

**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, AUGUST 16, 2006 AND THURSDAY, AUGUST 17, 2006

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The City Council convened in an informal "B" Session at 3:00 pm, Wednesday, August 16, 2006, Municipal Plaza Building "B" Room, for the purpose of:

City Council Work session on the FY 2007 Proposed Budget, focusing on enhancements to identified City Council Priorities related to Police Services, Fire Protection, Emergency Medical Services, Street Maintenance and Sidewalks.

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

The "B" Session adjourned at 5:21 p.m.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, August 17, 2006 at 9:00 am.

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, Hall, Wolff, Haass, Mayor Hardberger.

The Invocation was led by Rev. Larry Shores, Pastor of St. Matthew's United Methodist Church, Guest of Councilmember Chip Haass, District 10.

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

City Clerk Leticia M. Vacek administered the Oath of Office to Councilmember Richard Perez, as Mayor Pro Tem for the period of two months.

Councilmember Perez made a motion to approve the minutes of the August 3, 2006 City Council meeting. Councilmember Haass seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

Item 5. LIBRARY BOARD PRESENTATION OF THE PROPOSED 2007 LIBRARY BUDGET.

Mr. John Nicholas, Chairman of the San Antonio Public Library Board of Trustees made a presentation on the proposed 2007 Library Budget, a copy of which is on file with the Office of the City Clerk. He spoke to the mission, goals and objectives of the Library System, the Library services provided by Central Library and the 22 neighborhood libraries which includes service to Bexar County. He stated these services include books and materials, internet and database access, reference services, literacy programs and services, history and genealogy research services. He outlined the Library funding sources, its funding trends, funding changes, Library projects such as the new automation system and the 3 new branch libraries which opened in 2004, 2005 and 2006, building renovations and maintenance, improved security for patrons and the Wi-Fi access for patrons scheduled to begin this fall. He further expounded on the History Center and Archives Commission project, the Hertzberg Joint Venture and the Library District Commission as well as Library priorities which addresses some of the critical technological needs.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council relating to items 5 and 7. He stated that he frequents the library to do research. He noted Gay and Lesbian Pride Month that the library celebrates each June with books on the subject of homosexuality. He suggested that the library celebrate Pro Life month. He asked what the bill was for replacement of books that are never returned. He referenced the tax abatement of 100% for item 7.

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, that mentioned the increase of cost in printing from computers at the Library. He stated that to avoid paying for printing, individuals now spend more time on computers to copy information. This leads to an increase in the amount of time individuals must wait in line for computer use. He suggested that the City provide public schools with more computers. He also mentioned the need for placing filters on all computers to avoid pornography from being viewed and accessed. Lastly, he wrote that if the libraries receive any type of federal funding, filters must be in place.

ITEM 6. PUBLIC HEARING AND ORDINANCE: HIGHLAND HEIGHTS TIRZ

Public hearing and consideration of an Ordinance approving amendments to the Final Project and Financing Plans for Tax Increment Reinvestment Zone Number Four, City of San Antonio, Texas, known as the Highland Heights TIRZ, in City Council District 3; authorizing the payment of all incremental ad valorem taxes from the TIRZ into the TIRZ Tax Increment Fund; and authorizing the City Manager to negotiate and execute Interlocal Agreements with the Board of Directors for the TIRZ ("Board"), Bexar County and the University Health System and a Development Agreement between the City of San Antonio ("City"), Highland Heights S.A., LLC, and the Board.

Mayor Hardberger declared the Public Hearing open.

Mr. David Garza, Director of Neighborhood Services, made a presentation on the Tax Increment Financing Program for Highland Heights TIRZ #4, a copy of which is on file with the Office of the City Clerk. He stated the action being taken would authorize amendments to the final project and finance plans, authorize payment of increment into the TIRZ Fund, authorize negotiation and execution of the Interlocal agreements with Bexar County and University Health System, and development agreement between the City of San Antonio, Highland Heights and the Board of Directors of the Zone. He highlighted on the infrastructure construction, the amended project plan, entity participation and fiscal impact which would ultimately increase the 1998 base value from \$449,000 to \$24,278,200.

There being no citizens to speak, Mayor Hardberger declared the Public Hearing to be closed.

The City Clerk read the following Ordinance:

2006-08-17-0916

AN ORDINANCE APPROVING AMENDMENTS TO THE FINAL PROJECT AND FINANCING PLANS FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FOUR, CITY OF SAN ANTONIO, TEXAS, KNOWN AS THE HIGHLAND HEIGHTS TIRZ, IN CITY COUNCIL DISTRICT 3; AUTHORIZING THE PAYMENT OF ALL INCREMENTAL AD VALOREM TAXES FROM THE TIRZ INTO THE TIRZ TAX INCREMENT FUND; AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE INTERLOCAL AGREEMENTS WITH THE BOARD OF DIRECTORS FOR THE TIRZ ("BOARD"), BEXAR COUNTY AND THE UNIVERSITY HEALTH SYSTEM AND A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO ("CITY"), HIGHLAND HEIGHTS S.A., LLC, AND THE BOARD.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances:

2006-08-17-0917

ITEM 7. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A TEN-YEAR TAX PHASE-IN AGREEMENT WITH VISTANA L.T.D. TO EXEMPT 100% OF AD VALOREM TAXES ON APPROXIMATELY \$38 MILLION IN REAL PROPERTY IMPROVEMENTS.

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

Mr. Ramiro Cavazos, Director of Economic Development presented the Tax Phase-In Agreement with Vistana, Ltd, a copy of which is on file with the Office of the City Clerk. He stated the ordinance would authorize the City to execute the agreement exempting 100% ad valorem taxes for 10 years on real property improvements of approximately \$38 million. He outlined background information on the project, noting that the Vistana project was located in the Federal Empowerment Zone, and that it was a mixed-use, multi-family market rate downtown rental housing project. He stated that development included 30,000 sq. ft. of retail space at the street level, 4 floors of above ground parking, further expounding on the requested incentives by Vistana, Ltd. He added that the City's net fiscal benefit would be approximately \$702,357 over 20 years and that the City would be allowed to recapture up to 100% of abated taxes during the 10-year term and 6 years to follow should Vistana decide to cease or change the required use.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-17-0918

ITEM 8. AN ORDINANCE APPROVING THE ALAMO WORKSOURCE BOARD (AWS) STRATEGIC PLAN FOR FISCAL YEARS 2007 – 2008 AS RECOMMENDED BY THE AWS BOARD OF DIRECTORS FOR SUBMISSION TO THE TEXAS WORKFORCE COMMISSION.

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

Mr. Ramiro Cavazos, Director of Economic Development presented the Alamo WorkSource (AWS) Strategic Plan for fiscal years 2007-2008, a copy of which is on file with the Office of the City Clerk. He presented background information on the AWS Board and its primary role, the goals of the AWS Strategic Plan which was to create a better-educated, skilled workforce, create more competitive businesses, create more high-skill, high-wage jobs, and higher incomes for residents. He spoke to the partnership agreement with the Chief Elected Officials (CEOs) of the Alamo WorkSource area to oversee the planning, administration and execution of AWS programs, and its requirement to approve the AWS Strategic Plan.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Resolution:

2006R-08-17-0919

ITEM 9A. A RESOLUTION CONSENTING TO THE DELEGATION BY BEXAR COUNTY OF THE POWERS OF A ROAD DISTRICT AND THE POWER TO PROVIDE WATER, WASTEWATER OR DRAINAGE FACILITIES AND THOSE POWERS GRANTED BY ARTICLE III, SECTION 52 OF THE CONSTITUTION OF THE STATE OF TEXAS TO THE CROSSWINDS AT SOUTH LAKE SPECIAL IMPROVEMENT DISTRICT, OTHER THAN THE POWERS TO EXERCISE EMINENT DOMAIN AND TO ADD LAND TO THE DISTRICT; AND REVOKING RESOLUTION NO. 2006R-06-29-0741, DATED JUNE 29, 2006.

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

Ms. Jelynn Burley, Deputy City Manager, made a presentation on the Public Improvement District to be named Crosswinds at South Lake Special Improvement District. She spoke to the petition submitted on May 15, 2006 at the Bexar County

Clerk's Office, the public hearings conducted by Bexar County and the granting of the petition for the Special Improvement District, appointment of Directors and other actions. She stated that among other things, the District was delegated the powers and duties of road district and the power to provide water, wastewater and drainage facilities contingent upon consent from the City. She further outlined background information on the development agreement with Fermin Rajunov of Presto Tierra Ltd, and Crosswinds at Southlake, the proposed development area and construction. She noted that the action being taken is in compliance with the City South Community Plan adopted by the City in June 2003, adding that staff recommended approval of the resolution and ordinance.

The motion carried as follows: AYES: Flores, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, Mayor Hardberger. NAYS: None. ABSENT: McNeil, Wolff.

Councilmember Hall made a motion to reconsider item 9A and table to the end of the meeting. Councilmember Flores seconded the motion.

The motion carried as follows: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, Mayor Hardberger. NAYS: None. ABSENT: Wolff.

Councilmember Gutierrez made a motion to table item 9B to the afternoon. Councilmember Hall seconded the motion.

The motion carried as follows: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. NAYS: None. ABSENT: None.

Councilmember Perez then made a motion to reconsider items 9A and 9B. Councilmember Haass seconded the motion.

The motion carried as follows: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. NAYS: None. ABSENT: None.

Councilmember Perez made a motion to approve items 9A and 9B. Councilmember Haass seconded the motion.

The motion to approve Items 9A and 9B carried as follows: AYES: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. NAYS: None. ABSENT: None.

2006-08-17-0920

ITEM 9B. AN ORDINANCE APPROVING AN AGREEMENT WITH FERMIN RAJUNOV OF PRESTO TIERRA LTD., CROSSWINDS AT SOUTHLAKE, L.P., AND PRESTO COMMERCIAL #2, LLC TEXAS CORPORATIONS (THE "DEVELOPER") EXTENDING THE LIMITED PURPOSE ANNEXATION OF THE SOUTH LAKE DEVELOPMENT PROJECT AREA THAT CONSISTS OF APPROXIMATELY 532.59 ACRES AND POSTPONING THE DATE FOR FULL-PURPOSE ANNEXATION UNTIL DECEMBER 31, 2035, SUBJECT TO THE DELIVERY OF APPROXIMATELY 2.5 ACRES OF ACCEPTABLE REAL PROPERTY TO THE CITY OF SAN ANTONIO BY THE DEVELOPER; AND REVOKING ORDINANCE NO. 2006-06-29-0742, DATED JUNE 29, 2006.

CONSENT AGENDA: ITEMS 10-29C

Items 10, 11, 14, 15, 16, 18, 19, 24, 26, 27 and 28 were pulled from the consent agenda for individual consideration. The remaining items were approved upon a motion made by Councilmember Perez and seconded by Councilmember Haass.

The following citizen(s) appeared to speak:

Mr. Jack M. Finger, P.O. Box 12048, spoke in support of item 27. He stated that he does not want gambling in our City, but he disagreed with the idea of allowing this gambling equipment to be sold to other cities. In regards to item 23, he stated that the San Antonio Symphony receives "give aways" that other organizations do not.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0921

ITEM 12. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY DURY'S GUN SHOP, INC. TO PROVIDE THE POLICE DEPARTMENT WITH 87 SEMI-AUTOMATIC PISTOLS FOR A TOTAL COST OF \$35,583.00.

2006-08-17-0922

ITEM 13. AN ORDINANCE RATIFYING PAYMENT IN THE AMOUNT OF \$71,625.00 TO RAMOS AND ASSOCIATES, INC., FOR EMERGENCY REPAIRS TO THE ALAMODOME'S BOILER SYSTEM; AND APPROPRIATING FUNDS.

2006-08-17-0923

ITEM 17. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$4,407,995.00, TO INCLUDE A \$56,985.00 AMENDMENT TO A \$544,209.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH PAPE DAWSON ENGINEERS, INC. FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE WOODLAWN - BANDERA TO MAIDEN PROJECT, LOCATED IN DISTRICT 7, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION AND 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT FUNDS PROJECT, AND APPROPRIATING FUNDS.

2006-08-17-0924

ITEM 20. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$694,484.00, TO INCLUDE A \$32,269.75 AMENDMENT TO A \$110,091.18 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH BAIN MEDINA BAIN FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE JONES MALTSBERGER / U. S. 281 EAST OF UPRR TRACKS PROJECT, LOCATED IN DISTRICT 9, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION AND 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, AND APPROPRIATING FUNDS.

2006-08-17-0925

ITEM 21. AN ORDINANCE APPROPRIATING FUNDS AND AUTHORIZING PAYMENT IN THE AMOUNT OF \$679,280.85 TO DORAZIO ENTERPRISES FOR THE SAN ANTONIO WATER SYSTEM PORTION OF THE CONSTRUCTION CONTRACT, AND AUTHORIZING THE EXECUTION OF A \$4,086,760.05 CONSTRUCTION CONTRACT IN CONNECTION WITH THE CULEBRA DRAINAGE #58, PHASE 2A PROJECT, LOCATED IN DISTRICT 7, A 1999 GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND PROJECT.

2006-08-17-0926

ITEM 22. AN ORDINANCE APPROVING CHANGE ORDER #7 – FINAL IN THE DEDUCTIVE AMOUNT OF \$145,853.91 TO A \$1,289,986.17 CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. FOR A FINAL RECONCILIATION OF ORIGINAL TO ACTUAL MATERIAL QUANTITIES USED IN CONNECTION

WITH THE CLAREMONT, ELEANOR, NATALEN – PHASE III PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT FUNDED PROJECT IN DISTRICT 9.

2006-08-17-0927

ITEM 23. AN ORDINANCE AUTHORIZING THE EXECUTION OF : (A) AN AMENDED AND RESTATED LEASE OF THE MAJESTIC AND EMPIRE THEATERS WITH LAS CASAS FOR AN INITIAL TERM OF FIFTEEN (15) YEARS WITH FIVE (5) CONSECUTIVE RENEWAL PERIODS OF FIVE (5) YEARS EACH IN CONSIDERATION OF TWO DOLLARS (\$2.00) PER LEASE YEAR AS WELL AS THE PRESERVATION, MAINTENANCE AND OPERATION OF THESE HISTORIC FACILITIES; (B) A NON-DISTURBANCE AND ATTORNMENT AGREEMENT WITH ARTS CENTER ENTERPRISE; AND (C) THE NEGOTIATION AND EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE SYMPHONY FOR ITS USE OF THE CITY'S DAYS AT THE MAJESTIC; AND AUTHORIZING THE PAYMENT OF OUTSTANDING LEGAL INVOICES TO GOODE, CASSEB, JONES, RIKLIN, CHOATE & WATSON IN THE AMOUNT OF \$35,097.28 AND APPROVING A BUDGET OF \$9,500.00 FOR ADDITIONAL SERVICES TO COMPLETE THE PROJECT.

2006-08-17-0928

ITEM 25. AN ORDINANCE DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF FEE SIMPLE TITLE OF CITY OWNED REAL PROPERTY LEGALLY DESCRIBED AS LOT 2, BLOCK 1, NEW CITY BLOCK 654, LOCATED AT 704 VIRGINIA BOULEVARD TO MARTHA A. GONZALEZ FOR A TOTAL SUM OF \$40,500.00 FOR THE PUBLIC PURPOSE OF PROVIDING AFFORDABLE HOUSING IN CONNECTION WITH THE HOUSING ASSET RECOVERY PROGRAM; AUTHORIZING THE PAYMENT OF MAINTENANCE AND CLOSING COSTS IN AN AMOUNT NOT TO EXCEED \$5,000.00 TO BE SUBTRACTED FROM THE SALES PROCEEDS AT THE TIME OF CLOSING; AND AUTHORIZING THE EXECUTION OF ANY NECESSARY DOCUMENTS.

ITEMS 29A - C: BOARD APPOINTMENTS

Item 29A. Reappointing Robert Robbins (District 10) to the Zoning Commission for the remainder of an unexpired term of office to expire June 30, 2008.

Item 29B. Appointing Edward Taylor (District 10) to the Joint City/County Commission on Elderly Affairs for the remainder of an unexpired term of office to expire October 31, 2007.

Item 29C. Appointing Liliana Elvira Ramirez (District 6) to the San Antonio Youth Commission for a term of office to expire May 31, 2007.

[CONSENT ITEMS CONCLUDED]

Consent Agenda Items Pulled for Individual Consideration

The City Clerk read the following Ordinance:

2006-08-17-0929

ITEM 10. AN ORDINANCE ACCEPTING THE BID SUBMITTED BY COLUMBUS COUNTRY FORD, BID NO. 1, TO PROVIDE THE POLICE, FIRE AND PARKS AND RECREATION DEPARTMENTS WITH 240 REPLACEMENT PATROL SEDANS FOR A TOTAL COST OF \$4,881,685.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND, AND AUTHORIZING ADDITIONAL PURCHASES THROUGH DECEMBER 31, 2007, SUBJECT TO APPROPRIATION.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Radle.

The City Clerk read the following:

Item 11. An Ordinance accepting the bid submitted by Western Oilfields Supply Co. d/b/a Rain for Rent to provide the Public Works Department with three replacement trailer mounted pumps for a total cost of \$48,693.00, from the Equipment Renewal and Replacement Fund.

Councilmember Perez made a motion to table Item 11 to August 24, 2006. Councilmember Haass seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Wolff, Haass, Mayor Hardberger. **NAYS:** Hall. **ABSENT:** None.

The City Clerk read the following Ordinances:

2006-08-17-0930

ITEM 14. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$493,080.64, TO INCLUDE AWARDDING A \$436,853.80 CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD., \$158,736.11 OF WHICH WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE RECONSTRUCTION OF STREETS, INCLUDING CURBS, SIDEWALKS, DRIVEWAY APPROACHES, DRAINAGE IMPROVEMENTS AND THE REPLACEMENT OF SEWER AND WATER LINES IN CONNECTION WITH THE EL JARDIN – (NORTHINGTON TO HWY 90 AND VALENCIA CASTROVILLE TO HWY 90) PROJECT, AN AUTHORIZED COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED PROJECT IN DISTRICT 6; AND APPROPRIATING FUNDS.

2006-08-17-0931

ITEM 15. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$4,578,064.00 TO INCLUDE AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH BAIN MEDINA BAIN, INC., IN THE AMOUNT OF \$36,844.00 FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE NACOGDOCHES ROAD - IH 410 TO DANBURY PROJECT, LOCATED IN DISTRICT 10, AN AUTHORIZED 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT BOND AND METROPOLITAN PLANNING ORGANIZATION, AND APPROPRIATING FUNDS.

2006-08-17-0932

ITEM 16. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$3,353,701.00, TO INCLUDE A \$25,143.00 AMENDMENT TO A \$642,533.60 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH PAPE-DAWSON ENGINEERS, INC. FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE CALLAGHAN ROAD - BANDERA ROAD TO INGRAM ROAD PROJECT, LOCATED IN DISTRICT 7, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION AND CERTIFICATES OF OBLIGATION PROJECT, AND APPROPRIATING FUNDS.

2006-08-17-0933

ITEM 18. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$557,310.00, TO INCLUDE A \$45,706.25 AMENDMENT TO A \$210,500.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH ROSIN-JOHNSON, INC. FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE BLANCO SIDEWALKS FROM LOCKHILL-SELMA TO WEST AVE., CLARK SIDEWALKS FROM SOUTHCROSS TO HOT WELLS AND HOT WELLS SIDEWALKS FROM IH 37 TO NEW BRAUNFELS PROJECTS, LOCATED IN DISTRICTS 3 AND 9, AND APPROPRIATING FUNDS FROM 1999-2004 GENERAL OBLIGATION STREET IMPROVEMENT FUNDS.

2006-08-17-0934

ITEM 19. AN ORDINANCE APPROVING A TOTAL ESTIMATED PROJECT AMOUNT OF \$1,645,736.00, TO INCLUDE A \$19,768.05 AMENDMENT TO A \$356,368.14 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH CHIANG, PATEL, & YERBY, INC. FOR ADDITIONAL ENGINEERING SERVICES, IN CONNECTION WITH THE LOCKHILL-SELMA (WEST AVENUE TO N. W. MILITARY HIGHWAY) PROJECT, LOCATED IN DISTRICT 9, AN AUTHORIZED METROPOLITAN PLANNING ORGANIZATION AND 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND PROJECT, AND APPROPRIATING FUNDS.

Councilmember Haass made a motion to approve Items 14, 15, 16, 18, and 19. Councilmember Hall seconded the motion.

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

The City Clerk read the following Ordinance:

2006-08-17-0935

ITEM 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE RENEWAL AND EXTENSION WITH RAMIREZ PROPERTIES, INC. FOR APPROXIMATELY 4,500 SQUARE FEET OF CLINIC AND OFFICE SPACE LOCATED AT 4344-4346 THOUSAND OAKS DRIVE AT A BASE RENT OF \$4,676.00 FOR USE BY THE SAN ANTONIO METROPOLITAN HEALTH

DISTRICT'S WOMEN, INFANTS AND CHILDREN (WIC) PROGRAM FOR THE PERIOD AUGUST 1, 2006 THROUGH JULY 31, 2011 WITH ONE FIVE YEAR RENEWAL OPTION.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

206-08-17-0936

ITEM 26. AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE FIRST AMENDMENT AND EXTENSION AGREEMENTS FOR FEDERAL REPRESENTATION SERVICES WITH HOLLAND & KNIGHT L.L.P. AND PATTON BOGGS L.L.P., EACH IN A MONTHLY AMOUNT NOT TO EXCEED \$12,000.00, FOR THE TERM OF OCTOBER 1, 2006 THROUGH SEPTEMBER 30, 2007.

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

Mr. Andrew Smith, Director of Intergovernmental Department, spoke on the renewal options of the two contracts. He described the performance measures that were tracked over the last seventeen months through quarterly, semi-annual, and annual reports. He stated that both contractors had performed equally throughout the terms of the contracts.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-17-0937

ITEM 27. AN ORDINANCE AUTHORIZING THE SALE TO EXPRESS VIDEO, INC. OF 298 GAMBLING DEVICES (EIGHT LINERS), SEIZED BY THE CITY AS A RESULT OF CRIMINAL INVESTIGATIONS BY THE POLICE DEPARTMENT, AND SUBSEQUENTLY FORFEITED BY ORDERS OF THE COURTS, FOR A PURCHASE PRICE OF \$119,351.00; AND AUTHORIZING PAYMENT TO THE

BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE IN THE AMOUNT OF \$47,740.40.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

The City Clerk read the following Ordinance:

2006-08-17-0938

ITEM 28. AN ORDINANCE AUTHORIZING A PORTION OF THE DOWNTOWN AREA TO BE DESIGNATED AS A CLEAN ZONE IN ORDER TO REGULATE CERTAIN COMMERCIAL ACTIVITY WITHIN PUBLIC PROPERTY OR RIGHTS-OF-WAY ON SEPTEMBER 14, 2006 THROUGH SEPTEMBER 17, 2006, DECEMBER 21, 2006 THROUGH DECEMBER 24, 2006, DECEMBER 28, 2006 THROUGH DECEMBER 31, 2006, AND MARCH 12, 2007 THROUGH MARCH 25, 2007 IN CONNECTION WITH HOSTING CERTAIN EVENTS; DESIGNATING THE GEOGRAPHICAL BOUNDARIES FOR THE CLEAN ZONE; PROVIDING FOR SPECIAL CLEAN ZONE LICENSE PERMITS; AND ESTABLISHING CRIMINAL PENALTIES TO BE IMPOSED FOR VIOLATION OF THIS ORDINANCE WITH A FINE NOT TO EXCEED \$2,000.00.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Session at 12:21 p.m. for lunch and in order to convene in Executive Session at 1:30 pm for the purpose of:

A. Deliberate the offer of financial or other incentives related to economic development negotiations with Hanford Development Inc., and Hollyhills GP, LLC, and other entities pursuant to Texas Government Code Section 551.087 (deliberation regarding economic development negotiations) and Texas Government Code Section 551.072 (deliberation

regarding real property); and discuss related legal issues, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

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

Mayor Hardberger reconvened the Regular Session from Executive Session at 2:26 pm at which time he stated City Council had been briefed on the above-styled matters and gave staff direction, but had taken no official action.

MASTER PLAN AND ZONING CASES

Item Z-1. ZONING CASE #Z2006164 (District 1): An Ordinance changing the zoning district boundary from "C-3NA" General Commercial Nonalcoholic Sales District and "C-2NA" Commercial Nonalcoholic Sales District to "C-1" Commercial District on Lot 29, Block 13, NCB7280, 3915 San Pedro Avenue as requested by Diane Cortez, Applicant for Palacios Living Trust, Owner(s). Staff and Zoning Commission recommend Approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

2006-08-17-0939

Item Z-1. 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 29, BLOCK 13, NCB 7280 FROM "C-3NA" GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT AND "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-1" COMMERCIAL DISTRICT.

Item Z-2. ZONING CASE #Z2006182 (District 1): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "MF-25" IDZ Multi-

Family Infill Development Zone District on Lot 12 and the north 53.1 feet of Lot 11, Block 19, NCB 395, 423 East Laurel Street as requested by Brownstone Traditions SA, Ltd., Applicant for Dorathy Goodfriend, Owner. Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Perez.

2006-08-17-0940

Item Z-2. 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 12 AND NORTH 53.1 FEET OF LOT 11, BLOCK 19, NCB 395 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" IDZ MULTI-FAMILY INFILL DEVELOPMENT ZONE DISTRICT.

Z-3. ZONING CASE #Z2006077 (District 2): An Ordinance changing 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 deny the proposed rezoning case. Councilmember Perez seconded the motion.

The motion to deny item Z-3 carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

Z-4. ZONING CASE #Z2006140 (District 2): An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "O-2" Office District to "C-3" General Commercial District on Lot 2, Block 6, NCB 12633 and Lots 1 though 4, Block 1, NCB 13735, 4000 IH-10 East as requested by Greater Apostolic Faith Church, Applicant, for Greater Apostolic Faith Church, 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 approve the proposed rezoning case. Councilmember Perez seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.
2006-08-17-0941

Item Z-4. 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 2, BLOCK 6, NCB 12633 AND LOTS 1 THROUGH 4, BLOCK 1, NCB 13735 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "O-2" OFFICE DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-6. ZONING CASE #Z2006187 (District 2): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "R-5" Residential Single Family District on 1.562 acres out of NCB 17983, 7400 Block IH -10 East as requested by Earl and Associates, P.C., Applicant for Continental Homes of Texas, LP, 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 approve the proposed rezoning case. Councilmember Perez seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0942

Item Z-6. AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS 1.562 ACRES OUT OF NCB 17983 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

Z-7. ZONING CASE #Z2006213 (District 2): An Ordinance changing the zoning boundary from "C-3" General Commercial District to "C-3" (CD - Manufacturing - Plastic Extrusion) General Commercial District with Conditional Use for Manufacturing - Plastic Extrusion on Lot 5 and Lot 6, Block 1, NCB 16374, 5807 Rittiman Plaza as requested by Rittiman Plaza, Ltd., Applicant, for Rittiman Plaza, Ltd., Owner. Staff recommends approval. Zoning Commission recommendation pending August 15, 2006.

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 Perez seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0943

Item Z-7. 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 5 AND LOT 6, BLOCK 1, NCB 16374 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "C-3" (CD - MANUFACTURING - PLASTIC EXTRUSION) GENERAL COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR MANUFACTURING - PLASTIC EXTRUSION.

Z-8. ZONING CASE #Z2006093 CD (District 3): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD-Health and Wellness Center) Residential Single-Family District with Conditional Use for a Health and Wellness Center on Lot 7, Block 32, NCB 9642, 527 Offer Street as requested by

Maria R. Theis, Applicant, for Maria and Terry Theis, Owner(s). Staff and Zoning Commission recommend approval with conditions.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0944

Item Z-8. AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 7, BLOCK 32, NCB 9642 FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" (CD-HEALTH AND WELLNESS CENTER) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A HEALTH AND WELLNESS CENTER.

Z-9. ZONING CASE #Z2006170 (District 3): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on Lot 30, NCB 9471, 516 S.W. Military Drive as requested by G. D. Bar Family Limited Partnership, Applicant, for G. D. Bar Family Limited Partnership, 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 McNeil seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0945

Item Z-9. 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 30, NCB 9471 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-10. ZONING CASE #Z2006137 S (District 5): An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "I-1" S General Industrial District with Specific Use Permit for a Transitional Home on Lot A-46, Block 46, NCB 220, 801 Morales Street as requested by Bannum, Inc., Applicant, for Downtown Warehouse Investors, Ltd., Owner(s). Staff recommends Denial. Zoning Commission recommends approval.

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

The following citizen(s) appeared to speak:

Ms. Ann Wilson, 222 Claiborne Way, spoke in opposition to the proposed zoning case. She gave Council a petition with signatures of other individuals who opposed the zoning case. She expressed concern that this rezoning would lead to "white collar" crime. She was concerned with the proximity of the facility to railroad tracks and the lack of parking. She noted the location of a nearby elementary school.

Mr. Jack M. Finger, P.O. Box 12048, spoke on items Z-10 and Z-27. He spoke in opposition to building a "Halfway House" in this area. He expressed concern for the individuals who live in this area. In regards to item Z-27, he stated that residents in the area need a buffer zone to prevent commercial encroachments.

Councilmember Radle made a motion to continue zoning case z-10 to August 31, 2006. Councilmember Wolff seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

ZC2006 1375 was continued to August 31, 2006.

Z-11. ZONING CASE #Z2006033 (District 6): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "R-5" Residential Single-Family District on 31.66 acres out of NCB 16115, 1800 Grandstand Drive as requested by Perry Homes, A Joint Venture, Applicant, for State of Texas: General Land Office, Owner(s). Staff and Zoning Commission recommend approval.

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

Councilmember Herrera made a motion to continue zoning case Z-11 to September 7, 2006. Councilmember Wolff seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

Z-12. ZONING CASE #Z2006169 (District 6): An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District to PUD "MF-33" Planned Unit Development Multi-Family District on Lot 8, Lot 9, Lot 10 and Lot 11, Block 105, NCB 18288, 7901 through 7969 MG Road as requested by Paul Bishop, Applicant, for Paul Bishop, Owner. Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0946

Item Z-12. 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 8-11, BLOCK 105, NCB 18288 FROM "MF-33" MULTI-FAMILY DISTRICT TO PUD "MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT.

Z-13. ZONING CASE #Z2006186 (District 6): An Ordinance changing the zoning district boundary from "C-2 NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District on Lot P-1F, Block 36, NCB 15329, 1500 Block of Horal Drive as requested by HEB Grocery Company, LP, Applicant, for HEB Grocery Company, LP , Owner. Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0947

Item Z-13. AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-1F, BLOCK 36, NCB 15329 FROM "C-2 NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-14. ZONING CASE #Z2006122 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD-Multi-Family Dwellings) Residential Single-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 14 units per acre on P-33A, NCB 15479, Old Tezel Road as requested by Trinity Construction & Developments, Applicant, for William C. Hunger, Owner. Staff and Zoning Commission recommend approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained the proposed rezoning case would need to be re-advertised. No action was taken on item Z-14.

Z-15. ZONING CASE #Z2006183 (District 7): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on Lot 3, Block 6, NCB 18576, 7743 Montego Road as requested by Jerry Arredondo, Applicant, for Roy R. Jones, II, Owner. Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0948

Item Z-15. 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 3, BLOCK 6, NCB 18576 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-16. ZONING CASE #Z2006065 (District 8): An Ordinance changing the zoning district boundary from "C-2" GC-1 Commercial Gateway Corridor District -1 to PUD "RM-4" GC-1 Planned Unit Development Residential Mixed Gateway Corridor District - 1 on 5.288 acres out of NCB 16390 and to PUD "C-3" GC-1 Planned Unit Development General Commercial Gateway Corridor District -1 District on 18.63 acres out of NCB 16390, 25111 IH-10 West as requested by Brown, P. C., Applicant, for Fair Prospects, L. P., Owner(s). Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Wolff.

2006-08-17-0949

Item z-16. 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 23.918 ACRES OUT OF NCB 16390 FROM "C-2" GC-1 COMMERCIAL GATEWAY CORRIDOR DISTRICT 1 TO PUD "RM-4" GC-1 PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED GATEWAY CORRIDOR DISTRICT 1 ON 5.288 ACRES OUT OF NCB 16390, PUD "C-3" GC-1 PLANNED UNIT DEVELOPMENT GENERAL COMMERCIAL GATEWAY

CORRIDOR DISTRICT 1 OUT OF 18.63 ACRES OUT OF NCB 16390.

Z-17. ZONING CASE #Z2006161 (District 8): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District and "R-6" GC-1 Residential Single Family Gateway Corridor District-1 to "C-2" Commercial District and "C-2" GC-1 Commercial Gateway Corridor District-1 on 37.18 acres out of NCB 34760, 19925 and 19991 IH-10 West as requested by Kaufman and Associates, Inc., Applicant, for Aquatic Commercial Solutions, Owner(s). Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** Wolff.

2006-08-17-0950

Item Z-17. 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 37.18 ACRES OUT OF NCB 34760 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT AND "R-6" GC-1 RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR DISTRICT-1 TO "C-2" COMMERCIAL DISTRICT AND "C-2" GC-1 COMMERCIAL GATEWAY CORRIDOR DISTRICT-1.

Z-18. ZONING CASE #Z2006162 (District 8): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "MF-25" Multi-Family District on Lot P-2, NCB 34720, 18500 Block of Babcock Road as requested by Kaufman & Associates, Inc., Applicant, for BP 100 San Antonio, Ltd., 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:

Ms. Francine Romero, 7518 Peppervine Lane, President of Friends of Frederick Wilderness Park, spoke in favor of the zoning case. She stated that the applicant's attorney worked with the residents to resolve issues.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0951

Item Z-18. AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT P-2, NCB 34720 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

Z-19. ZONING CASE #Z2006171 (District 8): An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "I-1" General Industrial District to "C-3" General Commercial District on 20.837 acres out of NCB 14861, IH-10 West as requested by Brown, P. C., Applicant, for Joseph Siler, Owner(s). Staff and Zoning Commission recommend approval.

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

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

The motion carried the as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0952

Item Z-19. 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 20.837 ACRES OUT OF NCB 14861 FROM

"C-3" GENERAL COMMERCIAL DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-20. ZONING CASE #Z2006173 (District 8): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on 2.244 acres out of NCB 19189 and 10.356 acres out of 14861, University Heights Drive and Silicon Drive as requested by Michael Amini, Applicant, for Michael Amini, Rex M. Amini, Susan A. Minor and Ron Amini, Owner(s). Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0953

Item Z-20. 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 2.244 ACRES OUT OF NCB 19189 AND 10.356 ACRES OUT OF 14861 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-21. ZONING CASE #Z2006174 (District 8): An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-3" General Commercial District to "C-3" General Commercial District on 3.975 acres out of Block 1, NCB 19188, 5638 West Hausman Road, 5602 West Hausman Road and 5811 University Heights Drive as requested by R. L. Worth & Associates, Inc., Applicant, for Grandview Partners, Ltd., Owner(s). Staff and Zoning Commission recommend approval.

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

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0954

Item Z-21. 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 3.9750 ACRE TRACT OF LAND OUT OF BLOCK 1, NCB 19188 FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Z-22. ZONING CASE #Z2006176 CD (District 8): An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-3" General Commercial District to "R-4" Residential Single-Family District on 27.5 acres out of NCB 15825, to "MF-50" Multi-Family District on 38.53 acres out of NCB 15825, to "MF-50" (CD-Multi-Family Dwellings) Multi-Family District with a Conditional Use for Multi-Family Dwellings not to exceed 100 units per acre on 19.54 acres out of NCB 15825 and to "C-3" General Commercial District on 102.988 acres out of NCB 15825, 5000 Block of Pecan Springs as requested by Brown, P.C., Applicant, for Galleria Venture, Ltd., Owner. Portions of the subject property are located within the Gateway Corridor Overlay District-1 (GC-1); however, the applicant is not proposing to change the existing overlay boundaries. 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. Greg Huber, 2230 Pipestone, CellTex, expressed concern with the zoning maps that were mailed out. He spoke in opposition to the zoning case as it relates to his property.

Mr. Ken Brown, 112 E. Pecan Suite 1490, spoke for the zoning case and mentioned that current plans should not affect Mr. Huber's property.

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

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0955

Item Z-22. 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 188.56 ACRES OUT OF NCB 15825 FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-3" GENERAL COMMERCIAL DISTRICT TO "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT ON 27.50 ACRES OUT OF NCB 15825, "MF-50" MULTI-FAMILY DISTRICT ON 38.53 ACRES OUT OF NCB 15825, "MF-50" (CD-MULTI-FAMILY DWELLING) MULTI-FAMILY DISTRICT WITH CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 100 UNITS PER ACRES ON 19.54 ACRES OUT OF NCB 15825, AND "C-3" GENERAL COMMERCIAL DISTRICT ON 102.988 ACRES OUT OF NCB 15825.

Z-23. ZONING CASE #Z2006127 S (District 9): An Ordinance changing the zoning district boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 ERZD S" Commercial Edwards Recharge Zone District with Specific Use Permit for a Nightclub on .0654 acres out of NCB 19223, 19239 Stone Oak Parkway as requested by Brown, P.C., Applicant, for Shops of Stone Oak II, LP, Owner(s). Staff and Zoning Commission recommend approval.

Mr. John Jacks, Senior Planner, Development Services Department, explained that said item (Item Z-23) was pulled from the agenda, so a vote was not necessary at this time.

Z-24. ZONING CASE #Z2005289 (District 10):An Ordinance changing the zoning district boundary on 29.83 acres out of NCB 17727 from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, to "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and to "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres all out of NCB 17727, 3500 to 3600 Block of North Loop 1604 East as requested by Andrew L. Johnston, Applicant, for The Sitterle Corporation, 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 continue zoning case Z-24 to September 21, 2006. Councilmember McNeil seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

ZC2005289 was continued to September 21, 2006.

Z-25. ZONING CASE #Z2006178 (District 10): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "I-1" General Industrial District on Lots 1 and 2, NCB 15687, 4187 Stahl Road as requested by Koorosh Moinvafa, Applicant, for Koorosh Moinvafa, Owner(s). Staff recommends Approval of "L" Light Industrial District. Zoning Commission recommends approval of "I-1" General Industrial District, save and except the southeast 200 feet to "C-3NA" General Commercial, Nonalcoholic Sales District.

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 Perez seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0956

Item z-25. 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 1 AND 2, NCB 15687 SAVE AND EXCEPT THE SOUTHEAST 200 FEET; FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT AND C-3NA GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES ON THE SOUTHEAST 200 FEET.

Z-26. ZONING CASE Z2006184 (District 10): An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "L" Light Industrial District on Tract A, Tract B and Tract C, NCB 16584, 17103 Nacogdoches Road, 17203 Nacogdoches Road and 17107 Nacogdoches Road as requested by J. Allen Family Partners, Ltd., Applicant, for Hamilton A. and Norma Goll Trust, Katy Goll % Raymond

D. Goll/V. Ludwig and Edgar C. and Vera Ludwig, Owners. 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 as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

2006-08-17-0957

Item Z-26. 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 TRACT A, TRACT B AND TRACT C, NCB 16584 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT.

Z-27. ZONING CASE #Z2006185 (District 10): An Ordinance changing the zoning district boundary from "R-5" Residential Single Family District to "L" Light Industrial District on Parcel P-14A, NCB 18890, 15203 Bulverde Road as requested by Chris Rullo, Applicant, for Chris Rullo, Owner(s). Staff recommends Denial. Zoning Commission recommends Approval.

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

Councilmember Haass made a motion to continue the proposed rezoning case to September 7, 2006. Councilmember Wolff seconded the motion.

The motion carried as follows: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, Mayor Hardberger. **NAYS:** None. **ABSENT:** None.

ZC2006185 was continued to September 7, 2006.

CITY MAGAGER'S REPORT

City Manager Sheryl Scully thanked the City Council for hosting the District budget hearings and spoke to the budget calendar.

Mayor Hardberger recessed the meeting at 3:50 p.m. and announced that Council would reconvene at 5:30 p.m. for Ceremonial Items.

Mayor Hardberger reconvened the meeting at 5:47 p.m.

CEREMONIAL ITEMS

Mayor Hardberger presented the following honorariums:

- Presentation of the Alamo Area Council of Government 2006 Governmental Regional Project of the Year Award to the City's Public Work's Department. The award is presented in recognition of the contributions to the Hurricane Katrina Emergency Response. City staff mobilized to develop and oversee the construction of support facilities at three locations. The buildings were quickly converted and fitted with adequate lighting, air conditioning and sanitation needs to handle the influx of evacuees.
- Presentation of the Green Team Challenge by the Real Estate Council of San Antonio, Keep San Antonio Beautiful and the City of San Antonio to announce the 10th Annual Green Team Challenge. The competition is designed to improve school campuses and surrounding neighborhood areas through clean-up activities and environmental awareness.

CITIZENS TO BE HEARD

The following citizen(s) appeared to speak:

Mr. J. Vasquez, Mr. W. Hagen, and Mr. L. Bunter, Representatives of the Responsible Pet Owners Alliance spoke on the 5-year strategic plan for the Animal Facility. A talk show taping was presented that aired on KTSA previously which highlighted People for the Ethical Treatment of Animals (PETA) stance on Pet ownership and breeding. They distributed an information sheet and cassette tape of the recording.

Ms. Patte Titus addressed the Council relating to Chapter 5 of the City Code. She noted the agendas of Animal Rights Activists to take away the freedom to own pets. She also stated that many Animal Rights groups do not use their money for Shelters but rather for legislation to fight pet breeding and ownership.

Mr. Nazarite Ruben Flores Perez, 629 Hearne Ave., showed a sketch to Council and noted its symbolism to the current state of our government.

Mr. Faris Hodge, Jr., 140 Dora, stated that he spoke to a retired policeman who said the 2% increase in pay was not sufficient. He also stated that police officers in San Antonio are the top paid in the nation, and the City is discriminating against other City employees.

Mr. Hal McCloskey, Downtown Vendor's Association, 920 Camaron, stated that he attended the Zoning Commission Meeting as it relates to Riverwalk vending. He also stated that he would like a copy of the proposed ordinance prior to adoption. He spoke in opposition to the proposed locations for Riverwalk Vending. He asked who will determine which vendors will get permits and recommended that priority be given to existing Riverwalk vendors.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:44 p.m.

A P P R O V E D


PHIL HARDBERGER
M A Y O R

Attest:


LETICIA M. VACEK
City Clerk