

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, MAY 16, 2007 AND THURSDAY, MAY 17, 2007

The San Antonio City Council convened in a Work Session at 3:00 pm, Wednesday, May 16, 2007, Municipal Plaza Building with the following Councilmembers present: Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, and Mayor Hardberger. **ABSENT:** Flores, Radle and Haass.

1. COUNCIL BRIEFING, TO INCLUDE COUNCIL CONSIDERATION AND POSSIBLE COUNCIL ACTION, REGARDING THE FIVE-YEAR FINANCIAL FORECAST.

City Manager Sheryl Sculley presented a status report on the top five Council priorities. The priorities included adding more Police Officers; Improvements to Streets, Sidewalks, and Traffic Signal Synchronization; adding more Fire/EMS Equipment and Services; Neighborhood/Parks; and Financial Reserves/Utility Rebates.

EXECUTIVE SESSION

Mayor Hardberger recessed the meeting at 4:38 pm to convene in Executive Session for the purpose of:

A. Deliberate the management, purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec 551.072 (real property) and Texas Government Code Sec 551.071 (consultation with attorney).

Mayor Hardberger reconvened the meeting and there being no further business to come before the Council, the work session was adjourned at 5:09 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, May 17, 2007 at 9:00 am in the City Council Chambers.

The Invocation was delivered by Rev. Richard Pena, Pastor, St Gabriel's Catholic Church, guest of Councilmember Delicia Herrera, District 6.

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

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

MINUTES

Councilmember Perez made a motion to approve the minutes of the May 3, 2007 Regular City Council Meeting. Councilmember Haass seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances:

2007-05-17-0532

Item 3A. AN ORDINANCE AMENDING THE APPROVED MAIN PLAZA REDEVELOPMENT PROJECT BUDGET BY INCREASING THE AMOUNT OF PRIVATE DONATIONS FROM \$2,500,000 TO \$4,726,207.

2007-05-17-0533

Item 3B. AN ORDINANCE APPROVING PHASE II CONSTRUCTION AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$10,933,611 TO KUNZ CONSTRUCTION COMPANY, INC., AND AUTHORIZING PHASE II CHANGE ORDER NUMBER 1 FOR PROJECT ENHANCEMENTS IN THE ADDITIVE AMOUNT OF \$284,272 TO THE CONSTRUCTION CONTRACT WITH KUNZ CONSTRUCTION COMPANY, INC., IN CONNECTION WITH THE MAIN PLAZA REDEVELOPMENT PROJECT, LOCATED IN DISTRICT 1 AND APPROPRIATING FUNDS.

2007-05-17-0534

Item 3C. AN ORDINANCE ACCEPTING A TOTAL OF \$4,726,207 IN PRIVATE DONATIONS THROUGH THE SAN ANTONIO PARKS FOUNDATION.

Councilmember Perez moved to adopt the proposed ordinances. Councilmember Haass seconded the motion.

Mr. Tom Wendorf, Director of Public Works, provided the Council with a brief update on the funding and construction of said Project. He also noted that said Project would be completed by May 1, 2008.

Mayor Hardberger commented that he would like to see the Project completed prior to Fiesta 2008.

Mr. Antonio Diaz, Texas Indigenous Council, addressed the Council and stated that he has requested a meeting with the Mayor but has been unsuccessful. He stated that he hoped that no human remains would be desecrated because of the Main Plaza construction. Mr. Diaz requested that a statue of a Native American Family be erected at Main Plaza. Lastly, he requested a map of the demarcation zone from the Archdiocese, but the map has not been supplied.

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council and noted that Main Plaza was being renovated right after the election. He also questioned if anybody had determined if human remains were present in the area prior to starting construction. Mr. Finger also stated that the Council was funding disadvantaged individuals and organizations that provide services to disadvantaged individuals at the expense of the middle class. Lastly, he noted that many individuals were against renaming Hausman Road Park to Bonnie Conner Park.

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

The City Clerk read the following Ordinance:

2007-05-17-0542

Item 7. AN ORDINANCE RENAMING "HAUSMAN ROAD PARK" LOCATED AT 7038 HAUSMAN ROAD IN CITY COUNCIL DISTRICT 8 "BONNIE CONNER PARK" UPON PASSAGE BY 8 OR MORE AFFIRMATIVE VOTES.

Councilmember Haass moved to adopt the proposed ordinance. Councilmember Perez seconded the motion.

Mr. Malcolm Matthews, Director of Parks and Recreation, summarized the renaming process for said Park and noted that the committee was in favor of the renaming.

The following citizens appeared to speak:

Mr. Walter Ague, 4251 Tall Elms Winds, addressed the Council in support of the name change. He also spoke on Ms. Conner's service to the community.

Former Mayor Lila Cockrell, 203 Ruell Chase, addressed the Council and stated that the renovation of Main Plaza was a win-win situation for the City. As it relates to Item 7, she spoke on the leadership Ms. Conner has provided to the community via her volunteer efforts.

Ms. Julia Diana, 2 Kinghurst, addressed the Council and stated that Ms. Conner has advocated for parks, green space, tree preservation, and water conversation. She stated that renaming a park after Ms. Conner would honor the work she has done for the community.

Mr. Frank Burney, 300 Convent #300, addressed the Council in support of said renaming. He stated that Ms. Conner has consistently advocated for quality of life issues and has been committed to improving the community. Mr. Burney stated that it was appropriate to honor Ms. Conner by naming a park after her.

Mr. Ray Knox, President of the Friends of the Parks, addressed the Council in support of said renaming. He stated that Ms. Conner has been passionate about preserving nature for over 20 years and naming a park after her would acknowledge her hard work and commitment.

Councilmember Haass asked the City Manager's Office to review the renaming process. He stated that the current process made it difficult to reward a public servant for their hard work. Mr. DiGiovanni stated that said issue was recently presented to the Governance Committee for review.

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

The City Clerk read the following Ordinance:

2007-05-17-0541

Item 6. AN ORDINANCE RENAMING "RIDGE CHASE PARK" LOCATED AT 4802 DEZAVALA ROAD IN CITY COUNCIL DISTRICT 8, AS "EDWYN J. GORRELL MEMORIAL PARK" UPON PASSAGE BY 8 OR MORE AFFIRMATIVE VOTES.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Hall seconded the motion.

Mr. Malcolm Matthews, Director of Parks and Recreation, summarized the renaming process for said Park and noted that the committee was in favor of the renaming.

William McManus, Police Chief; Teddy Stewart, President SAPOA; and Ms. Gorrell, widow of Officer Gorrell, addressed the Council and expressed their gratitude to the Council for said name change.

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

The City Clerk read Ordinances 4A, 4B, 4C, 4D, and 4E:

2007-05-17-0535

Item 4A. AN ORDINANCE ADOPTING THE 33RD YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) IN THE AMOUNT OF \$14,830,969.00 AS CONTAINED IN THE FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE 33RD FISCAL YEAR CDBG PROGRAM; DESIGNATING THE DIRECTOR OF GRANTS MONITORING AND ADMINISTRATION AS THE CERTIFYING OFFICIAL CONCERNING NEPA AND OTHER RELATED LAWS GOVERNING HUD'S ENVIRONMENTAL REVIEW REQUIREMENT; AND AUTHORIZING THE SUBMISSION OF THE CDBG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

2007-05-17-0536

Item 4B. AN ORDINANCE ADOPTING THE 16TH YEAR HOME PARTNERSHIP ENTITLEMENT GRANT (HOME) IN THE AMOUNT OF \$6,557,639.00 AND \$112,715.00 IN FY 2007-2008 AMERICAN DREAM DOWNPAYMENT INITIATIVE (ADDI) FUNDS AS CONTAINED IN THE FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2007-2008 HOME PROGRAM; AND AUTHORIZING THE SUBMISSION OF THE HOME GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED TO HUD.

2007-05-17-0537

Item 4C. AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF A HOME GRANT REVOLVING LOAN ACCOUNT FOR SAN ANTONIO ALTERNATIVE HOUSING CORPORATION (SAAHC); AUTHORIZING THE EXECUTION OF ALL RELATED CONTRACTS AND DOCUMENTS.

2007-05-17-0538

Item 4D. AN ORDINANCE ADOPTING THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS ENTITLEMENT GRANT (HOPWA) IN THE AMOUNT OF \$972,000.00 IN FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2007-2008 HOPWA PROGRAM; DESIGNATION OF FY 2007-2008 HOPWA PROGRAM FUNDS; AND AUTHORIZING THE SUBMISSION OF THE HOPWA GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED BY HUD.

2007-05-17-0539

Item 4E. AN ORDINANCE ADOPTING THE EMERGENCY SHELTER GRANT (ESG) IN THE AMOUNT OF \$640,253.00 IN FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET; AUTHORIZING THE FY 2007-2008 ESG PROGRAM; DESIGNATION OF FY 2007-2008 ESG PROGRAM FUNDS; AND AUTHORIZING THE SUBMISSION OF THE ESG GRANT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR FY 2007-2008 CONSOLIDATED PLAN ANNUAL BUDGET, CERTIFICATION AND OTHER INFORMATION AS REQUIRED BY HUD.

Councilmember Perez moved to adopt ordinances 4A, 4B, 4C, 4D, and 4E. Councilmember Hall seconded the motion.

Mr. Andrew Cameron, Director of Grants Monitoring and Administration, provided the Council with background information for said item. He stated that said item outlines the Proposed FY 2007-2008 Consolidated Annual Action/Budget for 5 Programs and allows for CDBG Funds to be transferred to the District 10 Randolph/Weidner Drainage Project.

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

The City Clerk read the following Ordinance:

2007-05-17-0540

Item 5. AN ORDINANCE AMENDING THE FEE SCHEDULE FOR DEVELOPMENT SERVICES FEES.

Councilmember Hall moved to adopt the proposed ordinance amending the fee schedule for Development Services. Councilmember Guajardo seconded the motion.

Mr. Roderick Sanchez, Director of Development Services, summarized the proposed fee schedule. He stated that without said fee increases the department was looking at a \$5 million shortfall. Reasons for the shortfall include an 18% decline in revenues, building debt, and costs associated with maintenance of the Hanson Software. Mr. Sanchez noted that the fees collected would generate \$1.8 million before the end of the fiscal year and \$5.2 million next year. He stated that the fees being charged are comparable to other cities. Lastly, Mr. Sanchez noted that the last across the board fee increase was in 2001.

Councilmember Haass directed the City Manager's Office to address the deficit now rather than wait until the FY 2008 Budget. He stated that addressing the deficit now was good for the fiscal stability of the City. Councilmember Haass requested that the City Manager's Office present their recommendations at the May 31st Council Meeting.

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

The City Clerk read the following Item:

Item 8. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith, Director of Intergovernmental Relations, briefed the Council on several Bills that have been introduced this Legislative Session which the department has been monitoring.

CONSENT AGENDA: Items 9-36

Consent Agenda Items 10, 13, 19, 25, 27, 30, and 34 were pulled for Individual Consideration. Councilmember Flores made a motion to approve the remaining Consent Agenda Items. Councilmember Gutierrez seconded the motion.

Mr. Jack Finger, P.O. Box 12048, addressed the City Council and noted that with the passage of Item 27 the City would be funding the advertisement of arts organizations that portrayed homosexuality, nudity, and simulated sex scenes within their plays. Organizations being funded include the Esperanza Peace and Justice Center, San Antonio Little Theater, and the San Pedro Playhouse. For Item 29, Mr. Finger stated that competitive bidding was not done. Lastly, he stated that several councilmembers have received campaign contributions from Clear Channel.

Ms. Leticia Vacek read a written testimony from Mr. Faris Hodge, Jr., 140 Dora. He wrote that the Tower of America elevators should be rebuilt since they have malfunctioned four times over the last four years.

Mr. Blake Custer of Clear Channel, addressed the Council and stated that his company was excited about being given the opportunity to advertise for the City.

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

2007-05-17-0543

Item 9. 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 \$524,648.00, INCLUDING: (A) AUTOCAR TRUCK PARTS AND SERVICE; (B) MEDIUM-DUTY GMC & PETERBILT TRUCK PARTS AND SERVICE; (C) BERGKAMP FP5 POTHOLE PATCHER PARTS AND SERVICE; (D) LEMCO CRANE PARTS AND SERVICE; (E) LEASE OF ICE MACHINES AND ICE STORAGE BINS; (F) RIVERWALK SANITATION SERVICES.

2007-05-17-0545

Item 11. AN ORDINANCE APPROVING CHANGE ORDER NO. 3 IN THE AMOUNT OF \$62,833.25 TO A \$677,378.24 CONSTRUCTION CONTRACT WITH 3TI, INC., IN CONNECTION WITH THE BRANCH LIBRARIES RENOVATION, PHASE II PROJECT AT THE MCCRELESS BRANCH LIBRARY; AN AUTHORIZED HUD 108 FUND PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS.

2007-05-17-0546

Item 12. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$209,220.00, TO INCLUDE AWARDDING A \$190,200.00 CONTRACT WITH CRAWFORD ROOFING, INC., FOR WORK IN CONNECTION WITH THE LINCOLN PARK COMMUNITY CENTER ROOF REPLACEMENT AND REPAIRS PROJECT, AN AUTHORIZED HUD 108 LOAN PROGRAM FUNDED PROJECT IN DISTRICT 2; AND APPROPRIATING FUNDS.

2007-05-17-0548

Item 14. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$937,901.00 TO INCLUDE AWARDDING A \$737,155.00 CONTRACT WITH G G & G GENERAL CONSTRUCTION, INC. FOR THE CONSTRUCTION OF YOUTH PRACTICE SPORTS FIELDS AS PART OF THE REGIONAL YOUTH SPORTS FACILITY IMPROVEMENTS PROJECT AT BROOKS PARK, AN APPROVED 2003 PARK BOND FUND PROJECT LOCATED IN DISTRICT 3.

2007-05-17-0549

Item 15. AN ORDINANCE APPROVING CHANGE ORDER NO. SAWS-01 IN THE DEDUCTIVE AMOUNT OF \$35,746.00 TO THE CONSTRUCTION CONTRACT, WITH AJ COMMERCIAL SERVICES, INC. D/B/A ASC PAVING IN CONNECTION WITH THE REDLAND ROAD-REDLAND WOOD TO JONES MALTSBERGER PROJECT, LOCATED IN DISTRICT 10.

2007-05-17-0550

Item 16. AN ORDINANCE APPROVING CHANGE ORDER NO.5 IN THE AMOUNT OF \$97,610.51 TO THE CONSTRUCTION CONTRACT, WITH COLLECTIVE CONTRACTING, INC. FOR ADDITIONAL WORK TO EXTEND ROAD RECONSTRUCTION ON LINDA LOU FROM PRESA TO BOXELDER AND EXTENDS PAVEMENT OVERLAY ON BOXELDER FROM MEBANE TO LINDA LOU, IN CONNECTION WITH THE HACKBERRY (STEVES TO SOUTHCROSS) PROJECT, LOCATED IN DISTRICT 3, AND APPROPRIATING FUNDS.

2007-05-17-0551

Item 17. AN ORDINANCE AUTHORIZING A 10-YEAR OFFICE LEASE FOR A COMMUNITY LINK SERVICE CENTER IN THE CITY BASE LANDING SHOPPING CENTER LOCATED AT S.E. MILITARY AND GOLIAD AT A RATE OF \$18.00 PER SQUARE FOOT AND INCREASING TO \$19.80 PER SQUARE FOOT OVER THE 10-YEAR TERM.

2007-05-17-0552

Item 18. AN ORDINANCE AUTHORIZING A 60-MONTH LEASE OF THE 19TH FLOOR OF THE FROST NATIONAL BANK TOWER, 100 W. HOUSTON, FOR USE BY THE ECONOMIC DEVELOPMENT DEPARTMENT AS OFFICE SPACE AT A RATE OF \$16.90 PER SQUARE FOOT AND ESCALATING TO \$17.90 PER SQUARE FOOT OVER THE 5-YEAR TERM.

2007-05-17-0554

Item 20. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL IN THE AMOUNT OF \$31,939.63 TO PURCHASE MEDICAL EQUIPMENT FOR EMERGENCY MEDICAL SERVICES.

2007-05-17-0555

Item 21. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, FOR A HUD, OFFICE OF HEALTHY HOMES AND LEAD HAZARD CONTROL, LEAD HAZARD REDUCTION AND DEMONSTRATION GRANT PROGRAM, IN THE AMOUNT OF \$4,000,000.00 TO CONTINUE THE CITY'S LEAD-BASED PAINT HAZARD CONTROL PROGRAM FOR A THREE YEAR PERIOD.

2007-05-17-0556

Item 22. AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT OF UP TO \$100,000.00 FROM THE TEXAS PARKS & WILDLIFE DEPARTMENT; AUTHORIZING THE ACCEPTANCE OF THE GRANT, IF AWARDED, TO BE USED TO FUND AMENITIES AND IMPROVEMENTS ASSOCIATED WITH A TRAILHEAD FOR THE SALADO CREEK GREENWAY; AND AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS.

2007-05-17-0557

Item 23. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$1,901,549 FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR A HIGH INTENSITY DRUG TRAFFICKING AREA GRANT FOR THE GRANT YEAR JANUARY 1, 2007, THROUGH DECEMBER 31, 2007; AND ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

2007-05-17-0558

Item 24. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE, UPON AWARD, OF A \$175,533.77 GRANT FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT, FOR THE 2006 BUFFER ZONE PROTECTION PROGRAM FOR THE GRANT PERIOD OCTOBER 1, 2006 THROUGH JUNE 30, 2008.

2007-05-17-0560

Item 26. AN ORDINANCE REDUCING THE DISTRICT 10 ONE TIME FUNDS BY \$11,865.80 AND REALLOCATING THOSE FUNDS TO THE SAN ANTONIO POLICE DEPARTMENT FOR THE PURCHASE OF TWO 2007 HONDA TRX 420 FM 7 4X4 ALL TERRAIN VEHICLE UNITS, A TRAILER AND SERVICE MAINTENANCE AND TRAINING FOR EACH UNIT, AS REQUESTED BY COUNCILMAN CHIP HAASS, DISTRICT 10.

2007-05-17-0562

Item 28. AN ORDINANCE AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT AMENDMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) AND A CONTRACT AMENDMENT WITH THE SALVATION ARMY TO EXPAND THE TARGET POPULATION SERVED BY THE SALVATION ARMY'S NEW START PROGRAM TO ALL HOMELESS WOMEN.

2007-05-17-0563

Item 29. AN ORDINANCE AWARDING AND AUTHORIZING EXECUTION OF A CONTRACT FOR COMMERCIAL FACILITIES ADVERTISING CONCESSION FOR THE SAN ANTONIO INTERNATIONAL AIRPORT, HENRY B. GONZALEZ CONVENTION CENTER, AND ALAMODOME TO CLEAR CHANNEL OUTDOOR, INC. FOR TERM OF TEN (10) YEARS.

2007-05-17-0565

Item 31. AN ORDINANCE APPROVING THE EXECUTION OF AN INTERCREDITOR AGREEMENT WITH WESTERN-SOUTHERN LIFE ASSURANCE COMPANY RESTATING THE CITY'S SECOND PRIORITY SECURITY INTEREST IN VISTANA LTD REAL PROPERTY.

2007-05-17-0566

Item 32. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$60,000,000 "CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2007" TO BE USED FOR THE PROJECTS INCLUDED IN THE ADOPTED 2007 CAPITAL BUDGET, THE HOMELESS CAMPUS, THE ACQUISITION OF A SAN ANTONIO POLICE DEPARTMENT PROPERTY ROOM AS WELL AS PROPOSED PROJECTS INCLUDED IN THE BOND ELECTION TO BE HELD ON MAY 12, 2007 THAT HAVE CASH FLOW NEEDS THROUGH NOVEMBER 2007; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW FOR THE PAYMENT OF THE NOTES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF THE NOTES; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND PURCHASE AND INVESTMENT LETTER; COMPLYING WITH THE REQUIREMENTS OF THE LETTER OF REPRESENTATIONS WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING FOR AN EFFECTIVE DATE.

2007-05-17-0567

Item 33. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$5,500,000 "CITY OF SAN ANTONIO, TEXAS HOTEL OCCUPANCY TAX SURPLUS REVENUE NOTES, SERIES 2007", TO BE USED FOR CONSTRUCTION OF ALAMODOME RENOVATIONS AND ENHANCEMENTS NECESSARY TO HOST THE 2008 FINAL FOUR; PLEDGING CERTAIN SUBORDINATE LIEN HOTEL OCCUPANCY TAX REVENUES FOR THE PAYMENT THEREOF; AUTHORIZING EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT; AUTHORIZING AND APPROVING OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO; AND DECLARING AN EFFECTIVE DATE.

2007R-05-17-0569

Item 35. A RESOLUTION APPROVING AND AUTHORIZING THE ISSUANCE OF SA ENERGY ACQUISITION PUBLIC FACILITY CORPORATION GAS SUPPLY REVENUE BONDS, SERIES 2007, AND OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

2007-05-17-0570

Item 36. AN ORDINANCE APPROVING AN AMENDMENT TO THE TOWER OF THE AMERICA'S LEASE AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND LANDRY'S RESTAURANTS INC. SHIFTING THE MAINTENANCE, REPAIR, RENOVATION AND REFURBISHMENT RESPONSIBILITIES FOR THE TOWER ELEVATORS FROM THE CITY TO LANDRY'S RESTAURANTS, INC. AND PROVIDING FOR REIMBURSEMENT THROUGH RENT CREDITS FOR ELEVATOR MAINTENANCE COSTS AND FOR CERTAIN IMPROVEMENTS TO THE TOWER.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-05-17-0544

Item 10. An Ordinance accepting the bid from Selrico Services, Inc. to provide the Parks and Recreation Department with meals associated with its Summer Food Service Program for a cost of \$652,270.56, from the Summer Food Service Program Grant.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Gutierrez seconded the motion.

Councilmember Perez sought a status report on the request he made last week to expand the Summer Food Service Program. Mr. Malcolm Matthews stated that the City was working to expand the Program. However, based on the late date, the only option available was to increase the number of individuals who could be serviced at each of the 70 sites.

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

The City Clerk read the following Ordinance:

2007-05-17-0547

Item 13. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$420,000.00 FOR IN-HOUSE CONSTRUCTION BY PARKS AND RECREATION STAFF OF ONE MILE OF TRAIL IMPROVEMENTS AND ASSOCIATED AMENITIES AS PART OF THE MILLER'S POND PARK TRAIL IMPROVEMENTS PROJECT IN DISTRICT 4, AN APPROVED PARK BOND FUND PROJECT.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Hall seconded the motion.

Councilmember Perez sought clarification on said Item. He stated that he was concerned with approving amenities when the community had not been consulted. Mr. Malcolm Matthews stated that said ordinance related to the construction of the park itself. He stated that the community would be consulted when amenities would be purchased.

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

POINT OF PERSONAL PRIVILEGE

At this time, Mayor Hardberger recognized former City Clerk Norma Rodriguez and her husband Art. Mr. and Ms. Rodriguez introduced their guests from New York, South Africa, and Canada.

The City Clerk read the following Ordinance:

2007-05-17-0553

Item 19. AN ORDINANCE APPROVING NEGOTIATION AND EXECUTION OF DOCUMENTS RELATING TO ASSUMPTION AND ASSIGNMENT LEASE AGREEMENTS BETWEEN THE CITY OF SAN ANTONIO AND SAN ANTONIO 2000, LTD. RELATING TO THE HYATT REGENCY ON THE RIVERWALK, INCLUDING A CONSENT TO ASSIGNMENT OF LEASE, ESTOPPEL CERTIFICATES, A LEASE AMENDMENT, A CORRECTION DEED, AND OTHER RELATED DOCUMENTS.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Guajardo seconded the motion.

Councilmember Perez sought clarification on said Item. Mr. Kenneth Bennight with the City Attorney's Office stated that the Hyatt Hotel was being sold and that the new owner requested certain documents to be redrawn in order to clarify issues.

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

The City Clerk read the following Ordinance:

2007-05-17-0559

Item 25. AN ORDINANCE AMENDING SECTION 33-003 OF THE CITY CODE TO INCLUDE A DEFINITION FOR HYBRID TAXICAB AND ADDING SECTION 33-932 TO THE CITY CODE TO ESTABLISH THE HYBRID TAXICAB REPLACEMENT PROGRAM.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Hall seconded the motion.

Ms. Leticia Vacek read a written testimony from Mr. Faris Hodge, Jr., 140 Dora. For Item 25, Mr. Hodge stated that there should have been two public hearings. He questioned what the City was going to do with its fleet of non-hybrid cars.

Councilmember Haass stated that said ordinance would allow for the issuance of one additional hybrid taxicab permit when an operating permit holder replaces a combustion engine taxicab with a hybrid taxicab. Over the course of time, the taxicab industry in San Antonio would become the first to have an entire fleet of hybrid taxicabs.

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

The City Clerk read the following Ordinance:

2007-05-17-0561

Item 27. AN ORDINANCE AUTHORIZING THE APPROPRIATION OF \$100,000.00 FOR THE DEVELOPMENT OF A CITY-WIDE ARTS AND CULTURAL COMMUNICATIONS PLAN AS RECOMMENDED BY THE CULTURAL COLLABORATIVE.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Hall seconded the motion.

Councilmember Perez sought clarification on the cost associated with the Marketing Plan. Mr. Felix Padron, Director of Cultural Affairs, stated that said ordinance would approve the development of a City-wide Marketing Plan. Said Plan would highlight all the arts organizations and arts related events within the City. The scope of services to be provided within the Marketing Plan includes advertising, public relations, development of materials of television and radio, and updating the Cultural Affairs web-site.

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

The City Clerk read the following Ordinance:

2007-05-17-0564

Item 30. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE PORT AUTHORITY OF SAN ANTONIO TO ALLOW THE AUTHORITY TO ISSUE PERMITS AND PERFORM INSPECTIONS IN ACCORDANCE WITH LOCAL TECHNICAL CODES AND REGULATIONS.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Hall seconded the motion.

Councilmember Herrera sought clarification relating to the fiscal impact. Mr. Roderick Sanchez, Director of Development Services, stated that said ordinance would allow the Port Authority of San Antonio to be the Building Official for all buildings at the Port Authority. As such, the Port Authority would issue their own certificates of occupancy while the City would continue to be responsible for platting, zoning, fire inspections, as well as drainage, historic, and health reviews. As for the fiscal impact, he stated that since the city was not doing the plan review or inspections no money was being spent.

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

The City Clerk read the following Ordinance:

2007-05-17-0568

Item 34. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$500,000,000 "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE AND REFUNDING BONDS, NEW SERIES 2007"; PROVIDING THE TERMS, CONDITIONS, AND SPECIFICATIONS FOR SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A BOND PURCHASE AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Hall excused himself from the meeting noting that he would be abstaining on said item.

Councilmember Perez moved to adopt the proposed ordinance. Councilmember Gutierrez seconded the motion.

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

Item 37. **City Manager's Report**

City Manager Sheryl Sculley reported on the following items:

Beginning Monday, May 28th, library staff will no longer hand stamp each item that is checked-out.

The Parks and Recreation Department received the National Parks Association 2007 Arts and Humanities National Award.

Maria Valero, Traffic Operations Manager from the Public Works Department, was awarded the Professional Manager of the Year Award by the Texas Public Works Association. Ms. Valero will receive the award at the Texas Annual Awards Banquet scheduled for June 1, 2007.

At this time Ms. Vacek updated the Council on the Early Voting locations and schedule for the June 12, 2007 Run-off Election for Council Districts 5 and 8.

EXECUTIVE SESSION

Mayor Hardberger recessed the meeting at 12:03 pm to break for lunch and to convene in Executive Session at 1:30 pm for the purposes of:

- A. Discuss legal issues related to *University of Kansas v. City of San Antonio*, in the 150th Judicial District Court, Bexar County, Texas, Cause No. 2002-CI-12852, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the meeting at 2:22 pm and stated that the Council had given staff direction but had taken no official action.

CONSENT ZONING

Councilmember Perez made a motion to approve the following rezoning cases noting that the Staff and Zoning Commission recommendation were to approve and Council recommended to continue and/or postpone: Z-1, Z-3, Z-4, Z-5, Z-6, Z-7, Z-8, P-2, Z-9, Z-10, Z-11, Z-12, Z-13, Z-14, Z-15, Z-16, P-3, Z-17, Z-18, Z-19, Z-20, Z-21, Z-22, and Z-26. Councilmember Haass seconded the motion. It was announced that Item 14 was withdrawn at the requested of the applicant.

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

2007-05-17-0571

Item Z-1. **ZONING CASE # Z2007143 S (District 6):** An Ordinance changing the zoning district boundary from "C-3R" General Commercial District, Restrictive Alcoholic Sales to "C-3R" S General Commercial District, Restrictive Alcoholic Sales with Specific Use Permit for an Auto Paint and Body Shop on 0.212 acre tract of land out of NCB 8240, 5222 West Commerce as requested by Jose Vasquez, Applicant for Tomas Rodriguez, 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: 0.212 ACRE TRACT OF LAND OUT OF NCB 8240 TO WIT: FROM "C-3 R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES TO "C-3 R" S GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOLIC SALES WITH SPECIFIC USE PERMIT FOR AN AUTO PAINT AND BODY SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-05-17-0574

Item Z-3. **ZONING CASE # Z2007114 CD (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD - Townhomes) Residential Single District with a Conditional Use for Townhomes at a Density of 11 units per acre on Lot P-72 C, NCB 18557, 7585 Mainland Drive as requested by Bobby Perez, Applicant for Broll Homes L.P., Owner. Staff recommends Approval. Zoning Commission recommends 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: 1.025 ACRES OUT OF NCB 18163 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" (CD-CONTRACTOR'S FACILITY) COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH CONDITIONAL USE FOR A CONTRACTOR'S FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-05-17-0575

Item Z-4. **ZONING CASE # Z2007159 CD (District 7):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-2 NA" (CD-Carwash) Commercial District, Nonalcoholic Sales with a Conditional Use for a Carwash on 0.66 acres out of Lot 20, Block 26, NCB 10553, 3684 Culebra Road, as requested by Salah Diab of Seda Consulting Engineers, Inc., Applicant for Darrell Centeno, 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: 0.66 ACRES OUT OF LOT 20, BLOCK 26, NCB 10553 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "C-2 NA" (CD-CARWASH) COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR A CARWASH PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

CONTINUED TO MAY 31, 2007

Item Z-5. **ZONING CASE Z2007045 (District 8):** An Ordinance changing the zoning district boundary from "DR" ERZD Development Reserve Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on 73.18 acres out of CB 4533, CB 4540, CB 4543 and CB 4547 (NCB 14866), "C-1" ERZD Light Commercial Edwards Recharge Zone District on 7.2581 acres out of CB 4533 and CB 4543 (NCB 14866) and "R-6" ERZD Residential Single Family Edwards Recharge Zone District on 5.441 acres out of CB 4533 and CB 4543 (NCB 14866) as requested by Brown, P. C., Applicant for H. Kyle Seale, Daniel Kyle Seale, H. Kyle Seale Family Properties, Ltd., Owners. Staff recommends Approval. Zoning Commission pending May 15th meeting.

The following citizens appeared to speak:

Ms. Lindsey Ratcliff addressed the Council and spoke against said zoning change. Concerns with the zoning change include developing over the Edwards Aquifer and the Seale Family not offering deed restrictions.

Mr. Mike Pilcher, 8916 Eagle Cove, addressed the Council and spoke against said zoning change. He stated that traffic congestion was already an issue in the area. He added that the development that would result from said zoning change would make the congestion even worse.

Ms. Camille Pancratz, 8606 Magdalena Run, addressed the Council and spoke against said zoning change. She stated that said zoning change was not appropriate for the area. Ms. Pancratz suggested that the area be rezoned to C-1 and that deed restrictions be incorporated into the zoning change.

Ms. Angie Laury, 14502 River Valley, addressed the Council and spoke against said zoning change. She stated that there should be more than a 15-foot buffer between commercial and residential zoning.

Mr. Robert Hard, 14507 Santa Fe Acres, addressed the Council and spoke against said zoning change. He requested that the Council advocate for an acceptable buffer zone.

Ms. Elizabeth Earnly of Aquifer Guardians in Urban Areas (AGUA) addressed the Council and spoke against said zoning change. She detailed her concerns with said zoning change.

Ms. Rachel Dealy, Edwards Aquifer Alliance, addressed the Council and spoke against said zoning change. She stated that said zoning change would adversely impact the water quality of the Edwards Aquifer.

Mr. Ricardo Gibson, 420 Kyle Trail, addressed the Council and spoke against said zoning change. He stated that said zoning change would adversely affect the value of his home and his quality of life. Mr. Gibson requested that the Council vote against said zoning change.

POSTPONED

Item Z-6. **ZONING CASE # Z2007090 (District 8):** An Ordinance changing the zoning district boundary from "RP" Resource Protection, "R-20" Residential Single Family District, "R-6" Residential Single Family District, "O-2" Office District, "C-3" General Commercial District, "C-3 R" Commercial Restrictive Alcohol Sales District, "I-1" General Industrial District, and "QD" (CD-Blasting and Asphaltic Concrete) Quarry District with a Conditional Use for Blasting and Asphaltic Concrete to

"MPCD" Master Planned Community District on 835.471 acres out of NCB 14747, NCB 14853, NCB 14881, NCB 14882, NCB 17700, NCB 18331, NCB 18332, NCB 34760, NCB 34761, NCB 34763, NCB 34777, NCB 34778 and NCB 34781 located at 15000 through 19600 Blocks of Interstate 10 West and 5000 Block of Loop 1604 North, as requested by Brown, P.C., Applicant for Fourth Quarter Properties LXII, LP c/o Thomas Enterprises and Hooten Family Trust, Owners. Portions of the property are located within the "ERZD" Edwards Recharge Zone District and the "GC-1" Gateway Corridor Overlay District-1 however, the proposal does not include removing or altering the boundaries of either of these districts. Staff recommends Approval. Zoning Commission's recommendation pending May 15, 2007 public hearing.

CONTINUED TO JUNE 7, 2007

Item Z-7. **ZONING CASE # Z2007113 (District 8):** An Ordinance changing the zoning district boundary from "C-2" Commercial District and "C-3" General Commercial District to "MF-25" Multi Family District on 12.01 acres out of NCB 17498, 5581 Prue Road as requested by Wood Partners, Applicant for Prue Road Associates, Owner. Staff and Zoning Commission recommend Approval.

CONTINUED TO JUNE 7, 2007

Item Z-8. **ZONING CASE # Z2007123 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" Commercial District on Lot 38, Block 9, NCB 14709, 6348 Prue Road as requested by Roy Horn, III, Applicant for San Man, Inc., Owner. Staff and Zoning Commission recommend Approval.

2007-05-17-0576

Item P-2. **PLAN AMENDMENT # 07014 (District 8):** AN ORDINANCE AMENDING THE LAND USE PLAN IN THE OAKLAND ESTATES NEIGHBORHOOD PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 3.428 ACRE TRACT OF LAND LOCATED AT 6385 OLD BABCOCK ROAD AND 6300 PRUE ROAD FROM LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL AND LOW DENSITY RESIDENTIAL ESTATE TO NEIGHBORHOOD COMMERCIAL. **Associated Zoning Cases # Z2007124 and # Z2007125**

CONTINUED TO JUNE 7, 2007

Item Z-9. **ZONING CASE # Z2007124 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" Commercial District on 2.41 acres out of Lot 9, Block 9, NCB 14709, 6300 Prue Road as requested by Roy Horn, III, Applicant for Howard and Marjorie Love, Owners. Staff recommends Denial and Zoning Commission recommends Approval.

CONTINUED TO JUNE 7, 2007

Item Z-10. **ZONING CASE # Z2007125 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "O-1" Office District on 0.998 acres out of NCB 14709, 6385 Old Babcock Road as requested by Roy Horn, III, Applicant for Caleb and Judy Windham, Owners. Staff and Zoning Commission recommend Approval pending Plan Amendment.

2007-05-17-0577

Item Z-11. **ZONING CASE # Z2007147 S (District 8):** An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "C-2" S Commercial District with Specific Use Permit for a Hospital on 10.58 acres out of Lot 33, NCB 12830, 7930 Floyd Curl Drive as requested by VHS Acquisition Subsidiary Number 5, Inc. General Partner, Applicant for VHS Acquisition Subsidiary Number 5, Inc., General Partner, 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: 10.58 ACRES OUT OF LOT 33, NCB 12830 TO WIT: FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2" S COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR A HOSPITAL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-05-17-0578

Item Z-12. **ZONING CASE # Z2007158 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2 NA" Commercial District, Nonalcoholic Sales on Lot 7, Block 26, NCB 17850, 13315 NW Military Highway, as requested by SJR N. W. Military, Ltd., Applicant for SJR N. W. Military, Ltd., 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 7, BLOCK 26, NCB 17850 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

POSTPONED

Item Z-13. **ZONING CASE # Z2007169 (District 8):** An Ordinance changing the zoning district boundary from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "MF-25" ERZD Multi-Family Edwards Recharge Zone District on 6.833 acres out of NCB 14615 and "C-3" ERZD General Commercial Edwards Recharge Zone District on 1.524 acres out of NCB 14615 8130 Hausman Road, as requested by Andrew C. Guerrero, Applicant for James and Sue Ann May Revocable Living Trust, Owners. Staff recommends Denial. Zoning Commission pending May 15th meeting.

WITHDRAWN BY APPLICANT

Item Z-14. **ZONING CASE # Z2006201 (District 10):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "MF-33" Multi-Family District to "MF-50" Multi Family District on Lots 1 through 4, NCB 8699, North New Braunfels and Brees Streets as requested by Brown, P.C., Applicant for Simmons, Vedder & Company, Owners. Staff and Zoning Commission recommend Approval.

2007-05-17-0579

Item Z-15. **ZONING CASE # Z2007164CD (District 1):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "R-6" (CD - Two-Family Dwelling) Residential Single Family District with a Conditional Use for a Two-Family Dwelling with a density not exceeding 12 dwelling units per acre on Lot 16, Block 3, NCB 2964, 520 E. Courtland Place as requested by Josefina M. Bazan, Applicant for Josefina M. Bazan, 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 16, BLOCK 3, NCB 2964 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-6" (CD - TWO-FAMILY DWELLING) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A TWO-FAMILY DWELLING WITH A DENSITY NOT EXCEEDING 12 DWELLING UNITS PER ACRE OR A TOTAL OF TWO UNITS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-05-17-0580

Item Z-16. **ZONING CASE # Z2007179 (District 1):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "R-5" Single-Family Residential District to "I-1" General Industrial District on Lot 8, Block 5A, NCB 11957 and 0.666 acre tract of land out of NCB 11957, 1308, 1314 and 1318 Park Ridge Drive as requested by Jerry Arredondo, Applicant for Walker Southwest Properties, LLC., 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: LOT 8, BLOCK 5A, NCB 11957 AND 0.666 ACRE TRACT OF LAND OUT OF NCB 11957 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "R-5" SINGLE-FAMILY RESIDENTIAL DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

2007-05-17-0581

Item P-3. **PLAN AMENDMENT # 07012 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 4.59 ACRE TRACT OF LAND LOCATED AT 8610 MCCULLOUGH FROM HIGH DENSITY RESIDENTIAL TO MIXED USE. **Associated Zoning Case # Z2007188**

2007-05-17-0582

Item Z-17. **ZONING CASE # Z2007188 (District 1):** An Ordinance changing the zoning district boundary from "MF-50" CD Multi-Family District with Conditional Use for 100 units per acre to "MXD" Mixed Use District on Lot 39, NCB 12025, 8610 McCullough Avenue as requested by Brown, P. C., Applicant for NAGA, Ltd., Owner. Staff recommends Approval pending Plan Amendment. Zoning Commission pending May 15th meeting.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 39, NCB 12025 TO WIT: FROM "MF-50" CD MULTI-FAMILY DISTRICT WITH CONDITIONAL USE FOR 100 UNITS PER ACRE TO "MXD" MIXED USE DISTRICT.

CONTINUED TO JUNE 21, 2007

Item Z-18. **ZONING CASE # Z2007145 (District 2):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "C-3 NA" Commercial Non-Alcoholic Sales District on Lot 4, Block 27, NCB 10328, 425 Hampton Street as requested by Albert Rodriguez, Applicant for Albert Rodriguez, Owner. Staff and Zoning Commission recommend approval of "C-2".

2007-05-17-0583

Item Z-19. **ZONING CASE # Z2007152 CD (District 2):** An Ordinance changing the zoning district boundary from "NP-10" Neighborhood Preservation District to "C-3" (CD-Contractor's Facility) General Commercial District with Conditional Use for a Contractor's Facility on 49.791 acre tract of land out of NCB 10615, 5600 Block of East Houston Street, as requested by Kaufman & Associates, Inc., Applicant for Meadowlawn Memorial Park, Inc., 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: 49.791 ACRE TRACT OF LAND OUT OF NCB 10615 TO WIT: FROM "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT TO "C-3" (CD-CONTRACTOR'S FACILITY) GENERAL COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A CONTRACTOR'S FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL.

CONTINUED TO JUNE 21, 2007

Item Z-20. **ZONING CASE # Z2007161 (District 2):** An Ordinance changing the zoning district boundary from "C-2 NA" Commercial Nonalcoholic Sales District to "C-3 NA" General Commercial District, Nonalcoholic Sales on Lot 1 and Lot 2, Block 29, NCB 1033, 601 Roland Avenue, as requested by Carlos M. Rivera, Applicant for Carlos M. Rivera, Owner. Staff and Zoning Commission recommend Approval.

CONTINUED TO JUNE 7, 2007

Item Z-21. **ZONING CASE # Z2007105 (District 3):** An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District and "R-4" Residential Single-Family District to "R-4" Residential Single-Family District on Lot 9, Block C, NCB 110271, Northeast of the Intersection of Hilje Street and Betty Jean Street, as requested by City of San Antonio, Applicant for San Antonio Development Agency, Owner. Staff and Zoning Commission recommend Approval.

CONTINUED TO JUNE 7, 2007

Item Z-22. **ZONING CASE # Z2007126 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD-Beauty Shop) Residential Single Family District with a Conditional Use for a Beauty Shop on Lot 41, Block 3, NCB 11159, 806 E. Ashley Road as requested by Cristina Arredondo and Norma Ruano, Applicant, for Juan M. Perez and Mary E. Perez, Owners. Staff and Zoning Commission recommend Approval with Conditions.

2007-05-17-0588 (Amendments)

Item Z-26. **ZONING CASE # Z2007162 CD S (District 5):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District, "C-3" General Commercial District, "C-2" Commercial District, "MF-33" Multi-Family District, "R-5" Residential Single-Family District and "R-4" Residential Single-Family District to "C-3R" General Commercial Restrictive Alcoholic Sales District, "C-3" S General Commercial District with a Specific Use Permit for a Mini-Storage exceeding 2.5 acres, "C-3" (CD - Heavy Equipment Repair) S General Commercial District with a Conditional Use for Heavy Equipment Repair and a Specific Use Permit for a Contractor Facility, "C-2" S Commercial District with Specific Use Permit for Telephone Equipment Infrastructure, "C-2" (CD - Bar/ Tavern) Commercial District with a Conditional Use for a Bar or Tavern, "C-2" (CD - Auto Sales) Commercial District with a Conditional Use for Auto Sales, "C-2" (CD - Machine Shop) Commercial District with a Conditional Use for a Machine Shop, "C-2" (CD - Welding Shop) Commercial District with a Conditional Use for a Welding Shop, "C-2" (CD - Meeting Facility) Commercial District with a Conditional Use for Meeting Facility, "C-2NA" Commercial Nonalcoholic Sales District, "C-2" Commercial District, "MF-33" Multi-Family District, "R-6" Residential Single-Family District, "R-5" Residential Single-Family District, "R-4" Residential Single-Family District, "R-4" (CD - Noncommercial Parking Lot) Residential Single-Family District with a Conditional Use for a Noncommercial Parking Lot at multiple properties on North General McMullen between Culebra Road to the north and West Commerce to the south as requested by City of San Antonio, Applicant for Multiple Property Owners. Staff recommends Approval. Zoning Commission pending May 15th meeting.

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: MULTIPLE PROPERTIES ALONG NORTH GENERAL MCMULLEN BETWEEN CULEBRA ROAD TO THE NORTH AND WEST COMMERCE TO THE SOUTH TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT, "C-3" GENERAL COMMERCIAL DISTRICT, "C-2" COMMERCIAL DISTRICT, "MF-33" MULTI-FAMILY DISTRICT, "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT, "C-3" S GENERAL COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A MINI-STORAGE EXCEEDING 2.5 ACRES, "C-3" (CD - HEAVY EQUIPMENT REPAIR) S GENERAL COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR HEAVY EQUIPMENT REPAIR AND A SPECIFIC USE PERMIT FOR A CONTRACTOR FACILITY, "C-2" S COMMERCIAL DISTRICT WITH SPECIFIC USE PERMIT FOR TELEPHONE EQUIPMENT INFRASTRUCTURE, "C-2" (CD - BAR/ TAVERN) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A BAR OR TAVERN, "C-2" (CD - AUTO SALES) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES, "C-2" (CD - MACHINE SHOP) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A MACHINE SHOP, "C-2" (CD - WELDING SHOP) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A WELDING SHOP, "C-2" (CD - MEETING FACILITY) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR MEETING

FACILITY, "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT, "C-2" COMMERCIAL DISTRICT, "MF-33" MULTI-FAMILY DISTRICT, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-4" (CD - NONCOMMERCIAL PARKING LOT) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A NONCOMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

2007-05-17-0572

Item P-1. **PLAN AMENDMENT # 07010 (District 7): AN ORDINANCE AMENDING THE LAND USE PLAN IN THE NORTHWEST COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 1.099 ACRE TRACT OF LAND LOCATED AT 9700 BRAUN ROAD FROM LOW DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL LAND USE. Associated Zoning Case # Z2006261.**

Ms. Nina Mendez-Nixon presented the proposed plan amendment.

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council and noted that the recommendation for P-1 was denial. He requested that Councilmember Guajardo deny said Plan amendment. For Z-9, Mr. Finger noted that the recommendation was also to deny. He requested that Councilmember Hall deny the zoning case. As it relates to P-4 and Z-25, Mr. Finger stated that said items were inconsistent with the City South Master Plan. As such, he requested Councilmember Perez to deny said Items.

Councilmember Guajardo made a motion to adopt the proposed ordinance. Councilmember Haass seconded the motion.

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

2007-05-17-0573

Item Z-2. **ZONING CASE # Z2006261 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2 NA" (CD-Contractor's Facility) Commercial Nonalcoholic Sales District with Conditional Use for a Contractor's Facility on 1.025 acres out of NCB 18163, 9700 Braun Road, as requested by Fernando Landin (Landin Painting, Inc.), Applicant for Fernando Landin, Owner. Staff and Zoning Commission recommend Denial.**

Mr. John Jacks presented the proposed rezoning case.

The following citizens appeared to speak:

Mr. James Menendez, 9702 Horseshoe Pass, addressed the Council and spoke against the zoning case. He stated that he had petitions signed by individuals that are against the zoning change. Mr. Menendez stated that the quality of life for homeowners would be negatively impacted with said zoning change.

Ms. Wanda Guntz, President of Saddlebrook Farms Neighborhood Association, addressed the Council and spoke in favor of the zoning change. She stated that the paint company was located in the Subdivision prior to the creation of the Subdivision and that the paint housed at the company was water-based.

Mr. Chuck Weidner, 9710 Belmont Stakes, addressed the Council and spoke against the zoning case. He stated said zoning change would adversely affect the value and use of his home.

Mr. Jerry Arredondo, representative of Landin Paint Company, addressed the Council and stated that the company did not house hazardous materials on-site.

Councilmember Guajardo made a motion to adopt the proposed ordinance. Councilmember Perez seconded the motion.

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

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: 1.025 ACRES OUT OF NCB 18163 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" (CD-CONTRACTOR'S FACILITY) COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH CONDITIONAL USE FOR A CONTRACTOR'S FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-05-17-0584

Item Z-23. **ZONING CASE # Z2007168 CD (District 4):** An Ordinance changing the zoning district boundary from "C-3 NA" General Commercial District, Nonalcoholic Sales to "C-3 NA" (CD-Cabinet Shop) General Commercial District, Nonalcoholic Sales with a Conditional Use for a Cabinet Shop on Lot 21, Block 14, NCB 15505, 2808 SW Loop 410 as requested by Oscar Casiano, Applicant for Casiano, Inc. Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Perez made a motion to adopt the proposed ordinance. Councilmember Haass seconded the motion.

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

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

21, BLOCK 14, NCB 15505 TO WIT: FROM "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-3 NA" (CD-CABINET SHOP) GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR A CABINET SHOP PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-05-17-0585

Item Z-24. **ZONING CASE # Z2007170 (District 4):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on 70.7 acres out of NCB 11186, 7503 South Zarzamora Street as requested by Brown, P.C., Applicant for Alamo Concrete. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case.

Mr. Joseph Cichersky, 3330 S. W. Military, addressed the Council and stated that he was in favor of economic development on the Southside.

Councilmember Perez made a motion to adopt the proposed ordinance. Councilmember Haass seconded the motion.

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

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: 70.7 ACRES OUT OF NCB 11186 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2007-05-17-0586

Item P-4. **PLAN AMENDMENT # 07013 (District 4):** AN ORDINANCE AMENDING THE LAND USE PLAN IN THE CITY SOUTH COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 107.14 ACRE TRACT OF LAND LOCATED NORTHWEST OF THE INTERSECTION OF APPLEWHITE ROAD AND NEAL ROAD FROM RESOURCE PROTECTION/OPEN SPACE AND AGRICULTURE TO URBAN LIVING. **Associated Zoning Case # Z2007190**

Ms. Nina Mendez-Nixon presented the proposed plan amendment.

Ms. Marcie Ince of the Conservation Society addressed the Council and spoke against said plan amendment. She stated that said plan amendment was incompatible to the City South Master Plan. Ms. Ince also stated that the plan amendment would allow for development within a 3-mile radius of the Toyota Plant. She outlined other areas of concern. Lastly, Ms. Ince requested that Council deny said plan amendment.

Former Mayor Ed Garza, City South Management Authority Board Chair, addressed the Council and spoke against said plan amendment. He presented the Council with a Resolution that the City South Board passed outlining their concerns. Mr. Garza stated that the plan amendment was incompatible with the City South Master Plan.

Councilmember Perez made a motion to adopt the proposed ordinance. Councilmember Wolff seconded the motion.

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

2007-05-17-0587

Item Z-25. **ZONING CASE # Z2007190 (District 4):** An Ordinance changing the zoning district boundary from "RP" Resource Protection District and "FR" Farm and Ranch District to "UD" Urban District on 107.672 acres out of CB 4187 and NCB 4188 located at the Southeast of the intersection of Applewhite Road and Jett Road as requested by the City of San Antonio for La Nueva Bodega, L.L.C., Owner. Staff recommends Denial. Zoning Commission recommendation pending May 15, 2007 public hearing.

Mr. John Jacks presented the proposed rezoning case.

Mr. Orlando Salazar, City South Management Authority Board Member, addressed the Council and spoke against said zoning change. He voiced his concern with the City denying similar and previous requests, especially those that would allow development within the 3-mile radius of the Toyota Plant. Mr. Salazar requested that the Council deny said zoning change.

Ms. Marcie Ince of the Conservation Society addressed the Council and spoke against said zoning change due to said change being incompatible with the City South Master Plan. She stated that said zoning change would allow for development within a 3-mile radius of the Toyota Plant.

Councilmember Perez made a motion to adopt the proposed ordinance. Councilmember Flores seconded the motion.

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

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: 107.672 ACRES OUT OF CB 4187 AND CB 4188 TO WIT: FROM "RP" RESOURCE PROTECTION DISTRICT AND "FR" FARM AND RANCH DISTRICT TO "UD" URBAN DISTRICT.

Mayor Hardberger recessed the meeting at 3:40 pm until 5:30 pm at which time the Ceremonial Items would be addressed.

CEREMONIAL ITEMS

Mayor Hardberger reconvened the meeting at 5:30 pm and presented the following items:

Mayor Hardberger recognized the Honorable Yoshihiko Kamo, Consul General of Japan of the Houston Office. Mr. Kamo was honored for his service by the Japan-American Society of San Antonio.

Mayor Hardberger on behalf of the Martin Luther King Commission presented the 2007 Scholarship Recipients with a commemorative medal and their \$1,000 Scholarship.

Mayor Hardberger recognized the winners of the Karate Kids of San Antonio. The event is sponsored by the “Just Say No to Drugs, Alcohol and Gangs” Program.

CITIZENS TO BE HEARD

Mayor Pro Tem Delicia Herrera presided over the meeting from the point forward.

The following citizens appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council and spoke about a meeting that he attended relating to the construction of Haven for Hope. He also spoke about the SAHA Lawsuit that was filed. Lastly, Mr. Perez spoke about religion and presented the Council with handouts.

Mr. Mark Perez, 119 Hardeman, addressed the Council and spoke about businesses which deal with hazardous chemicals that have been allowed to operate without a certificate of occupancy. He noted various agencies and City departments that he has contacted seeking information. Mr. Perez stated that the City has not responded to his requests and that he is pending a response from a company in Dallas.

Ms. Patricia Fennel, 442 Westminster Ave., addressed the Council and spoke about the closing of CPS Energy Customer Service Centers. She stated that it was difficult to get an appointment with officials at City Hall after the Council Meeting. She also asked what types of services were available to Black owned/managed businesses and how one could get assistance.

Mr. Allen Ellebracht, 4915 Dare Lane, addressed the Council and spoke on the death of Narcisco Mendoza and violation of nepotism rules. Lastly, he noted that the head of CPS resides in Austin.

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council and stated that he filed an Open Records Request seeking the salaries including benefits for City Manager and City Attorney. He also stated that Mr. Vallejo’s name was misspelled in the minutes. Mr. Hodge noted the number of Open Record Requests he would be filling. Such requests include overhanging tree limbs, SAPD not hiring enough Black Officers, CPS not allowing citizens to speak during their meetings, and why the City was not televising the Citizens to be Heard portion of the Council meetings. Lastly, Mr. Hodge sang “Doe a Deer.”

Mr. Eddie Monreal, 1015 Perez, addressed the Council and spoke against the construction of Haven for Hope. He stated that the complex would have negative consequences to the neighborhood since it would attract undesirables to the area. Mr. Monreal requested that the homeless complexes be constructed throughout the City and County.

Ms. Carmen Zedwowych, 603 W. Elmira #2, addressed the Council and spoke in favor of the construction of Haven for Hope. She stated that she became homeless as a result of being diagnosed with a progressive disease. Prior to the diagnosis, she attended San Antonio College and worked. Ms. Zedwowych stated that her intent was to present individuals with a different view of homelessness.

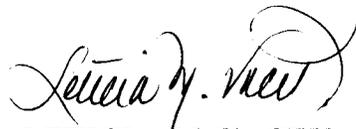
ADJOURNMENT

There being no further discussion, Mayor Pro Tem Herrera adjourned the meeting at 6:45 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest:


LETICIA M. VACEK
City Clerk