

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, DECEMBER 13, 2006 AND THURSDAY, DECEMBER 14, 2006**

The City Council convened in an informal "B" Session at 3:00 pm, Wednesday, December 14, 2006 in the Municipal Plaza Building "B" Room, with the following Council members present: McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, and Mayor Hardberger. ABSENT: Flores and Hall.

1) Staff Briefing and update, including possible Council action, regarding various aspects of the 2007-2012 General Obligation Bond Program, to include updates on Community Bond Committee meetings and the current Communications Plan for the Bond Program.

City Manager Sheryl Sculley presented an update on the Bond Issue Committees that met on Monday and Tuesday being the Drainage and Streets/Sidewalks Committees respectively. She stated that the Drainage Committee has scheduled a tour for Saturday, January, 6, 2007.

2) Staff Briefing regarding the Final Report of the River Water Quality Work Group assessment of current conditions and recommended options to improve the water quality, chemical composition, and clarity in the San Antonio River Loop.

Deputy City Manager Pat DiGiovanni made a power point presentation regarding the final report of the River Walk Quality Group. Mr. DiGiovanni stated that the Committee recommends continuing with the identified short-term solutions to improve the water quality and clarity of the San Antonio River Loop. Such short-term solutions included developing better River Walk cleaning practices, purchasing more equipment, controlling wildlife in the River Walk area, and developing a compliance program.

The "B" Session adjourned at 3:50 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, December 14, 2006 at 9:00 am.

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

The Invocation was delivered by Archbishop Jose H. Gomez, S.T.D., Archdiocese of San Antonio, guest of Mayor Phil Hardberger.

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

Councilmember Haass made a motion to approve the minutes of the November 16, 2006 City Council meeting. Councilmember McNeil seconded the motion.

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

**Items 4-10 are addressed after Consent Agenda**

**CONSENT AGENDA: Items 11 – 68G**

Consent agenda Items 11, 12, 13, 16, 21, 29, 31, 35, 36, 43, 46, 49, 50, and 63 were pulled for individual consideration. The remaining items were approved upon motion made by Councilmember Haass and seconded by Councilmember Perez.

**The following citizen(s) appeared to speak:**

Mr. Jack Finger, P.O. 12048, spoke on Items 17, 45, 46, 47, 49, 52, 59, 63, and 65. He also thanked the Archbishop for the prayer and spoke on various City “give-a-ways”. He referenced Item 49 as a give-away while noting Items 45 and 46 were lawsuits. In addition, he stated that some councilmembers have a conflict of interest pertaining to Item 17.

Mr. Greg Tamez, 311 S. St. Mary’s, Suite 81, spoke in opposition to the City awarding the elevator maintenance contract at the Convention Center as listed in Item 11 to EMR. He noted that EMR was not the best qualified company.

Mr. Clint Matthews, 311 S. St. Mary’s, Suite 15F, also spoke in opposition to the City selecting EMR as it related to Item 11. Mr. Matthews asked the City to check into the training of EMR staff.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., spoke on Item 30. He spoke in opposition to Mexican traditions being observed in North America.

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

2006-12-14-1375

Item 14. AN ORDINANCE ACCEPTING THE OFFER FROM TOTER INCORPORATED TO PROVIDE THE ENVIRONMENTAL SERVICES DEPARTMENT WITH ROLL OUT CARTS FOR AUTOMATED REFUSE COLLECTION, FOR A COST OF \$2,320,341.76, OF WHICH \$1,973,487.56 WILL BE PAID THROUGH A TAX-EXEMPT LEASE PURCHASE CONTRACT OR OTHER FINANCIAL OBLIGATIONS, AND THE BALANCE OF \$346,854.20 WILL BE FUNDED FROM THE ENVIRONMENTAL SERVICES DEPARTMENT ENTERPRISE FUND.

2006-12-14-1376

Item 15. AN ORDINANCE ACCEPTING THE BID FROM AEROCOMPUTERS, INC. FOR THE PURCHASE OF AERIAL MOVING MAP SYSTEMS FOR THE POLICE DEPARTMENT FOR A TOTAL COST OF \$45,505.00, FROM DEPARTMENT OF HOMELAND SECURITY GRANT FUNDS.

2006-12-14-1377

Item 17. AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH 3D/INTERNATIONAL, INC. IN THE AMOUNT OF \$649,010.31, TO INCLUDE CHANGE ORDER NOS. 24, 25B, 25D, 26, 29, 30, 31, 32, 35, AND 36, FOR DESIGN CHANGES IN CONNECTION WITH THE TERMINAL EXPANSION PROGRAM AT THE SAN ANTONIO INTERNATIONAL AIRPORT; INCREASING THE DESIGN CONTINGENCY AND PROJECT ADMINISTRATION APPROPRIATIONS IN THE AMOUNT OF \$669,427.00; REVISING THE BUDGET AND PROVIDING FOR PAYMENT.

2006-12-14-1378

Item 18. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$338,790.22, TO INCLUDE AWARDDING A \$320,000.00 CONTRACT WITH BARON-LONG CONSTRUCTION, LTD. FOR THE INSTALLATION OF A NEW HEATING, VENTILATING AND AIR CONDITIONING SYSTEM IN CONNECTION WITH THE JESSE JAMES LEIJA GYMNASIUM HVAC IMPROVEMENTS PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT IN DISTRICT 1; AND APPROPRIATING FUNDS.

2006-12-14-1379

Item 19. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$1,044,526.00 TO INCLUDE A \$936,536.00 CONTRACT WITH LEH CONTRACTORS, INC. TO PERFORM CONSTRUCTION WORK IN CONNECTION WITH THE OLMOS BASIN PARK REHABILITATION & TRAIL SYSTEM DEVELOPMENT PROJECT LOCATED IN DISTRICTS 1 AND 9, AN AUTHORIZED 1999-2003 AND 2003-2007 PARK BOND FUNDED PROJECT; AND APPROPRIATING FUNDS.

2006-12-14-1380

Item 20. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$35,000.00 WITH JONES/KROLOFF FOR WORK IN CONNECTION WITH THE DESIGN COMPETITION FOR THE VOELCKER PROPERTY MASTER PLAN PROJECT LOCATED IN DISTRICT 9; AND APPROPRIATING \$35,000.00 FROM A PORTION OF THE REMAINING LAND ACQUISITION FUNDS FROM THE VOELCKER PROPERTY ACQUISITION PROJECT APPROVED ON JUNE 29, 2006, ORDINANCE NO. 2006-06-29-0737.

2006-12-14-1381

Item 22. AN ORDINANCE AUTHORIZING CITY PARTICIPATION IN A HAZARD ELIMINATION AND SAFETY PROGRAM GRANT THROUGH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FROM THE FEDERAL HIGHWAY ADMINISTRATION; AUTHORIZING THE NEGOTIATION AND EXECUTION OF LOCAL PROJECT ADVANCE FUNDING AGREEMENTS WITH TXDOT FOR INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF SONTERA AND HARDY OAK, CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT BABCOCK AND HAUSMAN, AND THE INSTALLATION OF SKID RESISTANT PAVEMENT ON MAINLAND BETWEEN MAINLAND SQUARE AND MONTEGO, AND APPROPRIATING \$43,933.40 AS LOCAL MATCHING FUNDS FROM ADVANCED TRANSPORTATION DISTRICT FUNDS.

2006-12-14-1382

Item 23. AN ORDINANCE AUTHORIZING \$83,429.47 PAYABLE TO TIME WARNER CABLE AND \$15,237.42 PAYABLE TO SBC/AT&T, AND ADDING \$13,666.48 FOR PROJECT CONTINGENCY IN CONNECTION WITH UNDERGROUND UTILITY CONVERSION IN THE WOODLAWN AVENUE FROM SAN ANTONIO TO LAKE PROJECT, AN AUTHORIZED 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDED PROJECT, LOCATED IN DISTRICT 7, AND APPROPRIATING FUNDS.

2006-12-14-1383

Item 24. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT COST OF \$7,428,655 AND AWARDED A CONSTRUCTION CONTACT IN THE AMOUNT OF \$4,450,703 TO SHANNON-MONK, INC., IN CONNECTION WITH THE LADDIE PLACE REGIONAL STORM WATER DETENTION FACILITY – PHASE 2 PROJECT, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN DISTRICT 1 AND APPROPRIATING FUNDS.

2006-12-14-1384

Item 25. AN ORDINANCE ACCEPTING A DEDICATION FROM THE NORTHSIDE INDEPENDENT SCHOOL DISTRICT OF A PERMANENT EASEMENT CONSISTING OF A 0.352 ACRE TRACT OUT OF NEW CITY BLOCK 18299, LOCATED IN DISTRICT 6.

2006-12-14-1385

Item 26. AN ORDINANCE ACCEPTING A DEDICATION FROM DEER CREEK APARTMENTS JOINT VENTURE OF A PERMANENT 20-FOOT DRAINAGE EASEMENT AND A VARIABLE WIDTH DRAINAGE EASEMENT, BOTH OUT OF LOT 1, BLOCK 29, NEW CITY BLOCK 18076, WITHIN THE CULEBRA CROSSING SUBDIVISION LOCATED IN DISTRICT 6.

2006-12-14-1386

Item 27. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT COST OF \$465,955.51 AND AWARDED A CONSTRUCTION CONTACT IN THE AMOUNT OF \$317,885.14 TO R.L. JONES, L. P., IN CONNECTION WITH THE MENDER CREEK CHANNEL RECAPITALIZATION PROJECT, AN AUTHORIZED 2005 STORM WATER REVENUE BOND FUNDED PROJECT LOCATED IN DISTRICT 2 AND APPROPRIATING FUNDS.

2006-12-14-1387

Item 28. AN ORDINANCE APPROVING CHANGE ORDER NO.SAWS-3-FINAL IN THE DEDUCTIVE AMOUNT OF \$33,284.02 TO THE CONSTRUCTION CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. TO RECONCILE ACTUAL QUANTITIES USED IN CONNECTION WITH THE DUKE AREA STREETS, PHASE I PROJECT, LOCATED IN DISTRICT 7.

2006-12-14-1388

Item 30. AN ORDINANCE AUTHORIZING RENEWAL, EXTENSION, AND CONSENT TO ASSIGNMENT OF A LEASE WITH CASA DE NUEVO LEON, ASSIGNEE OF SECRETARIA DE DESARROLLO ECONOMICO DE NUEVO LEON, FOR CONTINUED USE OF INTERNATIONAL CENTER OFFICE SPACE, 203 SOUTH ST. MARY'S STREET, DISTRICT 1, FOR A TWO-YEAR TERM COMMENCING JANUARY 1, 2007 AND EXPIRING DECEMBER 31, 2008.

2006-12-14-1389

Item 32. AN ORDINANCE AUTHORIZING A FIVE-YEAR OFFICE LEASE WITH C.A.N. INDUSTRIES, INC. FOR THE DEPARTMENT OF COMMUNITY INITIATIVES, OF APPROXIMATELY 4,145 SQUARE FEET OF SPACE LOCATED AT 1325 N. FLORES, SUITE 114, AT A BASE MONTHLY RENTAL RATE OF \$0.90 PER SQUARE FOOT, PLUS A SHARE OF COMMON AREA MAINTENANCE, UTILITIES AND CUSTODIAL COSTS, AND PROVIDING FOR A TWO-YEAR RENEWAL OPTION.

2006-12-14-1390

Item 33. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH GOODWILL INDUSTRIES OF SAN ANTONIO FOR THE LEASE OF APPROXIMATELY 400 SQUARE FEET OF SPACE IN THE GOODWILL RETAIL STORE LOCATED AT 727 NORTHWEST LOOP 410 FOR IMMUNIZATION AND PREVENTIVE HEALTH SERVICES TO BE PROVIDED BY THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AT A LEASE RATE NOT TO EXCEED \$320.00 PER MONTH FOR THE PERIOD BEGINNING JANUARY 1, 2007 THROUGH DECEMBER 31, 2007 WITH A ONE-YEAR RENEWAL OPTION AT THE SAME RATE.

2006-12-14-1391

Item 34. AN ORDINANCE APPROVING A SIDEWALK PATIO LICENSE AGREEMENT WITH SHERATON GUNTER HOTEL FOR 753 SQUARE FEET OF PUBLIC SIDEWALK SPACE AT 205 E. HOUSTON ST., LOCATED IN DISTRICT 1, FOR A FIVE (5) YEAR TERM COMMENCING ON JANUARY 1, 2007 AND ENDING ON DECEMBER 31, 2011, FOR A TOTAL INITIAL ANNUAL RENT IN THE FIRST YEAR OF \$11,566.08 AND ESCALATING AT 2.5% EACH YEAR THEREAFTER.

2006-12-14-1392

Item 37. AN ORDINANCE AUTHORIZING THE GRANT OF A 50' WIDE EASEMENT TO BEXAR COUNTY FOR THE CONSTRUCTION OF A ENTRANCE ROAD TO PLETZ COUNTY PARK; AUTHORIZING THE ACCEPTANCE OF A 20' WIDE EASEMENT THROUGH PLETZ COUNTY PARK FROM BEXAR COUNTY FOR THE SALADO CREEK HIKE AND BIKE PHASE 2 PROJECT; AND APPROPRIATING \$3,600.00 FOR RELATED EXPENSES FROM THE PROPOSITION 3 CREEKWAY LINEAR PARKS LAND ACQUISITION AND PARK EXPANSION PROJECT.

2006-12-14-1393

Item 38. AN ORDINANCE AUTHORIZING THE RENEWAL OF A LEASE AGREEMENT WITH COSC PARTNERS, L.P., ET AL., FOR USE BY THE POLICE DEPARTMENT'S HIGH INTENSITY DRUG TRAFFICKING AREA (HIDTA) PROGRAM OF 46,817 SQUARE FEET OF OFFICE SPACE, FOR A SEVEN YEAR TERM COMMENCING ON JANUARY 1, 2007 AND ENDING DECEMBER 31, 2013, WITH AN AVERAGE ANNUAL RENTAL PAYMENT OF \$822,583.00 OVER THE TERM OF THE LEASE.

2006-12-14-1394

Item 39. AN ORDINANCE AUTHORIZING A MODIFICATION AND ONE YEAR EXTENSION (FY 2007) OF A REIMBURSEMENT AGREEMENT WITH THE TRANSPORTATION SECURITY ADMINISTRATION FOR THE USE OF AIRPORT POLICE PERSONNEL AT THE SAN ANTONIO INTERNATIONAL AIRPORT SECURITY CHECKPOINTS, IN AN AMOUNT NOT TO EXCEED \$396,902.40; ESTABLISHING A BUDGET, AND APPROPRIATING FUNDS.

2006-12-14-1395

Item 40. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS IN THE AMOUNT OF \$50,000.00 FROM THE AT & T FOUNDATION FOR THE DEVELOPMENT OF A COMPREHENSIVE MARKETING PLAN FOR THE SAN ANTONIO COALITION FOR FAMILY ECONOMIC PROGRESS AND SUPPORT OF A MOBILE TAX PREPARATION TEAM IN ORDER TO ENHANCE PARTICIPATION IN THE EARNED INCOME TAX CREDIT (EITC) AND VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAMS FOR THE PERIOD ENDING DECEMBER 31, 2007; AUTHORIZING AN AMENDMENT TO A DELEGATE AGENCY CONTRACT; AND APPROVING A BUDGET.

2006-12-14-1396

Item 41. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL REDUCE THE FUNDING SUPPORT FOR THE ONGOING TUBERCULOSIS PREVENTION AND CONTROL PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JANUARY 1, 2006 THROUGH DECEMBER 31, 2006 FROM \$353,133.00 TO \$335,476.00; AND REVISING THE PROGRAM BUDGET.

2006-12-14-1397

Item 42. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH GLAXOSMITHKLINE WHICH WILL PROVIDE \$47,880.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONTINUE PARTICIPATION IN THE HAVRIX CLINICAL VACCINE STUDY; REVISING THE PROGRAM BUDGET; AND AUTHORIZING PAYMENT OF STIPENDS TO THE PARENTS/GUARDIANS OF PARTICIPANTS ENROLLED IN THE STUDY.

Item 44. AN ORDINANCE REVISING THE PROCEDURES FOR CITY COUNCILMEMBERS TO SCHEDULE THE CONSIDERATION OF ITEMS ON THE AGENDAS OF CITY COUNCIL AND COMMITTEES.

Item 44 was **PULLED** from the Agenda.

The City Clerk read the following Ordinance:

2006-12-14-1398

Item 45. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A STATE LAWSUIT STYLED *SAVAGE, ET. AL. V. CITY OF SAN ANTONIO*, IN THE 45TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, CAUSE NO. 2003-CI-07742, FOR THE AMOUNT OF \$250,000.00.

2006-12-14-1399

Item 47. AN ORDINANCE CONFIRMING THE CITY ATTORNEY'S ENGAGEMENT OF THE LAW FIRMS OF MCCALL, PARKHURST & HORTON AND WEST & ASSOCIATES (FORMERLY WEST & GOODEN, PC) FOR WORK ASSOCIATED WITH AN UPCOMING 2007 SALES TAX COMMERICAL PAPER TRANSACTION.

2006-12-14-1400

Item 48. AN ORDINANCE AMENDING THE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE LAW FIRM OF DENTON, NAVARRO, ROCHA, AND BERNAL, A PROFESSIONAL CORPORATION, FOR CONTINUED LEGAL SUPPORT OF THE CITY SOUTH MANAGEMENT AUTHORITY AND AUTHORIZING ADDITIONAL PAYMENT IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR THESE SERVICES.

2006R-12-14-1401

Item 51. A RESOLUTION CONSENTING TO THE ISSUANCE OF INDUSTRIAL REVENUE BONDS BY THE MISSION ECONOMIC DEVELOPMENT CORPORATION TO FINANCE IMPROVEMENTS TO SOLID WASTE DISPOSAL FACILITIES OWNED AND OPERATED BY WASTE MANAGEMENT, INC. WITHIN THE CITY OF SAN ANTONIO AND AUTHORIZING THE MAYOR TO APPROVE THE ISSUANCE OF SUCH BONDS FOLLOWING A PUBLIC HEARING.

2006R-12-14-1402

Item 52. A RESOLUTION CONSENTING TO THE USE OF THE PROCEEDS OF THE CITY OF SHAVANO PARK HEALTH FACILITIES DEVELOPMENT CORPORATION'S LIMITED OBLIGATION REVENUE NOTES IN AN AGGREGATE PRINCIPAL AMOUNT OF \$13,000,000 TO FINANCE THE COST OF EQUIPMENT AND RELATED PROJECTS IN PART WITHIN THE TERRITORIAL LIMITS OF THE CITY OF SAN ANTONIO AND TO PAY CERTAIN COSTS OF ISSUANCE WHICH WILL BE UTILIZED BY UT MEDICINE SAN ANTONIO HEALTH CARE FACILITIES IN THE UT HEALTH SCIENCE CENTER LOCATED AT 7703 FLOYD CURL DRIVE IN CITY COUNCIL DISTRICT 8.

2006-12-14-1403

Item 53A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS WATER SYSTEM REVENUE REFUNDING BONDS, SERIES 2007" IN THE PRINCIPAL AMOUNT OF APPROXIMATELY \$365,000,000; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES OF THE WATER SYSTEM ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; STIPULATING THE TERMS AND CONDITIONS FOR

THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A PURCHASE CONTRACT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE SAN ANTONIO WATER SYSTEM STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

2006-12-14-1404

Item 53B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS WATER SYSTEM JUNIOR LIEN REVENUE AND REFUNDING BONDS, SERIES 2007" IN THE PRINCIPAL AMOUNT OF \$8,070,000; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS BY A JUNIOR LIEN ON AND PLEDGE OF THE NET REVENUES OF THE CITY'S WATER SYSTEM ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW DEPOSIT LETTER, AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

2006-12-14-1405

Item 53C. AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS WATER SYSTEM JUNIOR LIEN REVENUE AND REFUNDING BONDS, SERIES 2007A" IN THE PRINCIPAL AMOUNT OF \$35,375,000; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS BY A JUNIOR LIEN ON AND PLEDGE OF THE NET REVENUES OF THE CITY'S WATER SYSTEM ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; PROVIDING THE TERMS AND CONDITIONS OF SUCH BONDS AND RESOLVING OTHER MATTERS INCIDENT AND

RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SUCH BONDS, INCLUDING THE APPROVAL OF AN APPLICATION TO THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW DEPOSIT LETTER, AND AN ESCROW AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; COMPLYING WITH THE REGULATIONS PROMULGATED BY THE TEXAS WATER DEVELOPMENT BOARD; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

2006-12-14-1406

Item 53D. AN ORDINANCE AUTHORIZING THE REDEMPTION AND DEFEASANCE OF CERTAIN CURRENTLY OUTSTANDING CITY OF SAN ANTONIO, TEXAS WATER SYSTEM REVENUE BONDS; AND PROVIDING FOR AN EFFECTIVE DATE.

2006-12-14-1407

Item 54. AN ORDINANCE AUTHORIZING SCHEDULE A, NO. 2 TO THE 2006 MASTER LEASE PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP, IN THE TOTAL AMOUNT OF \$8,784,354.56, WHICH CONSISTS OF \$6,808,317.00 FOR THE ACQUISITION OF NINETEEN (19) TRIPLE COMBINATION PUMPER TRUCKS FOR THE CITY'S FIRE DEPARTMENT AT A RATE OF 3.5691% FOR A 60 MONTH TERM, AND \$1,976,037.56 FOR THE ACQUISITION OF 40,226 96-GALLON REFUSE CONTAINERS FOR THE CITY'S ENVIRONMENTAL SERVICES DEPARTMENT AT A RATE OF 3.6233% FOR A 36 MONTH TERM, TO PAY THE COSTS OF THE TRANSACTION; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

2006-12-14-1408

Item 55. AN ORDINANCE AUTHORIZING THE EXECUTION OF FIVE CONTRACT AMENDMENTS TOTALING \$245,276.50 WITH THE FOLLOWING LOCAL DENTISTS: PETER J. ALMQUIST, D.D.S., JENNIFER M. BANKLER, D.D.S., DONNESE MICHELLE FRITSCH, D.D.S., CATHERINE TRANG NGUYEN, D.D.S., AND LINDSEY M. SCHLEPP, D.D.S. TO CONTINUE PROVIDING DENTAL SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT BY EXTENDING THE TERMS OF THEIR CONTRACTS AND/OR INCREASING COMPENSATION THROUGH MARCH 31, 2008.

2006-12-14-1409

Item 56. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE AN ADDITIONAL \$969,394.00 TO THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT AND EXTEND THE CONTRACT PERIOD UNTIL AUGUST 31, 2007; AND REVISING THE PROGRAM BUDGET AND PERSONNEL COMPLEMENT.

2006-12-14-1410

Item 57. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT WITH THE TEXAS A&M UNIVERSITY SYSTEM HEALTH SCIENCE CENTER TOTALING \$29,000.00 TO CONDUCT A PROGRAM EVALUATION PROJECT FOR THE STEPS TO A HEALTHIER SAN ANTONIO PROJECT OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT DURING THE PERIOD NOVEMBER 1, 2006 THROUGH MARCH 30, 2007.

2006-12-14-1411

Item 58. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH AETNA HEALTH, INC. (AETNA) ALLOWING THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO RECEIVE UP TO \$60,000.00 FOR PROVIDING MEDICAID AND CHIP ELIGIBLE HEALTH SERVICES TO AETNA ENROLLEES FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2006-12-14-1412

Item 59. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT RENEWAL WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO DENTAL SCHOOL IN THE AMOUNT OF \$150,000.00 FOR THE PROVISION OF COMPREHENSIVE DENTAL CARE SERVICES TO CHILDREN AT THE RICARDO SALINAS PUBLIC HEALTH CLINIC FOR THE PERIOD OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

2006-12-14-1413

Item 60. AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF THREE (3) AS NEEDED PROFESSIONAL SERVICES CONTRACTS, EACH FOR AN AMOUNT NOT TO EXCEED \$150,000.00 WITH QUALTECH ENVIRONMENTAL SERVICES, AEHS, INC. AND ATC ASSOCIATES, INC. TO

PROVIDE COMPREHENSIVE LEAD INSPECTIONS, RISK ASSESSMENTS, PROJECT MONITORING, PROJECT DESIGN AND CLEARANCE TESTING IN CONNECTION WITH VARIOUS HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT HOUSING PROGRAMS FOR A ONE-YEAR TERM, WITH TWO ONE-YEAR RENEWAL OPTION PERIODS; AND APPROPRIATING FUNDS.

2006-12-14-1414

Item 61. AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF SEVEN (7) AS NEEDED PROFESSIONAL SERVICES CONTRACTS, EACH FOR AN AMOUNT NOT TO EXCEED \$350,000.00 WITH WATSON CONSOLIDATED, HADAR CONSTRUCTION SERVICES, L.L.C., TLI & ENVIRONMENTAL SERVICES, INC., SINCLAIR CONSTRUCTION, BOLADO ENVIRONMENTAL & CONSTRUCTION SERVICES, L.L.C., JGG INTEGRATED CONSTRUCTION, L.L.C. AND SOUTH WEST TEXAS ENVIRONMENTAL CONTRACTORS, INC. TO PROVIDE LEAD HAZARD CONTROL WORK IN CONNECTION WITH VARIOUS HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT HOUSING PROGRAMS FOR A ONE-YEAR TERM, WITH TWO ONE-YEAR RENEWAL OPTION PERIODS; AND APPROPRIATING FUNDS.

2006-12-14-1415

Item 62. AN ORDINANCE AUTHORIZING THE PURCHASE OF EXCESS WORKERS' COMPENSATION AND EXCESS GENERAL LIABILITY INSURANCE FROM STATE NATIONAL INSURANCE COMPANY THROUGH THE CITY'S BROKER OF RECORD FOR A ONE (1) YEAR PERIOD BEGINNING DECEMBER 31, 2006 AT AN ANNUAL PREMIUM OF \$628,425.00 FROM THE LIABILITY SELF-INSURANCE FUND.

2006-12-14-1416

Item 64. AN ORDINANCE APPROVING AN OPTION CONTRACT FOR THE PURCHASE OF APPROXIMATELY 20.27 ACRES OF LAND WITH IMPROVEMENTS LOCATED IN DISTRICT 8 FROM THE ESTATE OF GILBERT DENMAN AND PAYMENT OF \$50,000.00 FOR PAYMENT OF THE OPTION FEE.

2006-12-14-1417

Item 65. AN ORDINANCE ADOPTING A PROCEDURE AND A SCHEDULE INCLUDING PUBLIC HEARINGS FOR THE CONSIDERATION OF AN ORDINANCE DISANNEXING CERTAIN REAL PROPERTY WITHIN THE CITY SOUTH MANAGEMENT AUTHORITY AREA FROM LIMITED PURPOSE ANNEXATION.

2006-12-14-1418

Item 66. AN ORDINANCE APPROVING A \$25,007.60 AMENDMENT TO A \$98,060 INDEFINITE DELIVERY CONSTRUCTION MATERIALS TESTING PROFESSIONAL SERVICES AGREEMENT, AS AMENDED, WITH PROFESSIONAL SERVICES INDUSTRIES, INC. FOR ADDITIONAL CONSTRUCTION MATERIALS TESTING SERVICES.

2006-12-14-1419

Item 67. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$7,347.60 FROM CRIME STOPPERS OF SAN ANTONIO, INC. TO FUND ONE CLERK POSITION THROUGH THE SAN ANTONIO POLICE DEPARTMENT, AND AUTHORIZING THE EXECUTION OF A CONTRACT.

**BOARD APPOINTMENTS: ITEMS 68A-G**

68. Consideration of At-Large and District Board, Commission and Committee Appointments:

A. Reappointing George L. Britton (District 4) to the Joint City/County Commission on Elderly Affairs for the remainder of an unexpired term of office to expire September 30, 2008.

B. Reappointing Mark Johnson (District 8) to the Capital Improvements Advisory Committee (Category: Real Estate/Building Industry) for the remainder of an unexpired term of office to expire October 25, 2007.

C. Appointing Lori Ann Mendez (District 3) to the Commission for Children and Families for a term of office to expire May 31, 2007.

D. Appointing Reba Malone (District 3) to the Brooks Development Authority for the remainder of an unexpired term of office to expire November 4, 2008.

E. Appointing Adyn Pipoly (District 9) to the San Antonio Youth Commission for a term of office to expire May 31, 2007.

F. Appointing David Beyer (District 6) (Category: Discipline - Landscape Architect) and Michael "Alex" Nava (District 10) (Category: Business/Professional - Law) to the Historic and Design Review Commission for the remainder of unexpired terms of office to expire October 31, 2007 and October 31, 2008, respectively.

G. Appointing Billie Andrzejewski (Place 1 - Business Category), Ray Romero (Place 5 - Business Category), Ernest F. Serrato (Place 9 - Business Category), Clarence Waters (Place 10 - Business Category), Nancy P. Hard (Place 16 - CBO Category), Alicia Garza (Place 21 - Labor Category), and Glenn Skiles (Place 24 - Public Employment Category) for terms of office to commence January 1, 2007 and expire December 31, 2009, appointing Lawrence Alan Reyes (Place 3 - Business Category) for the remainder of an unexpired term of office to expire December 31, 2008, and appointing Heather Ramona Ayala (Place 11 - Business Category) for the remainder of an unexpired term of office to expire December 31, 2007, to the Alamo WorkSource Board of Directors.

[CONSENT ITEMS CONCLUDED]

**ITEMS FOR INDIVIDUAL CONSIDERATION**

**PUBLIC HEARING AND ORDINANCE: HIGUCHI REINVESTMENT ZONE**

The City Clerk read the following Ordinances:

2006-12-14-1420

Item 4A. AN ORDINANCE DESIGNATING THE HIGUCHI REINVESTMENT ZONE CONSISTING OF 11.25 ACRES LOCATED WITHIN THE BRAUNIG INDUSTRIAL PARK, ON THE SOUTH SIDE OF SOUTHTON ROAD, NEAR THE INTERSECTION OF SOUTHTON AND STREICH ROADS IN CITY COUNCIL DISTRICT 3, AND AS MORE PARTICULARLY DESCRIBED IN THE METES AND BOUNDS AND MAP, ON FILE WITH THE CITY CLERK.

2006-12-14-1421

Item 4B. AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A TAX PHASE-IN AGREEMENT WITH HIGUCHI MANUFACTURING COMPANY, L.T.D. TO EXEMPT 100% OF AD VALOREM TAXES FOR A PERIOD OF TEN (10) YEARS ON REAL PROPERTY IMPROVEMENTS OF APPROXIMATELY \$3.5 MILLION.

Mayor Hardberger declared the Public Hearing open.

The following citizen(s) appeared to speak:

Mr. Jack Finger, P.O. Box 12048 spoke on Items 4, 6, 7, and 9. With regard to Item 4, Mr. Finger pointed out how the City planned on a giving a tax break to a company that was going to create 30 jobs. With regard to Item 6, he added that the City planned on giving \$3.6 million to UTSA for infrastructure. For Item 7, he noted that the City planned on loaning Vistana Ltd. \$1.8 million for electrical improvements.

City Clerk Leticia Vacek read 2 Written Testimonies submitted by Faris Hodge, Jr. Copies of which are on file with the Office of the City Clerk. The first written testimony read related to Item 4B. Mr. Hodge mentioned how citizens were required to pay taxes. However, he stated that the city is discriminating by not requiring the same of all businesses. The second written testimony read related to Item 8A. He pointed out that the redevelopment of Main Plaza was a bad idea because it would cut off streets causing traffic problems.

Councilmember Perez made a motion to approve the Ordinances for 4A and 4B. Councilmember Gutierrez seconded the motion.

Mr. Robert Peche, Interim Director of the Economic Development Department briefly provided some background information on the Higuchi Manufacturing Company. As part of his presentation, Mr. Peche described the scope of the work that will be undertaken at the San Antonio plant as well as the economic impact the Higuchi Reinvestment Zone would have on the local economy. The power point presented by Mr. Peche is on file with the Office of the City Clerk.

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

The City Clerk read the following Ordinance:

2006-12-14-1422

Item 5. AN ORDINANCE DESIGNATING THE RIVER NORTH PROJECT AREA LOCATED IN CITY COUNCIL DISTRICT 1, AS SHOWN BY THE TIRZ BOUNDARY MAP TO BE BOUNDED BY THE CENTERLINES OF THE FOLLOWING STREETS: ON THE NORTH BY IH 35, TO THE WEST BY N. ST. MARY'S, CAMDEN, WILMINGTON, BROOKLYN, AUGUSTA, AND BALTIMORE STREETS, TO THE SOUTH BY 4TH, TAYLOR, AND 3RD STREETS, AND TO THE EAST BY N. ALAMO, 4TH, BONHAM, MCCULLOUGH, AVENUE E, BROOKLYN, UNION, 10TH, E. JONES, AND BROADWAY AS A TAX INCREMENT REINVESTMENT ZONE ("TIRZ"); DESCRIBING THE BOUNDARIES OF THE TIRZ; CREATING A BOARD OF DIRECTORS FOR THE TIRZ; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE FOR THE TIRZ; NAMING THE TIRZ "REINVESTMENT ZONE NUMBER TWENTY-SEVEN, CITY OF SAN ANTONIO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER STATUTORILY REQUIRED PROVISIONS FOR THE DESIGNATION OF A TIRZ.

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

Mr. David Garza, Director of Housing and Neighborhood Services stated that the approval of the ordinance would allow for TIRZ #27 to create a board of directors, establish a project scope and financing plan, as well as create a TIRZ fund. As outlined in the presentation, the goal of TIRZ #27 was to encourage economic development within the Downtown Neighborhood Plan. The power point presented by Mr. Garza is on file with the Office of the City Clerk.

The following citizen(s) appeared to speak:

Ms. Joan Korte addressed the Council in support of the River North Development Project and requested the Council vote in favor of the ordinance.

Mr. Andres Andujar, Chairman of the Downtown Alliance, also addressed the Council in support of said item. He noted the jobs that would be created and that this project should be used as a model for intercity redevelopment.

Ms. Betty Ward, local artist, addressed the Council with regard to her support of the River North Development Project. She stated that the River North Development Project would draw more individuals to the river.

Mr. Chris Schultz, President of the AIA Board, addressed the Council with regard to the AIA board's approval for said project. Mr. Schultz, asked that the City zone the area mixed-use as well as examine similar improvement projects. He expressed that the AIA envisions that the River North Development Project would be viewed as a model for urban living.

Mr. Tom DeBrook also spoke in favor of the River North Project.

Ms. Joanne Winik of KLRN and Mr. Bruce Mitchell, Chairman of KLRN Television, addressed the Council and expressed their support for the development of the River North Project. It was stated that KLRN has been in the area for over 12 years and is happy to see the area around them developed.

Ms. Sandy Lyda of Westins Solutions addressed the Council with regard to her support of the River North Project. Ms. Lyda stated that Westin Solutions would be moving their corporate office to the area and believed the area around them would be enhanced by the River North Development Project.

Mr. Ben Brewer of the Downtown Alliance addressed the Council with regard to the Downtown Alliance's support of the River North Project.

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

The City Clerk read the following Resolution:

2006R-12-14-1423

Item 6. A RESOLUTION RECOMMENDING TO THE BOARD OF DIRECTORS OF CPS ENERGY THE APPROVAL OF \$2.1 MILLION IN COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUNDS TO SUPPORT A MEDICAL ARTS AND RESEARCH CENTER AND SOUTH TEXAS RESEARCH TOWER AT THE UT HEALTH SCIENCE CENTER AND THE APPROVAL OF \$1.5 MILLION IN CIED FUNDS TO SUPPORT ELECTRICAL INFRASTRUCTURE FOR PLANNED GROWTH AT THE UTSA MAIN CAMPUS.

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

Mr. Robert Peche, Interim Director of the Economic Development Department stated that the approval of the resolution would allow for the CPS Energy Board of Directors to approve \$3.6 million in CIED Funding. Mr. Peche noted that the funds would be used by the schools for infrastructure needs. The power point presented by Mr. Peche is on file with the Office of the City Clerk.

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

The City Clerk read the following Ordinance:

2006-12-14-1424

Item 7. AN ORDINANCE APPROVING AND AUTHORIZING AN ECONOMIC DEVELOPMENT PROGRAM LOAN IN THE AMOUNT OF \$1.8 MILLION TO VISTANA L.T.D. FOR USE IN SUPPORTING THE VISTANA PROJECT.

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

Mr. Robert Peche, Interim Director of the Economic Development Department stated that the passage of this ordinance would authorize the department to execute a loan agreement with Vistana, LTD. Mr. Peche provided background information on Vistana, LTD., described the project's scope and noted how the loan would be repaid. Mr. Peche

detailed the potential economic impact the development would have on the downtown area. The power point presentation made by Mr. Peche is on file with the Office of the City Clerk.

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

The City Clerk read the following Ordinances:

2006-12-14-1425

Item 8A. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY REGARDING THEIR JOINT PARTICIPATION AND CITY'S CONVEYANCE OF THE COURTHOUSE TRACT TO BEXAR COUNTY, AND ACCEPTING THE COUNTY'S CONTRIBUTION OF \$2,500,000 IN CONNECTION WITH THE MASTER PLAN, DESIGN, CONSTRUCTION, AND REDEVELOPMENT OF MAIN PLAZA.

2006-12-14-1426

Item 8B. AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF A PROFESSIONAL SERVICES AGREEMENT FROM BENDER, INC. DBA BENDER WELLS CLARK DESIGN TO SWA GROUP, DELETING THE LIQUIDATED DAMAGES PROVISION, AND OTHER CHANGES, AND AUTHORIZING THE AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$690,000.

Councilmember Haass made a motion to approve the proposed Ordinances for Item 8A and 8B. Councilmember Herrera seconded the motion.

Mr. Tom Wendorf, Director of the Public Works Department provided the City Council with a site plan concept and photos of a redeveloped Main Plaza. As part of the presentation, Mr. Wendorf spoke about funding sources for the project and reviewed project timelines. The power point presented by Mr. Wendorf is on file with the Office of the City Clerk.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez expressed his support of the Main Plaza Redevelopment Plan.

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

**POINT OF PERSONAL PRIVILEGE**

Councilmembers Gutierrez and Perez recognized Constable Ruben Tejeda and his wife for their support in the annual pizza party for the children that participate in the School Safety Patrol Program. Constable Tejeda presented Councilmembers Gutierrez and Perez with plaques for their assistance in the Annual Pizza Party.

Item 9. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A \$200,000.00 ARTS AGENCY CONTRACT WITH THE ALAMEDA NATIONAL CENTER FOR LATINO ART & CULTURE FROM THE CULTURAL COLLABORATIVE'S IMPLEMENTATION FUNDS RESERVED FOR DEFERRED MAINTENANCE AND CAPITAL PROJECT INITIATIVES IN ORDER TO SUPPORT CAPITAL NEEDS FOR THE NEW FACILITY.

Item 9 was **PULLED** from the Agenda.

10A. AN ORDINANCE ADOPTING AN INFRASTRUCTURE MANAGEMENT PROGRAM THAT WILL BE USED TO IDENTIFY PROJECTS AND DEVELOP SCHEDULES FOR STREET MAINTENANCE, DRAINAGE MAINTENANCE, SIDEWALKS, AND TRAFFIC SIGNALS.

Item 10A was **PULLED** from the Agenda.

City Manager Sculley stated how meetings as they relate to Item 10A are being planned with individual councilmembers beginning in January to ensure that they each have a chance to give input on projects to be undertaken.

10B. AN ORDINANCE APPROVING THE PROJECTS INCLUDED IN THE FY2007-FY2011 ROLLING 5-YEAR INFRASTRUCTURE MANAGEMENT PLAN.

Item 10B was **PULLED** from the Agenda.

The City Clerk read the following Ordinance:

2006-12-14-1427

Item 43. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM CITIBANK IN THE AMOUNT OF \$95,000.00 FOR THE NEIGHBORHOOD COMMERCIAL REVITALIZATION (NCR) PROGRAM'S 2006 HONOR AWARD CELEBRATE EVOLVE RENEW (HACER) GALA AND THE

**NCR'S FAÇADE IMPROVEMENT PROGRAM, OPERATION FACELIFT;  
APPROPRIATING FUNDS AND AUTHORIZING PAYMENT.**

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

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

The City Clerk read the following Ordinance:

2006-12-14-1428

Item 11. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$6,211,000.00, INCLUDING: SUPPLEMENTAL TAXI SERVICES; IN-HOME PERSONAL ASSISTANCE SERVICES; NIKE GOLF PRO APPAREL; WILSON GOLF PRO APPAREL; JOHN DEERE INDUSTRIAL PARTS & SERVICE; VEHICLE CAR WASH & VACUUM CLEANER PARTS & SERVICE; LRC CAR WASH WATER RECOVER PARTS & SERVICE; BEDDING PLANTS; GENERATOR MAINTENANCE SERVICE FOR ITSD; ELEVATOR & ESCALATOR MAINTENANCE AT THE CONVENTION FACILITIES; FORD MOTOR COMPANY AUTOMOBILE & LIGHT DUTY PICK-UP TRUCK COLLISION REPAIR; MICROSOFT ENTERPRISE LICENSING AGREEMENT; LAWN MAINTENANCE FOR VARIOUS PARK AREAS; SYMANTEC SOFTWARE LICENSES & SUPPORT; AGRONOMY GROUNDS SERVICE; AUTOMOTIVE SHOP SUPPLIES; AND BOOKS, MEDIA & CATALOGING & PROCESSING SERVICES FOR THE LIBRARY.

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

Councilmember Guajardo moved to amend the motion to extract the one item relative to the elevator and escalator maintenance at the Convention Facilities. Councilmember Haass seconded the motion. Ms. Sculley noted that said contract had nothing to do with the Tower Elevator maintenance contract.

The motion to approve all items except for elevator maintenance failed by the following vote: **AYES:** Hererra and Guajardo. **NAYS:** McNeil, Gutierrez, Perez, Radle, Wolff, and Mayor Hardberger. **ABSENT:** Flores and Hall **ABSTAINED:** Haass.

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

The City Clerk read the following Ordinance:

2006-12-14-1429

Item 16. AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM OF THC, INC., FOR PROVISION OF CONSULTING SERVICES IN CONNECTION WITH THE RESIDENTIAL ACOUSTICAL TREATMENT PROGRAM AT THE SAN ANTONIO INTERNATIONAL AIRPORT, TO INCLUDE EXERCISE OF A TWO YEAR OPTION TO EXTEND THE AGREEMENT, A CHANGE IN THE PROJECT SCOPE, AND ADDITIONAL PROGRAM MANAGEMENT AND CONSTRUCTION COST COMPENSATION IN THE AMOUNT OF \$10,684,414.00; INCREASING THE PROJECT CONTINGENCY BY \$300,000.00 AND APPROPRIATING FUNDS.

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

The following citizen(s) appeared to speak:

Mr. Brian Cost, appeared on behalf of Jim Demint who was ill. Mr. Cost stated that Mr. Demint owns property at 9110 Broadway. Mr. Cost strongly encouraged the City to continue with the Noise Abatement Program.

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

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Session at 12:24 pm in order to break for lunch and to convene in Executive Session for the purposes of:

A) Discuss legal issues related to the lawsuit styled Reed S. Lehman Grain, Ltd. V. City of San Antonio, Texas, Cause No. 2004-CI-17461, pursuant to the Texas Government Code Section 551.071 (consultation with attorney).

B) Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:50 pm, at which time he stated the City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

The City Clerk read the following Ordinance:

2006-12-14-1430

Item 12. AN ORDINANCE AWARDDING A CONTRACT TO ECIVIS, INC. IN THE AMOUNT OF \$61,000.00 FOR A SOFTWARE LICENSE TO ACCESS A GRANTS LOCATOR SYSTEM FOR A ONE YEAR PERIOD, WITH OPTIONS TO RENEW FOR TWO ADDITIONAL ONE YEAR TERMS.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1431

Item 13. AN ORDINANCE ACCEPTING THE OFFER OF EQUIPMENT SOUTHWEST, INC. TO PROVIDE THREE REFUSE COLLECTION CONTAINERS FOR THE PUBLIC WORKS DEPARTMENT FOR A TOTAL COST OF \$68,736.00, FROM THE EQUIPMENT RENEWAL & REPLACEMENT FUND.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1432

Item 21. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$1,564,095.29, TO INCLUDE AWARDDING A \$1,328,883.00 CONTRACT WITH DAVILA CONSTRUCTION, INC. FOR LIBRARY UPGRADES AND REPAIRS FOR THE BAZAN BRANCH LIBRARY, CARVER BRANCH LIBRARY, CORTEZ BRANCH LIBRARY AND MEMORIAL BRANCH LIBRARY LOCATED IN DISTRICTS 5, 2, 4 AND 5, RESPECTIVELY, IN CONNECTION

WITH THE LIBRARY IMPROVEMENTS, PHASE IV PROJECT; AND APPROPRIATING FUNDS FROM 1999 GENERAL OBLIGATION LIBRARY SYSTEM IMPROVEMENT BONDS, 2003 GENERAL OBLIGATION LIBRARY IMPROVEMENT BONDS, COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT 108 LOAN PROGRAM FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1433

Item 29. AN ORDINANCE APPROVING A TOTAL ESTIMATED CONSTRUCTION PROJECT AMOUNT OF \$1,543,431.67 AND AWARDING A CONSTRUCTION CONTACT IN THE AMOUNT OF \$1,601,394.78 TO SAN ANTONIO CONSTRUCTORS, LTD., OF WHICH \$310,369.26 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND \$41,861 WILL BE REIMBURSED BY CITY PUBLIC SERVICE ENERGY, IN CONNECTION WITH THE TWO-YEAR FY 2006-2007 STREET MAINTENANCE PROGRAM-RECONSTRUCTION, PACKAGE 1, LOCATED IN DISTRICTS 1 AND 7, FUNDED FROM THE STREET MAINTENANCE PROGRAM FUNDS AND AUTHORIZING CHANGE ORDER NO.1 IN THE DEDUCTIVE AMOUNT OF \$81,320 TO THE CONSTRUCTION CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. AND APPROPRIATING FUNDS.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1434

Item 31. AN ORDINANCE AUTHORIZING THE AMENDMENT OF A PARKING AGREEMENT WITH THE TEXAS BUILDING AND PROCUREMENT COMMISSION, DELETING PARKING AT PROPERTY NEAR THE INTERSECTION OF NORTH WALNUT AND EAST CROCKETT AND RENEWING THE AGREEMENT.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1435

Item 35. AN ORDINANCE APPROVING THREE LEASE AGREEMENTS FOR RIVER WALK INTERIOR LEASE SPACES UNDER THE COMMERCE STREET BRIDGE LOCATED IN DISTRICT 1 WITH THREE CURRENT TENANTS, MEGUSTA FINE CIGAR CO. D/B/A SPIRIT OF SAN ANTONIO, SILVERSMITH, INC., AND RHEJAY, INC. D/B/A CATARINA, AT MARKET RENTAL RATES STARTING AT \$5.50 TO \$5.75 PER SQUARE FOOT PER MONTH, FOR FIVE YEAR TERMS WITH OPTIONAL FIVE YEAR RENEWALS.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1436

Item 36. AN ORDINANCE APPROVING AN AMENDMENT TO THE HEMISFAIR PARK LEASE AGREEMENT WITH MARCAT ENTERPRISES, INC. D/B/A KIA INTERNATIONAL EXTENDING THE TERM OF THE AGREEMENT FOR AN ADDITIONAL TWO (2) YEAR PERIOD COMMENCING ON FEBRUARY 1, 2008 AND ENDING ON JANUARY 31, 2010.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1437

Item 46. AN ORDINANCE AUTHORIZING PAYMENT OF A FINAL JUDGMENT IN A STATE LAWSUIT STYLED *SHAVANO ROGERS RANCH NORTH NO. 3, LTD. V. CITY OF SAN ANTONIO*, IN THE 408TH JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS, CAUSE NO. 2005-CI-05281, FOR THE AMOUNT OF \$97,050.82.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1438

Item 49. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH SAN ANTONIO EDUCATION PARTNERSHIP (SAEP) IN AN AMOUNT NOT TO EXCEED \$372,533.00 TO SUPPORT THE AMBASSADOR PROGRAM AND FOR OUTREACH AND SCHOLARSHIP ELIGIBILITY DETERMINATION FOR STUDENTS ATTENDING HIGH SCHOOLS FOR A PERIOD FROM OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1439

Item 50. AN ORDINANCE APPROVING THE NEGOTIATION AND EXECUTION OF A \$149,500 PROFESSIONAL SERVICES CONTRACT WITH ZUCKER SYSTEMS TO PERFORM A WORK FLOW STUDY OF THE DEVELOPMENT SERVICES DEPARTMENT AND OTHER ENTITIES INVOLVED IN THE DEVELOPMENT PROCESS.

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

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

The City Clerk read the following Ordinance:

2006-12-14-1440

Item 63. AN ORDINANCE AUTHORIZING A \$200,000.00 PROFESSIONAL SERVICES CONTRACT WITH THE FREE TRADE ALLIANCE SAN ANTONIO FOR THE PERIOD OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

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

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

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

Item Z-1. **ZONING CASE # Z2006007 CD (District 1 and 5):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District, "I-1" General Industrial District, "C-3" NA General Commercial Non-Alcoholic Sales District, "C-2" NA Commercial Non-Alcoholic Sales District, "C-2" Commercial District and "MF-33" Multi-Family District to: "R-4" Residential Single-Family District, "R-4" CD Residential Single-Family District with a Conditional Use for a Duplex, "R-5" Residential Single-Family District, "R-5" CD Residential Single-Family District with a Conditional Use for a Duplex, "R-6" Residential Single-Family District, "R-6" CD Residential Single-Family

District with a Conditional Use for a Duplex, "R-6" CD Residential Single-Family District with a Conditional Use for a Triplex, "R-6" CD Residential Single-Family District with a Conditional Use for a Four-plex, "R-6" CD Residential Single-Family District with a Conditional Use for a Five-plex, "R-6" CD Residential Single-Family District with a Conditional Use for an Appliance Store, "R-6" CD Residential Single-Family District with a Conditional Use for a Convent, "RM-4" Residential Mixed District, "RM-5" Residential Mixed District, "RM-6" Residential Mixed District, MF-25 IDZ Multi-Family Infill Development Zone District, "NC" IDZ Neighborhood Commercial Infill Development Zone District, "C-1" IDZ Light Commercial Infill Development Zone District, IDZ Infill Development Zone with Uses Permitted in "R-4" Residential Single-Family District and "NC" Neighborhood Commercial District, IDZ Infill Development Zone with Uses Permitted in "MF-25" Multi-Family District and "C-1" Light Commercial District, on multiple properties bound by South Alamo Street to the north, I.H. 10 East to the south, Probandt Street to the east, and I.H. 35 South to the west, as requested by City of San Antonio, Applicant, for Multiple Owners. Staff and Zoning Commission recommend Approval.

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

Ms. Mary Ozuna addressed the Council regarding the railroad tracks in the area and suggested a meeting prior to the public hearing for the zoning change.

Mr. Narciso Cano addressed the Council on behalf of four of his neighbors representing 13 lots opposing the rezoning. He stated that wholesale residential rezoning may not be adequate for the proposed use being that some lots may be smaller in size than the standard lot.

Ms. Anne McCartney wanted to thank the Council for rezoning the neighborhood to residential from industrial.

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

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

2006-12-14-1441

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

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DESCRIBED HEREIN AS MULTIPLE PROPERTIES BOUND BY SOUTH ALAMO STREET TO THE NORTH, I.H. 10 EAST TO THE SOUTH, PROBANDT STREET TO THE EAST, AND I.H. 35 SOUTH TO THE WEST FROM "I-2" HEAVY INDUSTRIAL DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "C-3" NA GENERAL COMMERCIAL NON-ALCOHOLIC SALES DISTRICT, "C-2" NA COMMERCIAL NON-ALCOHOLIC SALES DISTRICT, "C-2" COMMERCIAL DISTRICT AND "MF-33" MULTI-FAMILY DISTRICT PROVIDED THAT ALL CONDITIONS IMPOSED ARE ADHERED TO.

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

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

Ms. Terri Williams representing Walzem Road Area Revitalization addressed the Council relating to the area in question. She noted the properties within the area were vacant and/or abandoned which was their concern. She felt that the zoning change would prevent additional properties from becoming vacant. As such, the organization was in support of the rezoning.

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

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

2006-12-14-1442

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 3 AND PARCEL 11, NCB 15894 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

Item Z-3. **ZONING CASE # Z2006222 CD (District 2):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "R-4" (CD - Dwelling, Two-Family) Residential Single-Family District with a Conditional Use for a Two-Family Dwelling not exceeding 13 units per acre on Lot 30, Block D, NCB 1161, 409 Coleman Street, as requested by HTG Real Property Management, Inc., Applicant, for HTG Real Property Management, Inc., Owner. Staff and Zoning Commission recommend Approval.

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

Councilmember McNeil made a motion to continue said item until January 18, 2007. Councilmember Gutierrez seconded the motion.

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

Item Z-4. **ZONING CASE # Z2007007 S (District 3):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-2" S Commercial District with a Specific Use Permit for Radio Transmission Towers on 14.56 acres out of NCB 11166, 13699 South U.S. HWY 281, as requested by Brown, P.C., Applicant, for John Pleuthner, Owner. Staff and Zoning Commission recommend Approval with Conditions.

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

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

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

2006-12-14-1443

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 14.56 ACRES OUT OF NCB 11166 FROM "C-2" COMMERCIAL DISTRICT TO "C-2" S COMMERCIAL DISTRICT FOR RADIO

TRANSMISSION TOWERS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Item Z-5. **ZONING CASE # Z2007014 (District 3):** An Ordinance changing the zoning district boundary from PUD "MF-33" Planned Unit Development Multi-Family District to "R-4" Residential Single-Family District on 3.8008 acres out of Lot 9, Block C, NCB 11027, 5000 Block of Hillje Street as requested by City of San Antonio, Applicant, for San Antonio Development Agency, Owners. Staff and Zoning Commission recommend Approval.

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

Councilmember Gutierrez made a motion to approve the proposed rezoning case with direction given to staff to initiate a change to the adjacent lots. Councilmember Perez seconded the motion.

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

2006-12-14-1444

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 3.8008 ACRES OUT OF LOT 9, BLOCK C, NCB 11027 FROM PUD "MF-33" PLANNED UNIT DEVELOPMENT MULTI FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT.

Item Z-6. **ZONING CASE # Z2006288 (District 4):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3 NA" General Commercial Nonalcoholic Sales District on 4.269 acres out of NCB 14268, 6200 Block of Highway 90 W., as requested by Tinu Patel, Applicant, for San Antonio Macedonia Church, Owners. Staff recommends Approval. Zoning Commission pending December 5, 2006.

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

Councilmember Perez made a motion to approve the proposed rezoning case as C-2 (CD-Hotel) with the condition that the construction complies with Federal Aviation Administration regulations regarding noise abatement standards. Councilmember Gutierrez seconded the motion.

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

2006-12-14-1445

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 TRB OR P-69, BLOCK 55 (4.269 ACRES OUT OF NCB 14268) FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" (CD-HOTEL) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A HOTEL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Item Z-7. **ZONING CASE # Z2007006 (District 4):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on 2.643 acres out of NCB 11186, 7000 Block of Yarrow Avenue, as requested by Brown, P.C., Applicant, for Barrett Construction Company, Owners. Staff recommends Approval. Zoning Commission Pending.

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

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

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

2006-12-14-1446

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

Item Z-8. **ZONING CASE # Z2007002 (District 6):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on 19.80 acres out of NCB 15329, 700 Block of Richland Hills Drive, as requested by Fred Loya Insurance Agency, Applicant, for Park 410 Westplex Joint Venture, Owner. Staff and Zoning Commission recommend Approval.

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

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

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

2006-12-14-1447

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 19.80 ACRES OUT OF NCB 15329 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

#### **69. City Manager's Report**

No report given.

Mayor Hardberger recessed the Regular Session at 4:14 pm.

Mayor Hardberger reconvened the Regular Session at 5:30 pm and addressed the Ceremonial Items.

#### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

A) Boards and Commission Swearing-In – The City Clerk administered the Oath of Office to newly appointed board members.

B) COSA Employee Service Awards – City of San Antonio employees with 30+ years of service were recognized for their dedication and commitment by the Mayor and City Council.

### **CITIZENS TO BE HEARD**

The following citizen(s) appeared to speak:

Mr. Glen Alan Graham, 6900 N. Vandiver, addressed the City Council and stated that he admired the fact that employees remained dedicated to the City for such a long time. One such example was Florence Casarez who worked for the City for 50 years. He thanked the Council for their service and wished all a Merry Christmas.

Mr. Nazarite Ruben Flores Perez, 627 Hearne Ave., addressed the Council regarding an article that was published in the Express News as it related to Muslims celebrating Christmas.

Mr. Michael John, 238 Tansyl Dr., addressed the Council regarding the packet of information made available to Riverwalk vendors wishing to participate in the lottery for a space. He expressed concern with the insurance requirement as well as the unfairness in the amount of money individual vendors have to pay versus groups. He stated that the new requirements were biased.

Mr. Nick Calzoncit, 66 Brees, #114, addressed the Council as it related to his 2 public access programs. Both programs have been nationally recognized. However, due to the contract controversy with Time Warner, he and other producers have not been able to produce new programs.

Ms. Mary Perez, 5622 Evers, spoke on behalf of Robert Martinez as it related to an Ordinance that was in effect in order to allow Mr. Martinez to continue to draw caricatures on the Riverwalk. She noted that Mr. Martinez recently received a letter from the City stating that his contract would expire at the end of December. She requested that Mr. Martinez be allowed to continue his business according to the terms of his contract.

Ms. Patricia Rodriguez congratulated the Mayor and City Council for the wonderful job that they do. She also thanked form Mayor Garza for the good job he did as Mayor. She sang a song for the Council entitled “I Believe”.

Ms. Julie Iris Oldham, 4523 Allegheny Dr., addressed the Council with regard to the projects that Mayor Garza initiated and failed to recognize her for. Such items were the development of the Ethics Commission and the Homeless Project. She also asked for assistance in getting a park for the Glenoaks area.

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council with regard to the Affirmative Action Plan for the City and how it was not being followed. He also stated that he went to many departments to see for himself if they were integrated. He stated that very few Council members had black employees working for them.

**ADJOURNMENT**

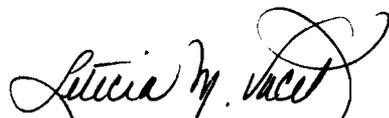
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:45 pm.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk