

**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, MAY 3, 2006 AND THURSDAY,
MAY 4, 2006**

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

Presentation and discussion on proposed amendments to Chapter 35 of the Unified Development Code regarding formula restaurants. [Presented by Malcolm Matthews, Director, Parks]

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

The "B" Session adjourned at 4:49 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, May 4, 2006 at 9:00 a.m.

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

The Invocation was led by Rabbi Barry Block, Temple Beth-El, Guest of Councilmember Flores, District 1.

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

Councilmember Perez made a motion to approve the minutes of the April 13 and April 20, 2006 City Council meetings. Councilmember Radle seconded the motion. The motion passed unanimously.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-05-04-0530

AN ORDINANCE ESTABLISHING THE VOELCKER PROPERTY ACQUISITION PROJECT; APPROVING THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE; AND AUTHORIZING CITY STAFF TO INITIATE THE PROCESS TO ACQUIRE, BY NEGOTIATION AND/OR CONDEMNATION, APPROXIMATELY 311 ACRES OF REAL PROPERTY NECESSARY FOR THE PROJECT OUT OF THE J. B. THOMPSON SURVEY NO. 84, ABSTRACT NO. 740, AND THE P. CALDWELL SURVEY NO. 83, ABSTRACT NO 124, NEW CITY BLOCK 11672 AND NEW CITY BLOCK 17180, IN THE VICINITY OF BLANCO ROAD, THE WURZBACH PARKWAY AND NW MILITARY HWY, CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS.

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

Mr. Malcolm Matthews, Parks & Recreation Director, narrated a presentation on the Voelcker Tract purchase, a copy of which is on file with the Office of the City Clerk. He provided a property description summary and gave a brief history of the land tract. He discussed the City's intent to develop the land into urban park space, discussing infrastructure requirements, tree preservation, creative development options, and the overall fiscal impact of the acquisition.

The following citizen(s) appeared to speak:

Mr. Joe Krier, 602 E. Commerce, Greater San Antonio Chamber of Commerce, spoke of the importance of this purchase for development as a park, akin to Brackenridge Park. He noted that great American cities have great parks. He stated that this project will satisfy the question of recreational opportunities for younger employees often asked by businesses considering moving into the City. He added that the Chamber endorses Mayor Hardberger's idea of a national design competition for the park. He also offered the Chamber's assistance and support in private fundraising for the park's acquisition.

Mr. Anthony Garcia, representing the Northeast Area Business Council (NABC), representing Districts 9 and 10, offered support of the purchase for park development. He stated that bike trails and jogging lanes are greatly needed in the area, and that the

purchase can potentially provide for such recreation, in addition to prohibiting certain residential development if the City does not purchase the land. He stated that the NABC does recommend the City implement a Land Use Plan within five years of purchase, if the purchase is approved.

Mr. Doug McMurry, 7926 Broadway, stated that proposed park is in keeping with the City's 10-year strategic plan and will contribute to the public's health and quality of life.

Mr. Ken Lawrence, 13307 Hunters Hollow, representing Northside Neighbors for Organized Development (NOD), offered the group's endorsement of the Voelcker development. He stated that such a park would enhance the City's charm and diversity opportunities.

Ms. Bonnie Conner, 314 E. Commerce, spoke of various worldwide urban parks and their importance in their respective cities. She stated that this purchase and urban park development will be a legacy for the entire city.

Mr. James Machulka, 12019 Bammel, North Castle Hills Homeowners Association President, encouraged the City to be sensitive to development of this property where it abuts existing suburban housing developments. He stated that recent apartment developments in the area have increased nonresidential traffic and crime rates. He stated that a park would benefit all current area residents, but requested that considerations be made for noise, curfews and security.

Mr. Banks M. Smith, 112 E. Pecan, Voelcker Fund Trustee, introduced two other fund trustees, and noted that they were all in consensus of this transaction. He offered a brief history of the Voelcker family and farm. He stated that Mrs. Voelcker specified the distributions of her estate to various charitable causes and medical research. He noted tremendous demand for the discussed property, and that the Voelcker Fund is required to sell the land at fair market value, the proceeds of which will fund charitable causes. He stated that the Voelcker Farm should be preserved in its natural state for the enjoyment of all San Antonians.

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

The City Clerk read the following Ordinance:

2006-05-04-0531

AN ORDINANCE REVISING THE CITY'S AIR SERVICE DEVELOPMENT INCENTIVE PROGRAM TO EXPAND CERTAIN INCENTIVES FOR INITIATION OF DAILY SCHEDULED NON-STOP SERVICE TO NEW DOMESTIC AND INTERNATIONAL ROUTES; AND TO SPECIFICALLY OFFER A ONE-TIME INCENTIVE TARGETING THE INITIATION OF NEW LOW-FARE JET SERVICE TO MONTERREY, MEXICO, THROUGH THE OFFER OF REIMBURSEMENT INCENTIVES FOR ADVERTISING AND PROMOTION OF THESE FLIGHTS.

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

Mr. Mark Webb, Interim Director, Aviation, narrated a presentation on the Air Service Development Program, a copy of which is on file with the Office of the City Clerk. He discussed the economic impact of the program and provided examples of its success for the City. He spoke to the need for increased international air service to the City, and explained changes to the program, which now includes a three-tier financial incentive.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, stated his opposition to offering financial incentives to airlines to fly nonstops into the City. He stated that need should drive the market for such services and not vice-versa.

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

CONSENT AGENDA

Consent agenda items 5, 7, 8, 11, 13, 17, 19, 20, 22, 26, 28 and 30 were pulled for individual consideration. Councilmember Perez made a motion to approve items 6, 9, 10, 12, 14, 15, 16, 18, 21, 23, 24, 25, 27, 29, and 31A-C. Councilmember Haass seconded the motion.

The following citizen(s) appeared to speak:

Mr. Rick Aleman, 717 W. Ashby Pl., representing Selrico, spoke to the matter of the meals served to senior citizens. He noted that though his contract item was pulled for individual consideration, he chose to speak at this time, so that he and the seniors with him could return to work on the meals to be served later in the day. He stated that Selrico takes great pride in providing fresh, healthy, safe meals to participants of Community

Initiative's meal preparation and delivery services program. He noted that Selrico's past four health inspections have resulted in perfect scores. He also stated that there are occasional comments regarding the blandness of the food provided to seniors; however, the ingredients of the meals are regulated by the State, and certain foods and seasonings are prohibited from being used.

Mr. Jack M. Finger, P.O. Box 12048, spoke to Item 26, the electric car parking incentive, noting that because of the high cost of such vehicles and length of time to recoup an investment on such a purchase, individuals who buy hybrid cars shouldn't be rewarded for making bad decisions. Regarding Item 28, the Selrico food delivery contract, he stated the project should have been bid out. He noted that Chip Haass received campaign contributions from Selrico.

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

2006-05-04-0532

AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY WHEELED COACH INDUSTRIES, INC. TO PROVIDE THE FIRE DEPARTMENT WITH ELEVEN TYPE I AMBULANCES FOR A TOTAL COST OF \$922,500.00, OF WHICH \$660,000.00 WILL BE FUNDED FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND, AND \$262,500.00 WILL BE FUNDED FROM THE EMERGENCY MEDICAL SERVICES FUND.

2006-05-04-0533

AN ORDINANCE AUTHORIZING A TOTAL PROJECT AMOUNT OF \$50,890.00, TO INCLUDE A \$8,584.00 PAYMENT UNDER AN EXISTING AS NEEDED ENGINEERING SERVICES CONTRACT WITH K. M. NG & ASSOCIATES, INC., FOR THE DESIGN OF THE PROJECT AND COMPLETION OF A TOPOGRAPHIC SURVEY IN CONNECTION WITH THE IN-HOUSE CONSTRUCTION OF THE VIDAURRI PARK DRAINAGE IMPROVEMENTS PROJECT LOCATED IN DISTRICT 5; AND APPROPRIATING FUNDS FROM U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDS.

2006-05-04-0534

AN ORDINANCE AUTHORIZING A TOTAL PROJECT AMOUNT OF \$105,081.63 FOR THE IN-HOUSE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO BRYAN MCCLAIN PARK LOCATED IN DISTRICT 10 TO INCLUDE A MULTI-PURPOSE TRAIL, PEDESTRIAN ACCESS, SIGNAGE, AND OTHER PARK IMPROVEMENTS; AND APPROPRIATING FUNDS FROM 2003-2007 PARK BOND FUNDS AND UNIFIED DEVELOPMENT CODE FEES.

2006-05-04-0535

AN ORDINANCE AUTHORIZING A TOTAL PROJECT AMOUNT OF \$406,553.64 TO INCLUDE A \$387,472.00 CONSTRUCTION CONTRACT WITH DARAZIO ENTERPRISES, FOR DEVELOPMENT OF ADDITIONAL PARKING, A PARK ENTRANCE, AND INSTALLATION OF A BRIDGE AT WALKER RANCH PARK LOCATED IN DISTRICT 9; AND APPROPRIATING FUNDS FROM 2003-2007 PARK BOND FUNDS, 1999-2004 PARK BOND FUNDS, AND UNIFIED DEVELOPMENT CODE FEES.

2006-05-04-0536

AN ORDINANCE AUTHORIZING AN AGREEMENT(S) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO REIMBURSE THE CITY IN AN AMOUNT NOT TO EXCEED \$240,000.00 FOR THE COST OF PURCHASING AND INSTALLING VIDEO IMAGING VEHICLE DETECTION SYSTEMS AT VARIOUS LOCATIONS ON AUSTIN HIGHWAY (LOOP 368) FROM WALZEM ROAD TO RITTIMAN ROAD AND LOOP 368 (BROADWAY) FROM CASA BLANCA ROAD TO BURR ROAD.

2006-05-04-0537

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT WITH THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT FOR CONSTRUCTION OF A PORTION OF THE KYLE SEALE PARKWAY PROJECT, LOCATED IN DISTRICT 8, AND APPROPRIATING \$850,000.00 FROM CERTIFICATES OF OBLIGATION.

2006-05-04-0538

AN ORDINANCE APPROVING A CHANGE ORDER (4-FINAL) IN THE DEDUCTIVE AMOUNT OF \$99,901.58 WITH CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE ASPHALT OVERLAY-2005 STREET MAINTENANCE PROJECT.

2006-05-04-0539

AN ORDINANCE APPROVING A CHANGE ORDER (3-FINAL) IN THE DEDUCTIVE AMOUNT OF \$34,367.84 WITH CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE MICRO-SURFACE-2005 STREET MAINTENANCE PROJECT.

2006-05-04-0540

AN ORDINANCE APPROVING CHANGE ORDER (19-FINAL) IN THE AMOUNT OF \$29,457.98 PAYABLE TO FMG CONSTRUCTING CO., L.L.C., AND AMENDING THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH REHLER, VAUGHN & KOONE, INC. IN THE AMOUNT OF \$21,272.60 FOR ADDITIONAL MATERIAL QUANTITIES AND CONSTRUCTION ADMINISTRATION FEES IN CONNECTION WITH THE JULIA YATES SEMMES BRANCH LIBRARY PROJECT, LOCATED IN DISTRICT 10; AND APPROPRIATING FUNDS FROM 1999 GENERAL OBLIGATION LIBRARY SYSTEMS IMPROVEMENT BOND FUNDS.

2006-05-04-0541

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN EXTENSION AGREEMENT TO THE INTERLOCAL LEASE AGREEMENT WITH VIA METROPOLITAN TRANSIT, EXTENDING THE CURRENT AGREEMENT FOR FIVE YEARS, FOR THE CONTINUED USE OF A TELECOMMUNICATIONS TOWER LOCATED WITHIN SOUTHSIDE LIONS PARK, FOR A TOTAL CONSIDERATION OF \$76,400.00.

2006-05-04-0542

AN ORDINANCE DECLARING THAT THE SAN ANTONIO WATER SYSTEM'S AFTON OAKS 12? SANITARY SEWER FORCE MAIN PROJECT (THE "PROJECT") IS A NECESSARY PUBLIC PROJECT; DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF EASEMENTS ACROSS, OVER, UPON AND UNDER PRIVATELY OWNED PROPERTIES DESCRIBED BELOW (THE "PROPERTIES") WHICH ARE LOCATED IN BEXAR COUNTY, TEXAS, FOR USE AS PART OF THE PROJECT; AUTHORIZING ACQUISITION OF THE PROPERTIES AND ALL OTHER ACTIONS NECESSARY OR INCIDENTAL TO ACQUIRE THE PROPERTIES; AUTHORIZING CONDEMNATION PROCEEDINGS, IF NECESSARY, THROUGH CONCLUSION (INCLUDING FINAL JUDGMENT AND ALL NECESSARY APPEALS) FOR THE FOLLOWING PROPERTIES:

PARCELS	SQ FT- EASEMENTS PERMANENT (P) & TEMPORARY (T)	LEGAL DESCRIPTION NEW CITY BLOCK
P06-041P	7,129 square feet	Out of Lot 3, Blk 1, NCB 17231 Afton Oaks Subdivision Unit 1A
P06-041T	7,319 square feet	Out of Lot 3, Blk 1, NCB 17231 Afton Oaks Subdivision Unit 1A
P06-039P	2,160 square feet	Out of the remaining portion of Lot 1, Blk 1, NCB 17231 Afton Oaks Subdivision Unit 1
P06-039T	2,112 square feet	Out of the remaining portion of Lot 1, Blk 1, NCB 17231 Afton Oaks Subdivision Unit 1
P06-038P	4,301 square feet	Out of 6.650 acres, NCB 17229
P06-038T	4,349 square feet	Out of 6.650 acres, NCB 17229

AND ANY OTHER PARCEL, TEMPORARY OR PERMANENT EASEMENT INTEREST REQUIRED FOR THE PROJECT THAT MAY DEVELOP FOR THE PROPOSED ALIGNMENT OF THE PROJECT INCLUSIVELY; AND RATIFYING ALL PRIOR ACTS TO ACQUIRE THE PROPERTIES.

2006-05-04-0543

AN ORDINANCE AUTHORIZING PAYMENT IN A TOTAL AMOUNT OF \$34,933.00 TO LAWYERS TITLE OF SAN ANTONIO AS ESCROW AGENT FOR

NORTH EAST INDEPENDENT SCHOOL DISTRICT FOR PURCHASE OF 0.155 ACRES OUT OF LOT 1, BLOCK 1, NCB 15831, SPRING CREEK FOREST SCHOOL SUBDIVISION, FOR THE CONSTRUCTION OF RIGHT OF WAY IN FRONT OF THE STAHL ELEMENTARY SCHOOL AND ACCEPTING A GIFT DEED FOR A 0.116 ACRE TRACT OF LAND OUT OF LOT 2, BLOCK 1, NEW CITY BLOCK 16591, MADISON HIGH SCHOOL SUBDIVISION FOR THE CONSTRUCTION OF A RIGHT TURN LANE TO FACILITATE SAFER TRAFFIC FLOW INTO MADISON HIGH SCHOOL, LOCATED IN DISTRICT 10, IN CONNECTION WITH THE STAHL ROAD – O’CONNOR TO JUDSON PROJECT, FROM 2003-2007 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS.

2006-05-04-0544

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MID-COAST FAMILY SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$97,500.00 PAYABLE TO THE CITY FOR CHILD CARE SERVICES PROVIDED BY THE CITY’S ALAMO CHILD CARE DELIVERY SYSTEM (CCDS) FOR THE PERIOD APRIL 1, 2006 THROUGH SEPTEMBER 30, 2007; REVISING THE FY 2006 CCDS PROGRAM BUDGET; AND APPROVING A PERSONNEL COMPLEMENT.

2006-05-04-0545

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A \$90,000.00 GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE “CLICK IT OR TICKET” SELECTIVE ENFORCEMENT PROGRAM’S SEAT BELT AND CHILD SAFETY SEAT ENFORCEMENT PROGRAM FOR THE GRANT PERIOD MAY 22, 2006 TO JUNE 4, 2006.

BOARD APPOINTMENTS: ITEMS 31A-C

REAPPOINTMENT OF TONY KUBERSKI (DISTRICT 7) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (CATEGORY: COMMUNITY REPRESENTATIVE) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 25, 2006.

APPOINTMENT OF KEN R. PALACIOS (DISTRICT 4) TO THE PARKS AND RECREATION BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2007.

REAPPOINTMENT OF ELLEN LOCKWOOD (DISTRICT 8) AND APPOINTMENT OF DR. SHANNON ESPY, DVM, (DISTRICT 2) (CATEGORY: VETERINARIAN) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR TERMS OF OFFICE TO EXPIRE MAY 4, 2008.

CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2006-05-04-0546

AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY GTSI CORPORATION, UTILIZING THE U.S. COMMUNITIES CONTRACT, TO PROVIDE THE FIRE DEPARTMENT WITH VIDEO TELECONFERENCING COMPONENTS FOR THE MOBILE COMMAND VEHICLE FOR A TOTAL COST OF \$40,661.04, FROM 2005 STATE HOMELAND SECURITY PROGRAM FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0547

AN ORDINANCE ACCEPTING THE BID SUBMITTED BY AEROCOMPUTERS, INC. TO PROVIDE THE POLICE DEPARTMENT WITH TWO AERIAL MOVING MAP SYSTEMS FOR THE POLICE HELICOPTERS FOR A TOTAL COST OF \$91,960.00, FROM THE DEPARTMENT OF HOMELAND SECURITY FY 2005 LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM GRANT FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0548

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 FOR AN ESTIMATED COMBINED ANNUAL COST OF \$3,745,633.00, INCLUDING: HONEYWELL CLIMATE/SECURITY SAFETY SYSTEM MAINTENANCE AT THE CONVENTION CENTER; VEHICULAR FIRE PROTECTION SYSTEMS (FIRE PANELS); PORTABLE RADIO BATTERIES; BASIC LIFE SUPPORT DEFIBRILLATOR AND ADVANCED LIFE SUPPORT MONITOR ACCESSORIES; POLICE HELICOPTER PARTS; AUDIBLE PEDESTRIAN SIGNALS; IV SOLUTION NEEDLE SETS; RECREATIONAL BOARD AND TABLE GAMES; AND ARTS AND CRAFTS SUPPLIES.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0549

AN ORDINANCE AUTHORIZING A TOTAL PROJECT AMOUNT OF \$1,740,381.63, TO INCLUDE A \$1,637,000.00 CONSTRUCTION CONTRACT WITH CONSTRUCTORS & ASSOCIATES, INC. FOR REHABILITATION, REPAIRS, AMERICANS WITH DISABILITIES ACT MODIFICATIONS, PARKING ENHANCEMENTS, ENCLOSED RESTROOMS, DRINKING FOUNTAINS, WATER LINES, AND WATER TAP AND DOMED POSTS AT MCALLISTER PARK AND YOUTH SPORTS PRACTICE FIELDS LOCATED IN DISTRICT 9; AND APPROPRIATING FUNDS FROM 2003-2007 PARK BOND FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0550

AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$27,000.00 FOR THE FABRICATION AND INSTALLATION OF SIGNAGE AND WAYFINDING TO, FROM, AND WITHIN HEMISFAIR PARK, FROM CERTIFICATES OF OBLIGATION.

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

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

The City Clerk read the following Ordinances:

2006-05-04-0551

AN ORDINANCE APPROVING CHANGE ORDER (1) IN THE AMOUNT OF \$24,996.54 PAYABLE TO CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE FY 2006 & 2007 STREET MAINTENANCE ASPHALT RECYCLING AND OVERLAY PROJECT, LOCATED IN VARIOUS DISTRICTS.

2006-05-04-0552

AN ORDINANCE APPROVING A CHANGE ORDER (1) IN THE AMOUNT OF \$445,558.44 PAYABLE TO CLARK CONSTRUCTION OF TEXAS, LTD., IN CONNECTION WITH THE FY 2006 & 2007 STREET MAINTENANCE PROGRAM HOT PAVER LAID MICRO SURFACE PROJECT, LOCATED IN VARIOUS DISTRICTS.

2006-05-04-0553

AN ORDINANCE APPROVING CHANGE ORDER (1) IN THE DEDUCTIVE AMOUNT OF \$108,701.00 TO THE CONTRACT WITH J. D. RAMMING PAVING COMPANY, LTD., IN CONNECTION WITH THE FY 2006 & 2007 STREET MAINTENANCE PROGRAM SLURRY SEAL PROJECT, LOCATED IN VARIOUS DISTRICTS.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0554

AN ORDINANCE AUTHORIZING A REVISED TOTAL PROJECT AMOUNT OF \$6,776,202.00 TO INCLUDE AN ADDITION OF \$845,755.00 TO THE CONTINGENCY FUND FOR PROJECT 3-VOLUME 2-UTILITY RELOCATION FOR TERMINAL B AT SAN ANTONIO INTERNATIONAL AIRPORT ("PROJECT"), AND AUTHORIZING \$317,197.07 IN CHANGE ORDERS (NOS. 2-4 AND 12) TO A \$5,766,308.33 CONTRACT WITH JERDON ENTERPRISES, L.P., TO CREATE A RESERVED PARKING AREA, RESURFACE ACCESS ROADS, MODIFY THE ELECTRICAL DISTRIBUTION SYSTEM, AND CREATE A TEMPORARY BYPASS ROAD IN CONNECTION WITH THE PROJECT, AMENDING THE BUDGET AND APPROPRIATING FUNDS FROM THE PFC CAPITAL IMPROVEMENT FUND AND THE AIRPORT CAPITAL IMPROVEMENT FUND.

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

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

Item 20

City Clerk Leticia Vacek read a proposed Ordinance declaring 111 Anderson Street (District 2) and 2914 S. Laredo Street (District 5) as surplus and authorizing their sale to S.A. Milagro Homes, L.L.C. for a combined, total price of \$8,475.00, the City's share being \$3,983.25 and the balance going to other taxing authorities.

Councilmember Perez made a motion to table Item 20 to May 11, 2006. Councilmember McNeil seconded the motion.

The motion to table Item 20 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Hall.

Item 20 was tabled to May 11, 2006.

The City Clerk read the following Ordinance:

2006-05-04-0555

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH MICHAEL A. FANUZZI AND BARBARA FANUZZI, DBA PRIME TIME, LTD. FOR A 6,018 SQUARE FOOT BUILDING AND 27,099 SQUARE FEET OF GROUND SPACE AT 911 PAUL WILKINS ROAD AT THE SAN ANTONIO INTERNATIONAL AIRPORT, FOR A TERM OF FIVE YEARS COMMENCING ON MAY 14, 2006, FOR A MONTHLY RENTAL OF \$1,618.02.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0556

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE REGARDING SIDEWALK CONSTRUCTION REQUIREMENTS, AS REQUESTED BY COUNCILMEMBER RADLE, DISTRICT 5.

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

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

The City Clerk read the following Ordinance:

2006-05-04-0557

AN ORDINANCE AUTHORIZING A ONE-YEAR PILOT PROGRAM TO PROVIDE FREE PARKING AT CITY METERS FOR GASOLINE-ELECTRIC HYBRID VEHICLES, AS REQUESTED BY COUNCILMEMBER GUTIERREZ, DISTRICT 3.

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

The following citizen(s) appeared to speak:

Mr. David Plylar, 4218 Misty Glade, stated that discussion of this matter should focus on hybrid vehicles' impact to reducing both air pollution and fuel consumption. He distributed a table entitled "Fuel Consumption and Pollution Factors of High Mileage 2006-Model Passenger Vehicles," a copy of which is on file with the office of the City Clerk. He stated that the City should implement an objective criteria—high fuel economy and low emissions—for vehicles able to park free in the downtown area.

Mayor Hardberger postponed further discussion on said item in order to break for lunch and Executive Session items.

POINT OF PERSONAL PRIVILEGE

Mayor Hardberger requested a point of personal privilege to recognize Mr Jerry Jones, Dallas Cowboys' owner, and his son, Stephen, Cowboys' Chief Operating Officer, who expressed their appreciation to the City for its assistance in returning the Cowboys' training camp to San Antonio.

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Session at 12:15 p.m. for lunch and announced that City Council would convene in Executive Session at 2 p.m. for the purpose of:

Discuss legal issues related to *Borden Park, L.P. dba Star Storage Downtown San Antonio v. City of San Antonio*, Cause No SA-03-CA-0941-RF, pursuant to the Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:44 p.m., 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.

HYBRID VEHICLE PILOT PROGRAM DISCUSSION: CONTINUED

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

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION:
CONTINUED**

The City Clerk read the following Ordinance:

2006-05-04-0558

AN ORDINANCE AUTHORIZING THE RENEWAL OF A CONTRACT WITH SELRICO SERVICES, INC., TO PROVIDE THE DEPARTMENT OF COMMUNITY INITIATIVES WITH MEAL PREPARATION AND DELIVERY SERVICES FOR THE COMPREHENSIVE NUTRITION PROGRAM, FOR A TWO-YEAR PERIOD BEGINNING OCTOBER 1, 2006 FOR AN APPROXIMATE COST OF \$5,008,852.00

FROM ALAMO AREA COUNCIL OF GOVERNMENTS GRANT FUNDS AND THE GENERAL FUND.

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

The following citizen(s) appeared to speak:

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Mr. Faris Hodge, Jr., 140 Dora, which stated that City Council should be investigated for not bidding out this contract. He inquired as to how much money Selrico contributed to City Council members' campaign funds.

Mr. Raymond Boazeman, 3430 E. Commerce, stated that for health and nutritional purposes, certain foods cannot be prepared for program participants; and that registered dieticians prepare the menus. He spoke to the quality and freshness of the food prepared by Selrico, positively noting its quality and nutritional value.

Ms. Gloria Boyle, St. Andrew's Senior Nutrition Center Manager, stated that the food prepared by Selrico is good. She voiced her hope that Selrico is again awarded the contract. She also introduced three senior citizens from St. Andrew's, Sarah English, Avon Lawrence and Evelyn Leighy, all of whom highly endorsed Selrico.

Ms. Betty Eckert, 233 W. Wildwood, recommended that Selrico be provided only a one-year contract extension and that a task force be created to locate other contractors for future consideration.

Councilmember Guajardo made a motion to table Item 28 to June 1, 2006. The motion died due to lack of a second.

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

The City Clerk read the following Ordinance:

2006-05-04-0559

AN ORDINANCE AUTHORIZING \$100,000.00 FOR THE CREATION OF A GEOGRAPHIC INFORMATION SYSTEM (GIS) SPATIAL MODEL MAP TO IDENTIFY POTENTIAL LAND FOR ACQUISITION AND PROTECTION,

APPROPRIATED FROM PROPOSITION 1 EDWARDS AQUIFER RECHARGE ZONE CONSERVATION AND PROTECTION PROGRAM FUNDS.

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

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

CITY MANAGER'S REPORT

City Manager Sheryl Sculley reported that the Development Services One-Stop Center will implement extended hours on Wednesdays to better accommodate the public, beginning May 10, 2006. She stated that Saturday hours are also being explored.

She reported on the Volunteer Income Tax Assistance program in San Antonio, and noted that the City's program ranks second nationally, having served 30,000 low-income households during the recent tax season, with \$45 million in refunds returned to the community. Regarding upcoming budget discussions, she stated that this year two new formalized processes will be implemented for City employees and the public-at-large to make recommendations for the budget process and service delivery.

She introduced Mr. Peter Zanoni, Management and Budget Director, who explained the City's new c-BID program, for citizens, and e-BID program, for employees. He stated that both programs provide opportunities for comments and recommendations to improve City services and the delivery of these services. He reported that the forms will be available on the internet, and printed forms will be available at numerous City locations.

Mayor Hardberger was obliged to leave the meeting. Councilmember Flores presided.

MASTER PLAN AND ZONING CASES

P-1. PLAN AMENDMENT CASE #06003 (District 2): An Ordinance amending the land use plan contained in the IH 10 East Corridor Perimeter Plan, a component of the Master Plan of the City, by changing the use of 0.67-acres located at the southwest corner of Summer Fest Road and Foster Road, more specifically described by legal descriptions NCB 16612 BLK 7 LOT 78 (SUNRISE UT-15) "SUNRISE" ANNEXATION, from

Single Family Residential land use to Community Commercial land use. Staff and Planning Commission recommend approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed plan amendment.

The following citizen(s) appeared to speak:

Mr. Faris Hodge, Jr., 140 Dora, stated that the City Council and City Attorney were in violation of the Texas Open Meetings Act by changing the manner in which zoning cases are considered, and that the Texas Attorney General would be contacted on the matter. He spoke on zoning cases in Districts 8, 9 and 10, stating that when the electricity goes out the water changes color. He stated that Councilmember Wolff wants taxes lowered, but the City continues to annex land over the Edwards Aquifer and the City spends money on numerous public services. He stated that the City and Bexar County should combine police forces to save money. He noted that the results of a survey he took indicate that the public would prefer that zoning cases be heard after 5 p.m.

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

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

2006-05-04-0560

AN ORDINANCE AMENDING THE LAND USE PLAN CONTAINED IN THE IH 10 EAST CORRIDOR PERIMETER PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF APPROXIMATELY 0.67 ACRES OF LAND LOCATED AT THE SOUTH WEST CORNER OF FOSTER ROAD AND SUMMER FEST ROAD MORE SPECIFICALLY DESCRIBED AS NCB 16612 BLK 7 LOT 78 FROM SINGLE FAMILY RESIDENTIAL LAND USE TO COMMUNITY COMMERCIAL LAND USE.

Z-1. ZONING CASE #Z2006040 CD (District 2): An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "C-2" (CD-Car Care Center) Commercial District with a Conditional Use for a Car Care Center on Lot 78, Block 7, NCB 16612, 4000 Block of North Foster Road, as requested by Tariq Y. Khan,

Applicant, for Tariq Y. Khan, Owner(s). Staff and Zoning Commission recommend Approval with conditions.

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

Councilmember McNeil made a motion to approve the proposed rezoning case with conditions. Councilmember Gutierrez seconded the motion.

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

2006-05-04-0561

AN ORDINANCE 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 78, BLOCK 7, NCB 16612 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" (CD-CAR CARE CENTER) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A CAR CARE CENTER.

Z-2. ZONING CASE #Z2006077 (District 2): An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "IDZ" Infill Development Zone with uses permitted in the "C-2" Commercial District on Lot 1, Block 1, NCB 1360, 734 North New Braunfels Avenue, as requested by Joaquin Arch, Applicant, for Howard Wong, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember McNeil made a motion to table Item Z-2 to June 8, 2006. Councilmember Gutierrez seconded the motion.

The motion to table Item Z-2 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Wolff, Haass. **NAYS:** None. **ABSENT:** Perez, Hall, Mayor Hardberger.

Item Z-2 was tabled to June 8, 2006.

Z-3. ZONING CASE #Z2005290 (District 3): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "C-2" General Commercial District on Parcel 1, NCB 10880, 3600 Block of Goliad Road as requested by Brown, P.C., Applicant, for 3500 Goliad Road, L.P., Owner(s). Staff and Zoning Commission recommend Approval.

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

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

The following citizen(s) appeared to speak:

Mr. Todd Voges, 9002 Barkmeyer, Brookside Neighborhood Association President, thanked City Council for its effort on the rezoning case.

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

2006-05-04-0562

AN ORDINANCE 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 PARCEL 1, NCB 10880 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

Z-4. ZONING CASE #Z2006066 CD (District 3): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "RM-4" (CD - Multi-Family Dwellings) Residential Mixed District with a Conditional Use for Multi-Family Dwellings not to exceed 24 units per acre on Lots 9 through 12, Block E, NCB 11029, 2400 Block of Betty Jean Street as requested by Eduardo Cadena, Applicant, for Joe A. Pastrano and Rebecca Pastrano, Owner(s). Staff recommends Approval of "RM-4" (CD - Multi-Family Dwellings) with a density not exceeding 12 units per acre. Zoning Commission recommends Approval of "RM-4" (CD - Multi-Family Dwellings) with a density not exceeding 24 units per acre.

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

The following citizen(s) appeared to speak:

Councilmember Gutierrez requested that it be noted that City Clerk Leticia Vacek received 38 written testimonies on the zoning case, but that they would not be read at this time pending further deliberations on the rezoning case.

Councilmember Gutierrez made a motion to table Item Z-4 to June 1, 2006. Councilmember Perez seconded the motion.

The motion to table Item Z-4 prevailed by the following vote: **AYES:** Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass. **NAYS:** None. **ABSENT:** McNeil, Hall, Mayor Hardberger.

Item Z-4 was tabled to June 1, 2006.

Z-5. ZONING CASE #Z2006069 (District 3): An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "RM-6" Mixed Residential District on Lots 4 through 7 and the West 7.2 Feet of the North 200 feet of the South 250 feet of Lot 8, Block 49, NCB 11079, 518 West Ansley as requested by Jesus J. Robles, Applicant, for Jesus J. Robles, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

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

2006-05-04-0563

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF

CERTAIN PROPERTY DESCRIBED HEREIN AS LOTS 4 THROUGH 7 AND THE WEST 7.2 FEET OF THE NORTH 200 FEET OF THE SOUTH 250 FEET OF LOT 8, BLOCK 49, NCB 11079 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "RM-6" MIXED RESIDENTIAL DISTRICT.

Z-6. ZONING CASE #Z2006078 (District 3): An Ordinance amending the zoning district boundary from "R-4" Residential Single-Family District to "UD" Urban Development District on 2.5 acres out of NCB 11156, 12000 Block of Southeast Loop 410 as requested by Ismail Sulieman, Applicant, for Ismail Sulieman, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

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

2006-05-04-0564

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 2.5 ACRES OUT OF NCB 11156 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "UD" URBAN DEVELOPMENT DISTRICT.

Z-7. ZONING CASE #Z2006060 (District 5): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "O-1" Office District on the South 35 Feet of Lot 13, the North 90 Feet of the East 14 Feet of Lot 13, the South 35 Feet of the West 22 Feet of Lot 14 and the North 90 Feet of the West 22 Feet of Lot 14, Block 29, NCB 3434, 2719 Nogalitos and 110 Linares as requested by Southside Credit Union, Applicant, for Southside Credit Union and Edward Flores, Owner(s). Staff and Zoning Commission recommend Approval.

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

The following citizen(s) appeared to speak:

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., stated his support of the rezoning case, as he is a member of Southside Credit Union. He also stated his opposition to Zoning Cases Z-8, Z-9, Z-12 and Z-13, as they involve development over the Edwards Aquifer.

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

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

2006-05-040-0565

AN ORDINANCE 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 SOUTH 35 FEET OF LOT 13, THE NORTH 90 FEET OF THE EAST 14 FEET OF LOT 13, THE SOUTH 35 FEET OF THE WEST 22 FEET OF LOT 14, AND THE NORTH 90 FEET OF THE WEST 22 FEET OF LOT 14, BLOCK 29, NCB 3434 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

Z-8. ZONING CASE #Z2006008 (District 8): An Ordinance amending the zoning district boundary from "DR ERZD" Development Reserve Edwards Recharge Zone District to "RM-6 ERZD" Mixed Residential Edwards Recharge Zone District on Lot 15, Block 6, NCB 4547, 15415 Red Robin Road as requested by Our Lady of the Atonement Catholic Church, Applicant, for Our Lady of the Atonement Catholic Church, Owner(s). Staff and Zoning Commission recommend Approval.

Z-9. ZONING CASE #Z2006023 (District 8): An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 NA ERZD" Commercial Nonalcoholic Sales Edwards Recharge Zone District on Lot 1, Block 4, NCB 14759, 7403 West Loop 1604 as requested by Jeanette Blount, Applicant, for Jeanette Blount, Owner(s). Staff and Zoning Commission recommend Approval with an impervious cover limit of 58.8%.

Z-10. ZONING CASE #Z2006038 (District 8): An Ordinance amending the zoning district boundary from "MH ERZD" Manufacturing Housing Edwards Recharge Zone District to "O-1 ERZD" Office Edwards Recharge Zone District on Lot 9, Block 3, NCB 15657, 13515 Babcock Road as requested by Eduardo Rodriguez and Delfina Rodriguez, Applicant, for Eduardo Rodriguez and Delfina Rodriguez, Owner(s). Staff and Zoning Commission recommend Approval.

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

Councilmember Wolff, on behalf of Councilmember Hall made a motion to table Items Z-8, Z-9 and Z-10 to June 1, 2006. Councilmember Perez seconded the motion.

The motion to table Item Z-8, Z-9 and Z-10 prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass. **NAYS:** None. **ABSENT:** Hall, Hardberger.

Items Z-8, Z-9 and Z-10 were tabled to June 1, 2006.

Z-11. ZONING CASE #Z2006080 (District 8): An Ordinance amending the zoning district boundary from "R-6" GC-1 Residential Single-Family Gateway Corridor District-1 and "R-20" GC-1 Residential Single-Family Gateway Corridor District-1 to "C-3" GC-1 General Commercial Gateway Corridor District-1 on 4.35 acres out of NCB 18333, 20635 and 20655 IH 10 West as requested by Kaufman and Associates, Inc., Applicant, for Wayne Wright Interests, Inc./St. James Holdings, Inc., Owner(s). Staff and Zoning recommend Approval.

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

Councilmember Wolff made a motion on behalf of Councilmember Hall to approve the proposed rezoning case. Councilmember Perez seconded the motion.

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

2006-05-04-0566

AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF

SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 4.35 ACRES OUT OF NCB 18333 FROM "R-6" GC-1 RESIDENTIAL SINGLE-FAMILY GATEWAY CORRIDOR DISTRICT-1 AND "R-20" GC-1 RESIDENTIAL SINGLE-FAMILY GATEWAY CORRIDOR DISTRICT-1 TO "C-3" GC-1 GENERAL COMMERCIAL GATEWAY CORRIDOR DISTRICT-1.

Z-12. ZONING CASE #Z2006006 CD S (District 9): An Ordinance amending the zoning district boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 ERZD CD S" (CD-Mini Storage) Commercial Edwards Recharge Zone District with a Conditional Use and Specific Use Permit for a Mini-Storage Facility Over 2.5 Acres on 3.762 acres out of NCB 15009, 2402 West Loop 1604 as requested by J. Allen Family Partners, Ltd., Applicant, for Lee-1604 No One Ltd., Owner(s). Staff and Zoning Commission recommend Approval with conditions.

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

The following citizen(s) appeared to speak:

Mr. James Allen, 19276 Redland Rd., applicant, stated that he met with the local neighborhood association to explain the land use and illustrate the project design. He reported that after so meeting, only three association members opposed the project. He also noted that months of discussion occurred with SAWS, and a compromise was reached which involved inclusion of a voluntary buffer.

Ms. Carol Mendoza, 1809 Blanco, AGUA, spoke of Water Quality Ordinance changes and AGUA's belief that the impervious cover on the lot is too high and that two sensitive features exist on the property. She requested a continuance on the case.

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

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

2006-05-04-0567

AN ORDINANCE 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 3.762 ACRES OUT OF NCB 15009 FROM "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD" (CD-MINI-STORAGE FACILITY) COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE AND SPECIFIC USE PERMIT FOR A MINI-STORAGE FACILITY OVER 2.5 ACRES.

Z-13. ZONING CASE #Z2006047 (District 10): An Ordinance amending the zoning district boundary from "NP-10 ERZD" Neighborhood Preservation Edwards Recharge Zone District to "RM-4 ERZD" Residential Mixed Edwards Recharge Zone District on Parcel 4A and Parcel 19, NCB 17725, 17120 Bulverde Road, as requested by Brown, P. C., Applicant, for Centex Homes, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

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

2006-05-04-0568

AN ORDINANCE 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 PARCEL 4A AND PARCEL 19, NCB 17725 FROM "NP-10 ERZD" NEIGHBORHOOD PRESERVATION EDWARDS RECHARGE ZONE DISTRICT TO "RM-4 ERZD" MIXED RESIDENTIAL EDWARDS RECHARGE ZONE DISTRICT.

Councilmember Flores recessed the Regular Session and announced that Council would reconvene at 5 p.m.

Mayor Pro Tem Radle reconvened the Regular Session at 5:10 p.m.

CEREMONIAL ITEMS

Mayor Pro Tem Radle presented the following honorariums:

- Proclamation of Goodwill Ambassadors to the Alamo Angels as they compete at the American Accordionists' Association National Convention in Buffalo, NY.
- Proclamation for Better Speech and Hearing Month, May 2006, to Sunshine Cottage.
- Proclamation for WalkAmerica, Saturday, May 20, 2006, to the March of Dimes.

Mayor Pro Tem Radle recessed the Regular Session at 5:40 p.m. and announced that Council would reconvene at 6 p.m.

Mayor Hardberger reconvened the Regular Session at 6:00 p.m.

CITIZENS TO BE HEARD

Ms. Melissa Rodriguez, 2300 W. Commerce, San Antonio Youth Commission Chair-Elect, District 6 representative, provided a brief history of the Commission and stated its objectives.

Mr. Jonathan De Jesus, San Antonio Youth Commission District 8 representative, stated that the Commission has addressed drag racing, curfew law, graffiti, teen pregnancy, and assisted in voter registration. He noted the Commission's inaugural Youth Conference, held during Fiesta, attracted 180 youths. He noted the various summits that they have attended.

Ms. Angelica Medina, San Antonio Youth Commission District 10 representative, stated that numerous vacancies will soon exist on the Commission due to high school graduations, and that filling the vacancies is important for the Commission to conduct business and meet objectives. She asked that the current vacancies be filled by August or September.

Mr. Jaime Martinez, 1504 E. Commerce, spoke on immigration reform and the economic impact of undocumented workers. He stated that these individuals are prohibited from the basic rights given to citizens, though immigrants are crucial to the success of the U.S. economy. He remarked that numerous studies have shown that the benefit of immigrants to the economy greatly outweighs the cost of potential public benefits. He noted that

undocumented workers contribute to Social Security, though they themselves are not eligible for the program. He added that the City needs to help these community members.

Mr. Gabriel Q. Velasquez, 1614 E. Commerce, stated that immigration reform is not just a federal issue, but is also a State and municipal matter. He related the story of the Treaty of Guadalupe Hidalgo and architected language in the Protocol of Queretaro which permitted rights to Mexicans. He stated that the City should follow this example and create language that permits a safe haven for immigrants. He remarked that he, as a U.S. citizen, should not have to report his family ancestors as felons, should they be here illegally.

Ms. Imelda Lopez, assisted by a Spanish translator, asked City Council to support undocumented working families. She stated that those like her want no special considerations, but want to share the principles and education afforded others. She added that given the opportunity, she and others would return favorable and positive results.

Mr. Tony Mandujano, 18181 Senior, noted that in 2002, President Bush signed an executive order to expedite the citizenship process for undocumented soldiers. He showed various news footage of the May 1, 2006 unity rally.

Ms. Claudia Sanchez stated that her parents migrated to the U.S. 26 years ago, and worked hard to create a life here. She stated that they instilled in her the importance of education and giving back to the community. She remarked that she knows several local high school graduates who cannot attend college because they are here illegally and do not have the proper documentation required to enter college.

Mr. Henry Rodriguez, P.O. Box 5431, LULAC State Civil Rights Director, encouraged everyone to sign the letter initiated by Councilmember Radle. He stated that many kids have parents, grandparents, uncles, aunts that are immigrants. He stated that he hoped that each Council member would support this issue and respond with their thoughts on the issue if they choose not to sign the letter.

Ms. Deborah Martin, 7207 Snowden, stated her opposition to the proposed Tree Preservation Ordinance changes. She stated that heritage trees need to be protected. She asked that the Tree Preservation Ordinance be kept strong and urged City Council to vote no on the proposals.

Mr. Nazirite Ruben Flores Perez, 627 Hearne Ave., distributed a May 1, 2006, Express-News article that entitled "New debate on old battleground."

Mr. Faris Hodge, Jr., 140 Dora, stated that he spoke with City Attorney Michael Bernard about City policies. He referred to policy changes made without a City Council vote. He commented that zoning cases are still heard too early for the general public to attend. He offered his apologies to any City staff he has personally hurt. He said that debating isn't about feelings, it's about issues. He also noted dialogue he has had with the Texas Attorney General about the City's failure to respond to his inquiries. He stated that the Attorney General stated that the matter should be able to be resolved without State participation.

Ms. Petra Mata stated that 27 years ago she came to the United States with a dream to better herself and her family. She stated that it was very sad for the City to not support immigration rights, and that all that is being asked for is the same support that was extended to Hurricane Katrina evacuees.

Mr. Antonio Diaz, 7123 Glen Grove, addressed the Council regarding undocumented immigrants. He requested a resolution for a "safety zone-no deportation zone" in San Antonio. He stated that undocumented immigrants need representation, and that all are brothers and need to be protected.

Mr. Chance Ruder, addressed the Council regarding the proposed tree amendments especially keeping an eye on those trees in the Extraterritorial Jurisdiction Boundary (ETJ). He stated that he expects the trees to be in the ETJ when he grows up and raises a family. He urged the Council to vote against the amendments.

Mr. Pedro Ruiz, 122 Rockwood, stated that he was born in San Antonio, and was a first generation graduate of UTSA. He referred to the recent raids at the businesses where undocumented workers were found. He asked City Council to support immigrants' rights.

Mr. Richard Alles, PO Box 700066, Citizens Tree Coalition, stated that the statistics and examples used in support of the changes to the Tree Preservation Ordinance are extremes, and City Council members should not base opinions on them. In regard to the development groups list of amendments, he called them "radical" and stated they will cause outrageous taxpayers' expense.

City Clerk Leticia Vacek read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by San Antonio Conservation Society which recommended the following changes to the Tree Ordinance: the omission of 35-523(e)(3)(ii), required sampling on sites of more than 100 acres of tree canopy; 35-523(i), preserving the root protection zone; 35-523(e)(1)(b) retaining mitigation ratios for certain tree species; 35-523(3)(1) reducing the preservation ratio for athletic fields; and 25-523(d)(1), preservation of the Ashe Juniper species.

Mr. John Stanford, 2311 W. Gramercy, stated that he proudly participated in the immigration rights rally, May 1, 2006. He requested that City Council find a way to protect immigrants and immigrant families in the City.

Mr. Mark Peterson, 16400 Henderson Pass, Texas Forest Service, stated that he worked with the City earlier in the year to streamline and clarify the ordinance, while maintaining its integrity. He commented that the new proposed changes violate Urban Forestry's guiding principles of management and planning. He offered his assistance in developing the Tree Preservation Ordinance.

Ms. Marianna Ornelas, Dellview Area Neighborhood Association, requested that Council change the approach in dealing with tree protection. She recommended that focus be placed on the City's overall tree canopy cover. She requested that City staff develop an ordinance providing 35% of overall tree canopy cover and that staff stop focusing on the size of a tree. She stated that the Association also opposes the exemption of the ordinance within the ETJ. She noted that better tree regulations can help resolve the City's air pollution issues.

Mayor Hardberger was obliged to leave the meeting. Mayor Pro Tem Radle presided.

Ms. Teresa Livengood, 22527 Savannah Heights, stated that the benefits do not outweigh the price that will be paid by removing trees. She commented that trees are as important to the welfare of San Antonio as anything else the City offers.

Mr. Allen S. Ellebracht, 4915 Dare Ln., read an April 26, 2006 Express-News column written about the environment inside Graham Central Station, several times noting that his deceased friend George Dickerson and the newspaper columnist shared similar perceptions and concerns with the club.

Mr. Kevin Cloonan, 501 W. Summit Ave., Alta Vista Neighborhood Association President, stated that among other things, trees enhance the beauty of the neighborhood, provide a safe haven for wildlife, and improve air quality. He remarked that developers can incorporate existing trees into their project plans, though so doing adds time and effort to projects. He asked City Council to reject the proposed amendments to the Tree Preservation Ordinance.

Mr. Jerry Morrissey, 19631 Encino Way, spoke to the real issue of tree preservation and the cost to developers. He stated that entities such as SAWS and CPS need to be involved in the development process, and that all parties need to work toward a common

goal via compromise. He challenged the Council to follow SAWS' lead, involve public panels, and establish consistency to eliminate constant debate on the matter.

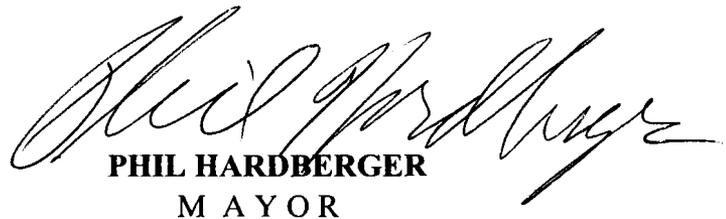
Ms. Monica Cruz, 2507 NW 36th St., representing Hispanas Unidas, addressed the Council with regard to the Escuelitas Program. She referenced a publication in the Express-News about teen pregnancy, and read statistics of 2005 ethnicity pregnancy rates which noted that the Hispanic pregnancy rate decreased. She thanked the Council for its support of the program. She recognized a parent and daughter who participate in the program.

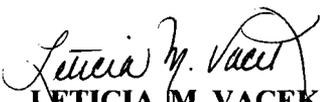
Ms. Julie Iris Oldham, addressed the Council stated that her request for a meeting with the Mayor and City Manager was ignored. She read an article entitled "La Covija."

ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Radle adjourned the meeting at 8:10 p.m.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
CityClerk