AMENDING AN ON-CALL PROFESSIONAL SERVICES AGREEMENT WITH ATC ASSOCIATES, INC., INCREASING COMPENSATION BY THE AMOUNT OF \$230,000.00 FOR VARIOUS ENVIRONMENTAL CONSULTING SERVICES PROJECTS, INCLUDING HAVEN FOR HOPE.

**[CONSENT ITEMS CONCLUDED]**

**POINT OF PERSONAL PRIVILEGE**

Mayor Hardberger recognized and welcomed City Councilmember Doug Thompson from Ottawa Canada.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following caption:

2007-03-15-0281

Item 5. 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 ANNUAL COST OF \$3,315,000.00 INCLUDING: A) REGULATORY DATABASE INFORMATION AND ENVIRONMENTALLY-RELATED MATERIAL; B) CABLE PULLING, MATERIALS, AND INSTALLATION; C) LICENSE AND SUBSCRIPTION MICRO STATION SELECT; D) CHILDREN'S MEDIA MATERIAL; E) SUBSCRIPTION AND LICENSE FOR RECORDED BOOKS DOWNLOADABLE AUDIO BOOKS; F) VEHICULAR FIRE PROTECTION SYSTEMS; AND G) COMPUTER NETWORKING EQUIPMENT AND SERVICES FOR THE EMERGENCY OPERATIONS CENTER AND OTHER RELATED IMPROVEMENTS.

Councilmember Perez requested additional information on the Cable Pulling bid. Councilmember Perez noted that last time the item was in excess of \$3,000,000.00 annually.

Mr. Hugh Miller, Director of Information Technology noted that there was a mathematical error and stated that the correct figure is \$1.1 million annually for 3 years.

Councilmember Perez made a motion to adopt 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, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following caption:

2007-03-15-0290

Item 14. AN ORDINANCE APPROVING THE RENEWAL OF AN ANNUAL INTERLOCAL AGREEMENT AND BUDGET WITH ALAMO COMMUNITY COLLEGE DISTRICT WHICH ADMINISTERS PROCEEDS ENCUMBERED UNDER THE CITY OF SAN ANTONIO VS. ALAMO COMMUNITY COLLEGE DISTRICT SETTLEMENT AGREEMENT.

Councilmember Flores afforded Dr. Bruce Leslie of the Alamo Community College District an opportunity to speak.

Dr. Bruce Leslie, Chancellor of the Alamo Community College District (ACCD) addressed the Council noting that the Interlocal Agreement is the first in the United States where Community College and the City arranged funding to be directed towards Aerospace Manufacturing and Information Systems Security. Dr. Leslie noted the two centers where the training will take place being the Port of San Antonio Advanced Technology Center; and Edgewood School West Side Education and Training Center.

Councilmember Perez made a motion to adopt 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, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

The City Clerk read the following caption:

2007R-03-15-0285

Item 9. A RESOLUTION RECOMMENDING APPROVAL TO CITY PUBLIC SERVICE ENERGY TO FUND A TOTAL OF \$34,350.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT FUND FOR LABOR, MATERIALS, AND EQUIPMENT FOR REMOVAL OF A PAD-MOUNTED TRANSFORMER WITH ASSOCIATED EQUIPMENT AT THE SOUTHWEST CORNER OF GUADALUPE STREET AND S. COLORADO, LOCATED IN DISTRICT 5.

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

Councilmember Radle requested a timeline on said project. Mr. Jason Cosby, Assistant Director of Public Works stated that the ultimate goal is to have the construction completed before the school year begins. However, Mr. Cosby noted that the school district must erect a fence and the city has to pour sidewalks and that has not been funded. Councilmember Radle requested the project be completed prior to her term ending.

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

The City Clerk read the following caption:

Item 17. AN ORDINANCE AUTHORIZING EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY TO DENY DRIVERS LICENSE RENEWAL FOR DEFENDANTS WHO FAIL TO APPEAR AT MUNICIPAL COURT.

Mr. Fred Garcia outlined the proposed charges that the court would impose if individuals failed to appear in court. A thirty dollar fee is imposed of which twenty dollars would be sent to the State Comptroller, six dollars is paid to Omnibase, and four dollars is retained by the City.

Councilmember Perez voiced concern with the inequity of the State collecting twenty dollars and the City collecting four dollars. Mr. Garcia noted that the fee is set by Statute Section 706, of the Transportation Code and is non-negotiable.

After due consideration, Councilmember Perez made a motion to table said item for two weeks. Councilmember McNeil seconded the motion.

Ms. Julie Iris Oldham addressed the Council stating that the proposed fees would affect the poor. Ms. Oldham noted that the ticket does not say what to do if someone cannot afford to pay. Ms. Oldham further noted that the ticket does not offer an opportunity to provide community service in lieu of payment.

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

The City Clerk read the following caption:

2007-03-15-0288

Item 12. AN ORDINANCE AUTHORIZING THE AMENDMENT OF TWO (2) UTILITY SERVICE LICENSE AGREEMENTS WITH EDLEN ELECTRICAL EXHIBITION SERVICES OF TEXAS, INC. AND HARPER WOOD ELECTRIC COMPANY BY EXTENDING THE TERM OF THE AGREEMENTS BY SIX (6) MONTHS.

Councilmember Perez made a motion to reconsider the proposed Ordinance in order for the City Clerk to read the revised caption for the record. Councilmember McNeil seconded the motion.

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

Councilmember Perez made a motion to adopt the revised proposed Ordinance as read by the City Clerk. 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. **NAY:** None. **ABSENT:** None.

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

No report was given.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Herrera presented Mayor Hardberger with a book from Counsel General Billy Christino Magipinto.

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Meeting at 11:00 am to break for lunch and convene in Executive Session for the purposes of:

- A. Discuss legal issues related to *Cindy Merrill v. City of San Antonio*, in the 408th Judicial District Court, Bexar County, Texas, Cause No. 2006-CI-08840, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. 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).
- C. Discuss legal issues related to Bexar Metro 911, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- E. Discuss legal issues related to the Helotes mulch fire and related possible environment concerns, pursuant to Texas Government Code Section 551-071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 2:30 pm, at which time he stated the City Council had been briefed on the above-styled matters and gave staff direction, but that no official action would be taken.

## CONSENT ZONING

Councilmember Perez made a motion to approve the following rezoning cases noting that the staff and Zoning Commission recommendation were for approval: Z-1, Z-4, Z-6, Z-7, Z-8, and Z-10. Councilmember McNeil seconded the motion.

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

2007-03-15-0293

Item Z-1. ZONING CASE # Z2007072 (District 10): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on 4.043 acres out of NCB 15686, 11927 Nacogdoches as requested by Rene Olmedo, Applicant for Rene Olmedo, Owner. Staff and Zoning Commission recommend Approval.

The following citizen(s) appeared to speak:

Mr. Grant Gaines of Earl & Associates addressed the Council noting that his client (who owns property adjacent to said zoning case) is in agreement with a C-1 rezoning however, is against a C-3 rezoning.

Mr. Rene Olmedo, applicant, addressed the Council and stated that he has gone through the process before in an attempt to have the property rezoned for residential development. Mr. Olmedo noted that his first request was denied by the Zoning Commission; thus, is now requesting C-3 zoning.

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: 4.043 ACRES OUT OF NCB 15686 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2007-03-15-0294

Item Z-4. ZONING CASE # Z2007108 CD (District 2): An Ordinance changing the zoning district boundary from "MF-33" EP-1 Multi Family Event Parking District-1 to "R-6" EP-1 (CD-Learning Center) Residential Single-Family Event Parking District-1 with a Conditional Use for a Learning Center on Lot 10, BLK 6, NCB 1307, 1711 Burlison Street as requested by City of San Antonio, Applicant for Mattie L. Kenard, Owner. Staff and Zoning Commission recommend Approval with conditions.

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, BLK 6, NCB 1307 TO WIT: FROM "MF-33" EP-1

MULTI FAMILY EVENT PARKING DISTRICT-1 TO "R-6" EP-1 (CD - LEARNING CENTER) RESIDENTIAL SINGLE-FAMILY EVENT PARKING DISTRICT-1 WITH A CONDITIONAL USE FOR A LEARNING CENTER PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-03-15-0296

Item Z-6. ZONING CASE # Z2007112 (District 2): An Ordinance changing the zoning district boundary from "C-3 R" Commercial District, Restrictive Alcoholic Sales to "C-3" General Commercial District on Lot 25 and Lot 26, NCB 12887, 2102 and 2110 Semlinger Road as requested by Brown, P. C., Applicant for Jim & Maria Glasgow, Owners. Staff and Zoning Commission recommend Approval.

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 25 AND 26, NCB 12887 TO WIT: FROM "C-3R" COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "C-3" GENERAL COMMERCIAL DISTRICT.

2007-03-15-0297

Item Z-7. ZONING CASE # Z2007111 (District 4): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-2" Commercial District on 2.9 acres out of NCB 11186, generally located North of Navajo Street midway between Barlite Boulevard and IH 35 South, as requested by Brown, P. C., Applicant for MTB Properties, Ltd., Owners. Staff and Zoning Commission recommend Approval.

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: 2.9 ACRES OUT OF NCB 11186 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2007-03-15-0298

Item Z-8. ZONING CASE # Z2007098 (District 2): An Ordinance changing the zoning district boundary from "R-5" Residential Single Family District to "C-3" General Commercial District on Lot P-104, NCB 10832, 2718 Rigsby Avenue as requested by Brandon Vonghakdy, Applicant for Wagner and Thong La Vonghakdy, Owners. Staff and Zoning Commission recommend C-2 (CD-Auto and Vehicle Sales) with conditions.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT P-104 (1.00 ACRE), NCB 10832 TO WIT: FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" (CD-AUTO AND VEHICLE REPAIR) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO AND

VEHICLE REPAIR PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-03-15-0299

Item Z-10. ZONING CASE # Z2006249 (District 9): An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "MF-33" Multi-Family District on Lot 74, Lot 77 and Lot 82, NCB 11888, 1607, 1615 and 1619 West Terra Alta as requested by Proportional Prosperity, LLC, Applicant for Proportional Prosperity, LLC, Owner. Staff and Zoning Commission recommend Approval.

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 74, LOT 77 AND LOT 82, NCB 11888 TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

**[END OF CONSENT ZONING]**

Item Z-2. ZONING CASE # Z2007070 (DISTRICT 1): AN ORDINANCE CHANGING THE ZONING DISTRICT BOUNDARY FROM "C-3NA" HS NCD-1 RIO-4 COMMERCIAL DISTRICT, NONALCOHOLIC SALES HISTORIC SIGNIFICANCE, NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT AND "C-3NA" NCD-1 RIO-4 COMMERCIAL DISTRICT, NONALCOHOLIC SALES NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT TO "IDZ" HS NCD-1 RIO-4 INFILL DEVELOPMENT HISTORIC SIGNIFICANT NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-25" MULTI FAMILY DISTRICT AND TO "IDZ" NCD-1 RIO-4 INFILL DEVELOPMENT NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "MF-25" MULTI FAMILY DISTRICT ON LOT 22, LOT 23, AND THE EAST 46.2 FEET OF THE SOUTH 22 FEET OF LOT 10, NCB 2979, 1802 AND 1804 S. ST. MARY'S STREET, AND 143 JACOBS STREET AS REQUESTED BY DARRYL OHLENBUSH, APPLICANT FOR SCOTT SANDERS AND DARRYL OHLENBUSH, OWNERS. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL. **PULLED FROM AGENDA BY STAFF NO ACTION TAKEN.**

Item Z-3. ZONING CASE #Z2007082 (DISTRICT 2): AN ORDINANCE CHANGING THE ZONING DISTRICT BOUNDARY FROM ""R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT ON LOTS 26, 27, 28 AND 29, NCB 12883, 406 CRESWELL DRIVE, 422 CRESWELL DRIVE AND 502 CRESWELL DRIVE, AS REQUESTED BY SALEM LEASING CORP., APPLICANT FOR SALEM LEASING CORP, OWNER. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Mr. John Jacks presented the proposed rezoning case noting that staff and Zoning Commission recommend approval.

Councilmember McNeil made a motion to continue the proposed rezoning case until April 19, 2007. Councilmember Perez seconded the motion.

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

2007-03-15-0295

Item Z-5. ZONING CASE # Z2007109 CD (DISTRICT 2): AN ORDINANCE CHANGING THE ZONING DISTRICT BOUNDARY FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-3" (CD-WAREHOUSING) GENERAL COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR WAREHOUSING ON 1.737 ACRES OUT OF 12180 LOT 10, BLK 6, NCB 1307, 7801 IH 35 NORTH AS REQUESTED BY CLINT ADAMS, APPLICANT FOR HARRY ROSEN, OWNER. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL WITH CONDITIONS.

Mr. John Jacks recommended approval of the proposed rezoning case with the following conditions:

1. Onsite lighting shall use permanently and cutoff fixture of 90 degree or less
2. No additional signage shall be allowed on the subject property.

Mr. Allen Lindsyog addressed the Council on behalf of Clint Adams. Mr. Lindsyog requested clarification on the condition of a privacy fence. Mr. Jacks noted that a six foot fence would have to be placed on the property line.

Councilmember McNeil made a motion to approve the proposed rezoning case as recommended with conditions. Councilmember Perez seconded the motion.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 1.737 ACRES OUT OF 12180 TO WIT: FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-3" (CD - WAREHOUSING) GENERAL COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR WAREHOUSING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

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

Item P-1. PLAN AMENDMENT #07006 (DISTRICT 5): AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.404 ACRES OF LAND LOCATED AT 536 DIVISION AVENUE FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL. STAFF RECOMMENDS APPROVAL. PLANNING COMMISSION RECOMMENDS DENIAL. ASSOCIATED ZONING CASE: Z2006271 CD

Mr. John Jacks presented the proposed rezoning case noting staff recommends approval while the Planning Commission recommends denial.

Councilmember Radle made a motion to continue the proposed rezoning case until April 5, 2007. Councilmember Perez seconded the motion.

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

Item Z-9. ZONING CASE # Z2006271 CD (District 5): An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-1" (CD-Transmission Shop) Light Commercial District with a Conditional use for a Transmission Shop on the East 75.3 Feet of the West 126.6 Feet of Lot 7, NCB 7902; and from "O-2" Office District to "O-2" (CD-Transmission Shop) Office District with a Conditional Use for a Transmission Shop on the East 29.5 Feet of Lot 7, NCB 7902 and the West 5.2 Feet of Lot 6, NCB 7902, 536 Division Avenue as requested by Samuel Ramos, Applicant for Samuel Ramos, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Mr. John Jacks presented the proposed rezoning case noting staff recommends approval while the Zoning Commission recommends denial.

Ms. Alyssa Mendoza addressed the Council and noted that she has lived in her home (District 5) her entire life. Ms. Mendoza spoke in opposition of the rezoning and asked the Council to deny the request.

Councilmember Radle made a motion to continue the proposed rezoning case until April 5, 2007. Councilmember Perez seconded the motion.

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

2007-03-15-0300

Item Z-11. ZONING CASE #Z2007031 (DISTRICT 9): AN ORDINANCE CHANGING THE ZONING DISTRICT BOUNDARY FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON 2.45 ACRES OUT OF NCB 15671, 18607 REDLAND ROAD, AS REQUESTED BY FORD ENGINEERING, INC. (LEE PERRY), APPLICANT

FOR PHILLIP C. HASTINGS, OWNER. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Mr. John Jacks presented the proposed rezoning case noting that staff and Zoning Commission recommend approval.

Ms. Vina Bushman addressed the Council noting that she represents the applicant and is the owner of the adjacent property. Ms. Bushman noted that she met with the Redland Homeowners Association and they support the C-2 rezoning request. Ms. Bushman stated the property is located over the Edwards Recharge Zone and further stated that the applicant will comply with all restrictions imposed.

Mr. Steven Baker also addressed the Council and stated his request for approval of the rezoning case.

Councilmember Wolff made a motion to approve the proposed rezoning case with SAWS' recommendation. Councilmember Haass seconded the motion.

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: 2.45 ACRES OUT OF NCB 15671 TO WIT: FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

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

2007-03-15-0301

Item Z-12. ZONING CASE # Z2007115 S (DISTRICT 9): AN ORDINANCE CHANGING THE ZONING DISTRICT BOUNDARY FROM "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "C-3 R" ERZD GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES EDWARDS RECHARGE ZONE DISTRICT TO "C-2" S ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE PERMIT FOR A HOTEL ON LOT 17, BLOCK 1, NCB 16331 AS REQUESTED BY EARL AND ASSOCIATES, APPLICANT FOR GRACE CONFERENCE CHURCH CENTER, OWNERS. STAFF AND ZONING COMMISSION RECOMMEND APPROVAL.

Mr. John Jacks presented the proposed rezoning case noting that staff and Zoning Commission recommend approval.

Leticia M. Vacek, City Clerk read written testimony from Faris Hodge Jr. The written testimony stated that the city should stop building over the Edwards Recharge Zone. A large number of people live over the Recharge Zone mainly in Districts 8, 9, and 10.

Councilmember Wolff made a motion to approve the proposed rezoning case with SAWS' recommendation. Councilmember Haass seconded the motion.

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 17, BLOCK 1, NCB 16331 TO WIT: FROM "C-2" ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "C-3 R" ERZD GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES EDWARDS RECHARGE ZONE DISTRICT TO "C-2" S ERZD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH SPECIFIC USE PERMIT FOR A HOTEL.

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

Mayor Hardberger recessed the meeting at 3:20 pm and noted that the Council would reconvene at 5:30 pm for the Ceremonial Items.

### **CEREMONIAL ITEMS**

Mayor Hardberger reconvened the meeting and presented a Proclamation recognizing the 2007 Basura Bash scheduled for Saturday, March 24, 2007. The Basura Bash is the largest community-wide effort to clean up the banks of the San Antonio River. More than 15,000 volunteers have collected over 226 tons of trash and recyclable material.

Mayor Hardberger presented a Citation recognizing the Dragons Purple (U9) and HCR Storm (U10) Girls' Soccer Teams who placed 1<sup>st</sup> in their respective division at the Sports Illustrated 2006 Kick-It 3v3 World Soccer Tour in Orlando, Florida. The tour is a series of small-sided outdoor soccer tournaments for male, female and coed teams of all abilities, ages 5 to adult. The game is played on a small sided field (30 x 40 yards) with small goals (4 x 8 feet) with no goalies.

### **CITIZENS TO BE HEARD**

Mr. Nazarith Ruben Flores Perez addressed the Council relating to an article that was published in January 24, 2007 publication of the San Antonio Current. The article is entitled "Discrimination in God's Name". He also spoke of his religious beliefs and symbols.

Mr. Mohammad Sani of Denmark addressed the Council relating to environmental issues. Mr. Sani stated he is educated in Germany and England and holds citizenship in Denmark. Mr. Sani stated that he is currently working with five countries teaching the world how to produce electricity using solar and wind, free of charge. Mr. Sani stated that he would be back in San Antonio in September and that he would be happy to share his knowledge.

Faris Hodge, Jr. 140 Dora, addressed the Council and stated that the San Antonio Police Department (SAPD) is being sued for discrimination. Mr. Hodge noted that he went to the Budget Office and requested four comment books. He states that the Budget office would only give him one book. Mr. Hodge stated that the Budget Office had a vacancy and filled the position but did not hire a black employee. Mr. Hodge noted that the CPS Energy Board does

not have a Citizens to be Heard Item on their CPS Agenda. Lastly, Mr. Hodge asked if you need to be in love to get married on the River. Mr. Hodge concluded with singing "You are My Sunshine".

Ms. Elizabeth Canales, 1030 W. Ridgewood Ct., addressed the Council with regards to the roundabout in front of Cotton Elementary School. Ms. Canales stated that she is a Crossing Guard for the children of Cotton Elementary and almost got hit by a vehicle three weeks ago. Ms. Canales noted that her job is to help cross children to the other side of the street and hopes that nothing happens to them. She also requested crossing walks, lights and anything possible to help the children remain safe.

Ms. Elizabeth Chavez, 1042 W. Gramercy, addressed the Council noting that a traffic light or even a stop sign would be a good compromise since the roundabout that is being constructed cannot be stopped.

Ms. Ida Rodriguez, 623 W. Kings Hwy., stated that she attended several of the town hall meetings that took place and noted that many of the parents did not approve of the roundabout. She stated that even though they were against this development; Councilmember Flores still proceeded with approval.

Mr. Joe Rodriguez, 623 W. Kings Hwy., stated that the roundabout is right in front of the school and is concerned for his grandchildren. Mr. Rodriguez noted that the roundabout should be placed elsewhere rather than in front of a school.

Ms. Rosemary Barron, 1123 W. Lullwood, addressed the Council and stated that it saddens her to see that the roundabout is being constructed. Ms. Barron asked that the Council be open and honest regarding the construction of same. Ms. Barron asked when the decision was made to go forward with the project; and if it was a done deal from the beginning.

Ms. Joann Buitron, 107 Weymouth, stated that she had been in the Council Chambers before and made reference to the banners hanging in the Council Chamber. Ms. Buitron added that the roundabout does not go with the character of the neighborhood.

Noah Buitron, 107 Weymouth, a second grader from Cotton Elementary, stated that he did not want a roundabout across from his school.

Ms. Jennifer Ovalle, 754 Fulton, addressed the Council and asked who will be held accountable when a child is hit by a car. Ms. Ovalle appealed to the Council to move the roundabout to another area.

Devon Hill, 754 Fulton, a fifth grade student at Cotton Elementary addressed the Council and stated that a roundabout is dangerous and feels that his life is in danger. He added that he did not want a roundabout in front of his school.

Mr. Martin Hernandez, 539 Hicks, addressed the Council and asked who would be held accountable if a child should be involved in an accident.

Ms. Elizabeth Canales thanked Mayor Hardberger for his staff (Messrs. Zinn and Mabijs) that met with her and listened to their concerns.

Mr. Nick Calzoncit, 66 Brees, addressed the Council requesting that Stonewall Elementary be renamed the "Cesar Lee Chavez Elementary". Mr. Calzoncit asked the Council to promote peace by renaming city streets after individuals who promote peace.

Ms. Minnie Applewhite, with the Bridge Ministry addressed the Council and stated that the Ministry has been feeding and clothing homeless people for 23 years. Ms. Applewhite stated that on February 10, 2007 the city loaded up sleeping bags, clothing, and blankets and threw them in a dumpster. Ms. Applewhite requested that the City reimburse the Ministry \$1,438.50 for the items that were thrown away. Ms. Applewhite noted that since then three homeless people have died due to the cold weather. Ms. Applewhite asked the City to help the Bridge Ministry help the homeless.

Ms. Sherry Murray stated that several of the homeless people informed her that the city picked up their things and told them to get out of there. Ms. Murray stated that she would like to be part of the solution that Mayor Hardberger has championed. That solution is the homeless shelter.

Mr. Ed Ocampo 402 Precious Drive, addressed the Council stating that he has endured harassment and intimidation by the San Antonio Housing Authority (SAHA) for speaking out during Citizens to be Heard. Mr. Ocampo stated that Mr. Henry Alvarez of SAHA offered him a Section 8 Voucher so that they could repair his home. He stated that he did not qualify for same. He showed a slideshow of photographs of his home and others in the same subdivision.

Tech Sergeant John Jackson of the United States Air Force addressed the Council stating that he has been in the Military for 21 years. Mr. Jackson noted that he purchased his home with the intent to retire in San Antonio. He stated that his home has plumbing problems, warped walls, cracked foundation and many other problems.

Mr. James Winslow addressed the Council noting that he is very proud to have served 20 years in the US Air Force. Mr. Winslow noted that third world countries have better construction than San Antonio. Mr. Winslow asked the City Council to take action against the home builders and hold them accountable for shoddy construction.

Ms. Marsha Kushner addressed the Council noting that she is a victim of shoddy construction. Ms. Kushner noted that the construction on her home is deplorable and despicable and should not be inhabitable. Ms. Kushner noted that she has been fighting with her builder for five years and will continue until her issues are resolved.

Mayor Hardberger interjected that Ms. Dawn Larios of his Office would go out and look at the homes and report back on her findings.

Mr. Randy Zaragoza addressed the Council noting that he resides in the Blue Ridge Subdivision. Mr. Zaragoza noted that he has requested that SAHA inspect his home, which they did in 2003. Mr. Zaragoza noted that the report denotes hazards with the air condition system. Mr. Zaragoza noted that during the winter he turned on the heater and suddenly developed a rash along with his

spouse and children. Mr. Zaragoza noted that their entire family sought medical attention and were referred to an Allergist. The Allergist referred the family to an Environmental Hygienist who told Mr. Zaragoza that he needed to contact the Texas Department of Health for testing which cost \$2,500.

Mr. David Herrera of the Fox Grove Subdivision addressed the Council noting that four walls in his home are missing insulation. Mr. Herrera noted that the roads and sidewalks are six months old and all are cracked. Mr. Herrera asked the City to hold the builder accountable for the shoddy construction; if not, the City will end up having to pay to repair the streets and sidewalks.

Mr. Charles Escobar of the Fox Grove Subdivision addressed the Council noting that he is a victim of shoddy construction of KB Homes. Mr. Escobar noted that his home is eight months old is seeking help to resolve issues with KB Homes.

Mr. Daniel Battle addressed the Council noting that he too is a KB Homeowner. Mr. Battle noted that he moved into his home eight months ago. Mr. Battle stated that his daughter has been hospitalized numerous times since they moved into the home. Mr. Battle reported that KB inspected his home and found mold and bacteria. Mr. Battle stated that he would like KB to purchase his home and tear it down because it is a health hazard.

Ms. Henrietta Hoyas of the Sunflower Subdivision addressed the Council requesting that the City hold KB Homes accountable for taking advantage of the disabled, elderly and low income families. Ms. Hoyas noted that her water bill was \$500; the problem was that water was leaking in the foundation under the home. Ms. Hoyas noted that she was evicted. Ms. Hoyas added that once evicted the builder fixed all the problems with the home and sold it to someone else.

Mr. Luis Cintron addressed the Council and apologized for hitting the podium during the last City Council Meeting. Mr. Cintron added that he received a Municipal Court ticket and paid it because he made a mistake. Mr. Cintron asked the City to hold KB Homes accountable and make them pay for the shoddy construction of numerous homes.

Ms. Janet Ahmad addressed the Council noting that she participated in the Texas Watch Homeowners for Better Building Lobby Days at the State Capitol. Ms. Ahmad noted that the first ever Home Lemon Law will be introduced to the Texas Legislature. Ms. Ahmad noted that a Binding Arbitration Bill was also filed in Washington DC. Ms. Ahmad requested the City get involved and make KB Homes purchase all homes back.

## **ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:40 pm.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk