

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

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, OCTOBER 12, 2005 AND THURSDAY, OCTOBER 13, 2005

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The City Council convened in an informal "B" Session on Wednesday, October 13, 2005 at 3:00 pm, Municipal Plaza Building "B" Room for the purpose of:

Briefing on the Texas Municipal League (TML). [Presented by Christopher Brady, Acting Director, External Relations]

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

The "B" Session adjourned at 4:46 pm.

The Regular Meeting was called to order on Thursday, October 13, 2005 at 9:00 am by the Presiding Officer, Mayor Phil Hardberger, with the following members present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. ABSENT: None.

The Invocation was delivered by Dr. John C. Hagee, Pastor, Cornerstone Church, guest of Mayor Hardberger.

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

The minutes of the City Council meeting of September 29, 2005 were approved as presented.

ITEMS FOR INDIVIDUAL CONSIDERATION

Item 4A being an Ordinance authorizing and approving publication of the Notice of Intention to issue City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2005B in a maximum principal amount not to exceed \$30,500,000; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12, including the approval and distribution of the Preliminary Official Statement pertaining to the issuance of such obligations and approximately \$48,325,000 City of San Antonio, Texas General Improvement and Refunding Bonds, Series 2005A; authorizing the City's staff, co-financial advisors, and co-bond counsel to take all actions deemed necessary in connection with the sale of such obligations; and providing for an effective date was pulled from consideration.

Item 4B being a Resolution establishing the City's intention to reimburse itself for the prior lawful expenditures of funds from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes designated as City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2005B; authorizing other matters incident and related thereto; and providing for an effective date was pulled from consideration.

Item 4C being a Resolution establishing the City's intention to reimburse itself for the prior lawful expenditures of funds from the proceeds of tax-exempt obligations to be issued by the City for authorized purposes designated as City of San Antonio, Texas Combination Tax and Revenue Certificates of Obligation, Series 2006; authorizing other matters incident and related thereto; and providing for an effective date was pulled from consideration.

Item 4D being an Ordinance authorizing and approving publication of a notice of intention to issue City of San Antonio, Texas Certificates of Obligation, Series 2005C, in a maximum principal amount not to exceed \$15,000,000; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12, including the approval and distribution of the Preliminary Official Statement pertaining to the issuance of such; authorizing the City's staff, co-financial advisors, and bond counsel to take all actions deemed necessary in connection with the sale of such obligations; and providing for an effective date was pulled from consideration.

Ms. Leticia M. Vacek, City Clerk, presented the nominations for the Advisory Board of Health of San Antonio Metropolitan Health District.

<u>Nominee</u>	<u>Category</u>	<u>Submitted By</u>
Ms. Jill Ripps (reappointment)	AIDS/HIV Service Provider	Districts 2, 7 & 8
Dr. Joe Johnston (reappointment)	Physician	Districts 8, 9 & 10
Ms. Farnie Rettig	(At-Large)	Districts 6, 9 & 10
Dr. Andre Xavier Smith, D.D.O	Physician	Districts 8, 9 & 10

Councilmember Perez made a motion to nominate Jill Rips for reappointment. Councilmember Guajardo seconded the motion.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, spoke with regards to the appointments to the Board of Health of the San Antonio Metropolitan Health District. He spoke to the qualifications of Ms. Jill Rips who is being considered for appointment to the board and she is pro-abortion.

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

Councilmember Perez made a motion to nominate Dr. Joe Johnston for reappointment. Councilmember Guajardo seconded the motion.

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

Councilmember Perez made a motion to nominate Dr. Andre Smith for appointment. Councilmember Guajardo seconded the motion.

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

AN ORDINANCE 101522

REAPPOINTING JILL RIPPS (AIDS/HIV SERVICE PROVIDER CATEGORY), AND APPOINTING DR. ANDRE XAVIER SMITH (AT-LARGE CATEGORY), AND DR. JOE JOHNSTON(PHYSICIAN CATEGORY) TO THE ADVISORY BOARD OF HEALTH OF SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR TERMS OF OFFICE TO EXPIRE ON OCTOBER 13, 2007.

Item 5B being an Ordinance appointing one (1) member to the Historic and Design Review Commission for a term of office to expire on October 13, 2007 was tabled for 3 weeks.

Ms. Leticia M. Vacek, City Clerk, presented the nominations for the Convention and Visitors Commission.

<u>Nominee</u>	<u>Category</u>	<u>Submitted By</u>
Arthur Coulombe	Hotel/Motel	Districts 1, 2 & 3
Marilyn Ortiz DeSimone	Hotel/Motel	Districts 1, 3 & 10
Ray Halani	Hotel/Motel	Districts 1, 3 & 10
Michael Cortez	Market Square	Districts 1, 3 & 9
William J. Lyons	Paseo Del Rio	Districts 1, 3 & 9
Christine Ortega	Airlines Representative	Districts 1, 5 & 7
Dale Wood	S.A. Restaurant Association	District 1, 2 & 3
Daniel Decker	Theme Park	District 2, 6 & 9
J. George Cisneros	Arts/Cultural	Districts 1, 5 & 7
Paula Owen	Arts/Cultural	Districts 1, 3 & 10
Christian Oviatt	General Community (NE Sector)	Districts 1, 5 & 7
Martin Kushner	General Community (Central)	Districts 1, 9 & 10
Alex San Martin	General Community (Central)	Districts 5, 6 & 7
Byron Miller	General Community (Central)	Districts 2, 8 & 9
Miguel Constancio	Taxicab	Districts 1, 5 & 7
Bob Raymond	S.A. Sports Foundation	

Councilmember Perez made a motion to nominate Arthur Coulombe, Marilyn Ortiz DeSimone for reappoint, and Ray Halani for appointment to represent Hotel/Motel Association Category. Councilmember Wolff seconded the motion.

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

Councilmember Perez made a motion to nominate Michael Cortez, Market Square Representative for appointment. Councilmember Haass seconded the motion.

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

Councilmember Perez made a motion to nominate William Lyons (Paseo de Rio) for appointment. Councilmember Haass seconded the motion.

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

Councilmember Perez made a motion to nominate Christine Ortega (Airline category) for reappointment. Councilmember Guajardo seconded the motion.

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

Councilmember Perez made a motion to nominate Dale Wood (S.A. Restaurant), Daniel Decker (Theme Park), J. George Cisneros (Arts/Cultural), Paula Owen (Arts/Cultural), and Bob Raymond (S.A. Sports Foundation) for reappointment. Councilmember Haass seconded the motion.

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

Councilmember Flores made a motion to nominate Christian Oviatt (General Community/Central Sector) for reappointment. Councilmember Perez seconded the motion.

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

Councilmember Flores made a motion to nominate Martin Kushner (General Community/Northeast Sector) for reappointment. Councilmember Perez seconded the motion.

After consideration, the motion on the nomination of Mr. Kushner prevailed by the following vote: **AYES:** Flores, Perez, Radle, Herrera, Wolff, Haass. **NAYS:** McNeil Guajardo, Hall Hardberger. **ABSENT:** Gutierrez.

Councilmember Perez made a motion to nominate Miguel Constancio (Taxicab Category) for appointment. Councilmember Guajardo seconded the motion.

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

AN ORDINANCE 101523

REAPPOINTING ARTHUR COULOMBE, MARILYN ORTIZ DESIMONE, AND APPOINTING RAY HALANI TO THE HOTEL/MOTEL ASSN. CATEGORY, REAPPOINTING CHRISTINE ORTEGA (AIRLINE REP.), DALE WOOD (S.A. RESTAURANT ASSN.), J. GEORGE CISNEROS AND PAULA OWEN (ARTS/CULTURAL), MARTIN KUSHNER (GENERAL COMMUNITY – CENTRAL SECTOR), AND CHRISTIAN OVIATT (GENERAL COMMUNITY – N.E. SECTOR), AND APPOINTING MICHAEL CORTEZ (MARKET SQUARE), WILLIAM J. LYONS (PASEO DEL RIO ASSN.), PAULA OWEN (ARTS AND CULTURAL), AND MIGUEL CONSTANCIO (TAXICAB) TO THE CONVENTION AND VISITORS COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON MAY 31, 2007.

Ms. Leticia M. Vacek, City Clerk, presented the nominations for the Head Start Policy Commission.

<u>Nominee</u>	<u>Category</u>	<u>Submitted By</u>
Donna Bauer	Childhood Education	Districts 5, 9 & 10
Charles Messina	Childhood Education	Districts 2, 5, 6, 7, 8
Dr. Cathleen McAuliff	Childhood Education	Districts 2, 7 & 8
Joan Haynes	Childhood Education	Districts 2, 7 & 8
Tammy Morales	Childhood Education	Districts 5, 6 & 7
Raul Almaguer	Business	Districts 2, 7 & 8
Dr. Glen Medellin	Medical	Districts 2, 7 & 8
Talia Nye-Kief	Higher Education	Districts 2, 7 & 8
Juanita Morris	Higher Education	Districts 2, 8 & 9

Councilmember Haass made a motion to nominate Donna Bauer, Charles Messina, and Dr. Cathleen McAuliffe for the Childhood Education Category. Councilmember Perez seconded the motion.

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

Councilmember Perez made a motion to nominate Raul Almaguer (Business Category), Dr. Glen Medellin (Medical Category), and Talia Nye-Kief and Juanita Morris (Higher Education Category). Councilmember Haass seconded the motion.

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

AN ORDINANCE 101524

APPOINTING DONNA BAUER, CHARLES MESSINA, AND DR. CATHLEEN MCAULIFFE TO THE CHILDHOOD EDUCATION CATEORY, RAUL ALMAGUER (BUSINESS CATEGORY), DR. GLEN MEDELLIN (MEDICAL CATEGORY), AND TALIA NYE-KIEF AND JUANITA MORRIS (HIGHER EDUCATION CATEGORY) TO THE HEAD START POLICY COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON NOVEMBER 1, 2006.

The City Clerk read the following ordinance:

AN ORDINANCE 101525

AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN BLOCKS OF HOUSTON STREET IN CONNECTION WITH THE HOUSTON STREET FAIR; AND APPROVING THE LOCATIONS, DATES AND TIMES FOR THE FISCAL YEAR 2005-2006 HOUSTON STREET FAIRS, GENERALLY HELD ON THE LAST SATURDAY OF EACH MONTH, BEGINNING WITH OCTOBER 29, 2005.

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

Mr. Roland Lozano, Assistant City Manager made a presentation on the Houston Street Fair and Market Activities, a copy of which is on file with the Office of the City Clerk. He stated this was an initiative to promote downtown to the citizens of San Antonio and to provide a venue for local artisans and entertainers. He spoke to the type of activities that would take place at the Houston Street Fair, the dates for the respective months, citing the parking areas, and approximate costs associated with the events.

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

The City Clerk read the following ordinance:

AN ORDINANCE 101526

AUTHORIZING THE CONTINUED UTILIZATION OF THE SERVICES OF ACTIVE PUBLIC ENTERPRISE GROUP, INC. ("APEG") FOR IMPLEMENTATION OF THE MUNICIPAL MARKETING PARTNERSHIP PROGRAM, AS PROVIDED FOR IN THE PROFESSIONAL SERVICES AGREEMENT; AUTHORIZING COMPENSATION IN THE AMOUNT OF \$5000.00 PER MONTH, FOR A TWELVE MONTH PERIOD BEGINNING OCTOBER 1, 2005, AND TEN PERCENT OF THE REVENUE AND BUDGETED COST AVOIDANCE ITEMS RECEIVED FROM PARTNERSHIPS PROCURED BY APEG; AND PROVIDING FOR PAYMENT.

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

Ms. Rebecca Waldman, Director of Asset Management, made a presentation on the Municipal Marketing Partnership Program, a copy of which is on file with the Office of the City Clerk. She stated this was to request approval to continue to utilize the services of Active Public Enterprise Group, Inc. (APEG) for the implementation of the Municipal Marketing Partnership Program and authorizing compensation to APEG. She outlined background information on the selection of APEG, terms of the agreement, the available compensation options, comparison of the compensation options, and staff's recommendation for Option A.

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

CONSENT AGENDA

Consent agenda items 8, 9, 10, 11, 12, 13, and 14 were pulled for individual consideration. The remaining items 8 through 24D were approved upon motion made by Councilmember Perez and seconded by Councilmember Haass.

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

AN ORDINANCE 101527

ACCEPTING A \$126,755 GRANT AWARD FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION TO CONTINUE FUNDING THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM FOR THE PERIOD SEPTEMBER 1, 2005 - AUGUST 31, 2006, ESTABLISHING A FUND, ADOPTING A BUDGET AND APPROVING PERSONNEL COMPLEMENTS.

AN ORDINANCE 101528

RESCHEDULING THE FOLLOWING CITY COUNCIL MEETINGS TO THE NEXT AVAILABLE DATES.

SCHEDULED MEETING	SCHEDULED TO
October 26, 2005 (B Session)	November 2, 2005
October 27, 2005	November 3, 2005
November 23, 2005 (B Session)	November 30, 2005
December 7, 2005 (B Session)	December 14, 2005
December 8, 2005	December 15, 2005
December 28, 2005 (B Session)	January 4, 2005

AN ORDINANCE 101529

AUTHORIZING THE REALLOCATION OF \$17,604.46 FROM THE DISTRICT 1 ONE TIME PROJECTS BUDGET, REALLOCATING \$812.80 TO PURCHASE THE NORMA S. RODRIGUEZ CITY COUNCIL CHAMBER PLAQUE AND \$16,791.66 TO THE DISTRICT 1 NEIGHBORHOOD ACCESS MOBILITY PROGRAM, AS REQUESTED BY COUNCILMAN ROGER O. FLORES, DISTRICT 1.

AN ORDINANCE 101530

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 12:30 P.M. TO 2:00 P.M. NEAR SCOBEE ELEMENTARY SCHOOL IN CONNECTION WITH THE RED RIBBON PARADE TO BE HELD ON THURSDAY, OCTOBER 27, 2005, SPONSORED BY SCOBEE ELEMENTARY SCHOOL.

AN ORDINANCE 101531

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 12:30 P.M. TO 2:30 P.M. NEAR MARY HULL ELEMENTARY SCHOOL IN CONNECTION WITH THE "SAY NO TO DRUGS WALK-RED RIBBON WEEK" EVENT TO BE HELD ON FRIDAY, OCTOBER 28, 2005, SPONSORED BY MARY HULL ELEMENTARY SCHOOL.

AN ORDINANCE 101532

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 6:00 A.M. TO 9:30 A.M. NEAR THE WOODLAWN LAKE AND OUR LADY OF THE LAKE UNIVERSITY AREA IN CONNECTION WITH THE 3RD ANNUAL OLLU 5K RUN TO BE HELD ON SATURDAY, OCTOBER 29, 2005, AS REQUESTED BY PATRICIA S. CASTILLO.

AN ORDINANCE 101533

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 7:00 A.M. TO 10:00 A.M. NEAR THE MILAM PARK AREA IN CONNECTION WITH THE MADD PROCESSION TO BE HELD ON SATURDAY, OCTOBER 29, 2005, SPONSORED BY MOTHERS AGAINST DRUNK DRIVING (MADD).

AN ORDINANCE 101534

APPROVING A PARADE PERMIT AND AUTHORIZING THE TEMPORARY CLOSURE OF CERTAIN STREETS FROM 1:00 P.M. TO 2:30 P.M. NEAR BEN FRANKLIN ELEMENTARY SCHOOL IN CONNECTION WITH THE FRANKLIN ELEMENTARY FALL COSTUME MARCH TO BE HELD ON MONDAY, OCTOBER 31, 2005, SPONSORED BY BEN FRANKLIN ELEMENTARY SCHOOL.

AN ORDINANCE 101535

AUTHORIZING THE TEMPORARY CLOSURE OF A PORTION OF ALAMO STREET FROM 5:00 P.M. TO 7:00 P.M. FOR THE 2005 CHRISTMAS TREE LIGHTING CEREMONY BEING HELD IN ALAMO PLAZA ON FRIDAY, NOVEMBER 25, 2005.

AN ORDINANCE 101536

REAPPOINTING THOMAS C. DE CHANT (DISTRICT 10) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 13, 2007.

AN ORDINANCE 101537

APPOINTING ED CABEL (DISTRICT 9) (CATEGORY: BUSINESS) AND REAPPOINTING EVA ESQUIVEL (DISTRICT 5) (CATEGORY: GENERAL/CITIZEN AT-LARGE) TO THE HISTORIC AND DESIGN REVIEW COMMISSION FOR TERMS OF OFFICE TO EXPIRE ON OCTOBER 13, 2007.

AN ORDINANCE 101538

REAPPOINTING ELSA SIXTOS (DISTRICT 5) TO THE HOME IMPROVEMENT ADVISORY BOARD (CATEGORY: LAYPERSON) FOR A TERM OF OFFICE TO EXPIRE ON OCTOBER 13, 2007.

AN ORDINANCE 101539

REAPPOINTING BETTY ANN GRAHAM (DISTRICT 5) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR A TERM OF OFFICE TO EXPIRE ON MAY 31, 2007.

CONSENT ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following ordinance:

AN ORDINANCE 101540

ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY OF SAN ANTONIO WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FISCAL YEAR 2005-2006 FOR AN ESTIMATED COMBINED ANNUAL COST OF APPROXIMATELY \$891,876.00 INCLUDING: HOST COMPUTER OPERATION SYSTEM SOFTWARE MAINTENANCE; REFERENCE AND LARGE PRINT BOOKS; AGGREGATE FOR

SURFACE TREATMENT; FLEXIBLE BASE AND BASE FOR STABILIZATION; E-Z PACK RECYCLING VEHICLE PARTS AND SERVICE; AND HEAVY DUTY ALTERNATORS/STARTERS.

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

(At this point, Mayor Hardberger was obliged to leave the meeting at 10:42 am. Mayor Pro Tem Flores presided.)

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

The City Clerk read the following ordinance:

AN ORDINANCE 101541

AUTHORIZING THE RELEASE OF AN INUNDATION EASEMENT OUT OF NCB 11883, LOTS 49, 50 AND 51, IN THE AREA OF THE OLMOS BASIN LOCATED AT THE SOUTHEAST CORNER OF SUNSET ROAD AND THE UNION PACIFIC RAILROAD IN COUNCIL DISTRICT 9.

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

(Mayor Hardberger returned to the meeting at 10:55 am and presided.)

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, PO Box 12048, addressed the Council relating to item 9 and noted that the Mayor received a campaign contribution and noted that he should not vote.

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

The City Clerk read the following ordinances:

AN ORDINANCE 101542

AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH UNITED PARCEL SERVICE, INC. FOR THEIR RELOCATION FROM THE WEST CARGO FACILITY TO THE EAST CARGO FACILITY FOR 13,048 SQUARE FEET OF GROUND SPACE, 160,912 SQUARE FEET OF APRON AND 50,877 SQUARE FEET OF NON-AOA RAMP SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A MONTHLY RENTAL OF \$11,732.28 FOR A TERM OF 20 YEARS WITH A MUTUAL 5 YEAR EXTENSION.

AN ORDINANCE 101543

AUTHORIZING THE EXECUTION OF AN AMENDMENT TO STANDARD CONCESSION AGREEMENT NO. 133026 BETWEEN THE CITY OF SAN ANTONIO AND HMSHOST INTERNATIONAL, INC. FOR THE ADDITION OF APPROXIMATELY 367 SQUARE FEET OF SPACE TO THE "ROSARIO'S CANTINA" LOCATION IN TERMINAL TWO AT THE SAN ANTONIO INTERNATIONAL AIRPORT, AND AUTHORIZING BUILD-OUT OF THE ADDITIONAL SPACE AT HMSHOST INTERNATIONAL, INC.'S EXPENSE.

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

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

The City Clerk read the following ordinances:

AN ORDINANCE 101544

RATIFYING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) IN THE AMOUNT OF \$25,000.00 FOR THE 2005 COMMUNITY SERVICES BLOCK GRANT PROGRAM FOR THE PROVISION OF EMERGENCY RELIEF ASSISTANCE TO HURRICANE KATRINA EVACUEES FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH FEBRUARY 28, 2006; RATIFYING THE ACCEPTANCE OF SAID FUNDS; APPROVING A BUDGET AND AUTHORIZING, UPON AWARD, THE ACCEPTANCE OF ANY SUPPLEMENTAL FUNDS

AWARDED BY TDHCA FOR EMERGENCY RELIEF ASSISTANCE FOR THE PERIOD SEPTEMBER 1, 2005 THROUGH FEBRUARY 28, 2006.

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

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

The City Clerk read the following ordinance:

AN ORDINANCE 101545

AUTHORIZING THE ACCEPTANCE BY DONATION FROM FIELDSTONE PROPERTIES, INC. OF A 3.55 ACRE TRACT OF LAND LOCATED ON INGRAM ROAD AT LAKESIDE PARKWAY IN CITY COUNCIL DISTRICT 6, WHICH WILL BE DESIGNATED FOR PARK LAND.

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

(At this point, Mayor Hardberger was obliged to leave the meeting at 11:32 am. Mayor Pro Tem Flores presided.)

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

The City Clerk read the following ordinance:

AN ORDINANCE 101546

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CONTEMPORARY SERVICES CORPORATION FOR CROWD MANAGEMENT SERVICES AT THE ALAMODOME FOR NFL NEW ORLEANS SAINTS FOOTBALL GAMES, IN AN AMOUNT NOT TO EXCEED \$67,000.00, FOR THE PERIOD OCTOBER 1, 2005 THROUGH JANUARY 31, 2006; RATIFYING EXPENDITURES IN THE AMOUNT OF \$18,205.16 FOR THE GAME HELD OCTOBER 2, 2005; AND PROVIDING FOR PAYMENT.

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

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

CITY MANAGER'S REPORT

Mr. Milo Nitschke, Finance Director, reported on the property tax statements for fiscal year 2006. He noted that taxes are considered delinquent if not paid in full on or before January 31, 2006. He stated that tax statements will be mailed by October 3, 2005.

Mayor Pro Tem Flores recessed the meeting at 11:41 am for lunch and announced the Council would reconvene at 1:15 pm.

EXECUTIVE SESSION

The Mayor Pro Tem Flores recessed the Regular Session at 1:15 pm in order to convene in Executive Session for the purpose of:

Discuss legal issues related to a claim filed against the City of San Antonio by Lilly Palma, Claimant, pursuant to Section 551.071 of the Texas Government Code (private consultation with attorney).

Discuss legal issues related to a claim filed against the City of San Antonio by Donta Aubrey and Yolanda Williams, Claimants, pursuant to Section 551.071 of the Texas Government Code (private consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:05 pm, at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

ZONING CASE

Z-1. ZONING CASE # Z2005203 CD (District 1): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2P" (CD Auto Repair) Commercial Pedestrian District with a Conditional Use for Auto Repair on Lot 11, Block

44, NCB 350, 233 East Fredericksburg Road as requested by Victor Rayas, Applicant, for Victor Rayas, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101547

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 11, BLOCK 44, NCB 350 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2P" (CD AUTO REPAIR) COMMERCIAL PEDESTRIAN DISTRICT WITH A CONDITIONAL USE FOR AUTO REPAIR.

Z-2. ZONING CASE #Z2005201 (District 2): An Ordinance changing the zoning district boundary from (HS) "I-1" Historic Significant, General Industrial District to (HS) "IDZ" Historic Significant, Infill Development Zone District on 5.731 acres out of NCB 593 and 595, 1617 and 1631 East Commerce Street as requested by Friedrich Lofts, Ltd., Applicant, for Friedrich Lofts, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval was withdrawn.

Z-3. ZONING CASE #Z2005209 (District 2): An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "NC" Neighborhood Commercial District on the south 60 feet of Lot 8 and south 72.5 feet of Lot 9, Block 7, NCB 10623, 4330 East Houston Street as requested by Charles E Williams, Applicant, for Charles E Williams, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101548

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS SOUTH 60 FEET OF LOT 8 AND SOUTH 72.5 FEET OF LOT 9, BLOCK 7, NCB 10623 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

Z-4. ZONING CASE #Z2005069 (District 4): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" Commercial District on 5.38 acres out of NCB 34362, Potranco Road and Granite Cliff as requested by Brown, P. C., Applicant, for Wildman Ranch, Inc., Owner(s). Staff has recommended denial as requested and approval of "MF-33", "C-1" or "O-1" and Zoning Commission has recommended approval of "C-2NA".

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

Councilmember Perez made a motion to postpone the proposed rezoning case for 2 weeks. Councilmember Wolff seconded the motion.

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

Zoning case Z2005069 was postponed for 2 weeks.

Z-5. ZONING CASE #Z2005211 CD (District 4): An Ordinance changing the zoning district boundary from "C-2NA" Commercial, Nonalcoholic Sales District to "C-2NA" (CD-Auto and Light Truck Repair) Commercial, Nonalcoholic Sales District with a Conditional Use for Auto and Light Truck Repair on Lot 7, Block 1, NCB 11187, 115 Sioux Street as requested by David Silva, Applicant, for Ana C. Medina, Owner(s). Staff

has recommended approval and Zoning Commission has recommended approval with conditions:

1. No more than 8 vehicles on site at any given time for repair or storage.
2. Each vehicle limited to 2 months maximum for storage.
3. No storage of junked vehicles as defined in Section 19-356 of the City Code.

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

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

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

AN ORDINANCE 101549

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 7, BLOCK 1, NCB 11187 FROM "C-2NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT TO "C-2NA" (CD-AUTO AND LIGHT TRUCK REPAIR) COMMERCIAL, NONALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR AUTO AND LIGHT TRUCK REPAIR

Z-6. ZONING CASE #Z2005215 (District 4): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on Lot 7, Block 4, NCB 8782, 1273 New Laredo Highway as requested by Arturo and Maria de Lourde Monroy, Applicant, for Arturo and Maria de Lourde Monroy, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

Councilmember Perez made a motion to send the proposed rezoning case back to staff to reconsider zoning change with NA designation. Councilmember Gutierrez seconded the motion.

After consideration, the motion to send the rezoning case back for reconsideration with NA designation prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

Zoning case Z2005215 was sent back to staff.

Z-7. ZONING CASE #Z2005202 (District 5): An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "MF-33" Multi-Family District to "R-6" Residential Single-Family District, "R-6" S Residential Single-Family District with a Specific Use Permit for a Wireless Communication Tower, "MF-25" Multi-Family District, "C-1" Light Commercial District, "C-1" C Light Commercial District with a Conditional Use for Light Auto and Truck Repair, "C-1" C Light Commercial District with a Conditional Use for a Sound and Recording Studio, "C-1" S Light Commercial District with a Special Use Permit for a Bar/Tavern, "C-2" Commercial District, "C-2" S with a Special Use Permit for a Reception Hall/ Meeting Facility, "C-3" General Commercial District, "C-3" S General Commercial District with a Specific Use Permit for Auto Paint and Body and "C-3" C General Commercial District with a Conditional Use for an Outdoor Flea Market on 4935 through 5719 West Commerce Street, as requested by City of San Antonio, Applicant, for Multiple Property Owners, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101550

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS ZONING DISTRICT BOUNDARY FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT TO "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT, "R-6" S RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE PERMIT FOR A WIRELESS

COMMUNICATION TOWER, "MF-25" MULTI-FAMILY DISTRICT, "C-1" LIGHT COMMERCIAL DISTRICT, "C-1" C LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR LIGHT AUTO AND TRUCK REPAIR, "C-1" C LIGHT COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A SOUND AND RECORDING STUDIO, "C-1" S LIGHT COMMERCIAL DISTRICT WITH A SPECIAL USE PERMIT FOR A BAR/TAVERN, "C-2" COMMERCIAL DISTRICT, "C-2" S WITH A SPECIAL USE PERMIT FOR A RECEPTION HALL/ MEETING FACILITY, "C-3" GENERAL COMMERCIAL DISTRICT, "C-3" S GENERAL COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR AUTO PAINT AND BODY AND "C-3" C GENERAL COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN OUTDOOR FLEA MARKET. (Additional legal description on original documents)

Z-8. ZONING CASE #Z2005220 (District 6): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District on Lot 18 and Lot 49, Block 26, NCB 17643 and Lot 24, Block 28, NCB 17643, 9402 Wind Dancer, 9211 Wind Talker, and 9230 Wind Talker as requested by Brown, P. C., Applicant, for LM Enclave, L. P., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101551

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 18 AND LOT 49, BLOCK 26, NCB 17643 AND LOT 24, BLOCK 28, NCB 17643 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Z-10. ZONING CASE #Z2005197 (District 7): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "R-5" Residential Single-Family District on Lot 1 and Lot 2, Block 1, NCB 16111, 5500 Block of Ingram Road as requested by Ingprop, Inc., Applicant, for Ingprop, Inc., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101552

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1 AND LOT 2, BLOCK 1, NCB 16111 FROM "C-2" COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Z-11. ZONING CASE #Z2005207 (District 8): An Ordinance changing the zoning district boundary from "C-2" Commercial District to "MF-33" Multi-Family District on P-144, NCB 13665, South corner of the intersection of North Knoll and North Hollow as requested by Trisun Healthcare, Applicant, for Green Land Properties, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101553

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-144, NCB 13665 FROM "C-2" COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

Z-12. ZONING CASE #Z2005214 (District 8): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 1, Block 1, NCB 13667, 9519 Fredericksburg Road as requested by Jennifer Smith and Sherri Lemons, Applicant, for Howard and Sharon Short, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case.
Councilmember Hall made a motion to approve the proposed rezoning case.
Councilmember Perez seconded the motion.

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

AN ORDINANCE 101554

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 1, BLOCK 1, NCB 13667 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-13. ZONING CASE #Z2005228 (District 8): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on P-71D, P-71E, P-71M, P-101 and P-102, NCB 14446, 9725 Datapoint Drive as requested by Data Rose Limited Partnership, Applicant, for Data Rose Limited Partnership, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101555

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS P-71D, P-71E, P-71M, P-101 AND P-102, NCB 14446 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-14. ZONING CASE #Z2005198 (District 9): An Ordinance changing the zoning district boundary from "C-1" Light Commercial District and "R-4" Residential Single-Family District to "O-1" Office District on Lots 4, 5, and 6, Block 1, NCB 6227, 2139 and 2141 East Hildebrand Avenue as requested by Amberson Rogers Partners, Ltd., Applicant, for Amberson Rogers Partners, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

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

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

AN ORDINANCE 101556

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 4, 5, AND 6, BLOCK 1, NCB 6227 FROM "C-1" LIGHT COMMERCIAL DISTRICT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

Z-15. ZONING CASE #Z2005221 (District 9): An Ordinance changing the zoning district boundary acres on 27.14 acres out of NCB 17600, from PUD "MF-33" ERZD Planned Unit Development Multi-Family Edwards Recharge Zone District and "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2" ERZD Commercial Edwards Recharge Zone District on 14.89 acres and "RP" Resource Protection District on 12.25, South of the intersection of Encino Commons and Evans Road as requested by Brown, P. C., Applicant, for Tonkiwa, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

The following citizen(s) appeared to speak:

Mr. Jack M. Finger addressed the Council and expressed thanks in slowing down the decision on this item since it is over the recharge zone and that is where we get our drinking water. He stated that 50% will be covered with concrete. He said impervious cover should be as low as 15%. He read a letter from Mayor Hardberger relating to protecting the aquifer.

Councilmember Wolff made a motion to postpone the proposed rezoning case to the meeting of November 3, 2005. Councilmember Haass seconded the motion.

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

Zoning case Z2005221 was postponed to the meeting of November 3, 2005.

Z-9. ZONING CASE #Z2005177 (District 7): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "C-2NA" Commercial, Nonalcoholic Sales District on 3.225 Acres out of NCB 34479, East of the intersection of Braun Road and Wildhorse Parkway as requested by Earl & Associates, P. C., Applicant, for Canyon Ranch, Ltd., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

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

The following citizen(s) appeared to speak:

Mr. Paul Vasquez addressed the Council in support of the zoning change.

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

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

AN ORDINANCE 101557

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN AS 3.225 ACRES OUT OF NCB 34479 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT.

Councilmember Radle asked that a B Session be scheduled to discuss items over the recharge zone to be able to hear from the environmental side as well as the developer side. She stated education and understanding of full authority on changes over the recharge zone was necessary, especially as required by state law.

Councilmember Wolff also emphasized the need for education on the process with federal law where it supersedes state and state over local laws.

Mayor Hardberger recessed the meeting at 2:45 pm and reconvened at 5:00 pm.

CEREMONIAL ITEMS

Mayor Hardberger presented proclamations for the annual "Huevos Rancheros Gala" and "Walk to Cure Diabetes".

CITIZENS TO BE HEARD

Mr. Nazarite Ruben Flores Perez, 627 Hearne, spoke on the separation of church and state. He also spoke about taxation and cited two chapters in Revelations. He then showed a picture of an event in London.

Mr. Rudolph Wratten, PO Box 2202, addressed the Council with regards to the City of San Antonio getting an NFL Football franchise. He noted the City of Los Angeles has the necessary facilities to lure the Saints. He presented several options, one being moving the team to the City of San Antonio.

Ms. Michelle Harris, 333 Hedges, addressed the Council relating to October being designated as Disability Month. She noted barriers for those with disabilities, and acknowledged Ms. Judy Babbit in the Disability Office of the Public Works Department, for listening to her concerns.

Mayor Hardberger recessed the meeting at 5:35 pm and reconvened at 6:00 pm.

CITIZENS TO BE HEARD CONTINUED

Mr. Faris Hodge, Jr., 140 Dora, sang "I've Been Working on the Railroad".

Mr. Glen Alan Graham, 6900 N. Vandiver, addressed the Council relating to the invocation at the Council Meetings. He stated they did not plan to eradicate invocations but were concerned with state funded, state-aligned church. He noted Congress also begins with an invocation, and urged Council to continue the use of invocations.

Ms. Marlene Rodriguez, 9742 Ruidosa, addressed the City Council and showed a plat of her lot. She also disputed her residential address which has been in place since the 1970's. She also stated there was never an existing slab and a permit was never submitted. She also noted a shed was not inspected. She stated what concerns her is Lot 9, which is her lot and why the process was not followed.

There being no further business to come before the City Council, Mayor Hardberger adjourned the meeting at 6:35 pm.

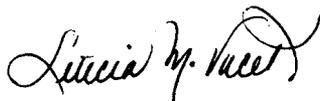
A P P R O V E D



PHIL HARDBERGER

M A Y O R

Attest:



LETICIA M. VACEK
City Clerk