



Joint Ord 101652  
Joint Res. 2005-44-38  
Joint Ord. 101680  
Joint Res. 2005-44-39

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CITY OF SAN ANTONIO  
CITY CLERK  
NOV -1 A 8:55

**Agenda  
City Council Meeting  
Municipal Plaza Building  
City Hall Complex  
103 S. Main Ave  
San Antonio, Texas 78205  
November 10, 2005**

The City Council shall hold its regular meetings in the Norma S. Rodriguez Council Chamber in the Municipal Plaza Building within the City Hall Complex on Thursday of each week beginning at 9:00 a.m. After the meeting is convened, the City Council shall consider the following time certain items in the following order no sooner than the designated times, but may be considered at a later time.

- 9:00AM:** Invocation and Approval of Minutes.
- 12:00PM:** Lunch Break
- 1:00PM:** Executive Session\*
- 2:00PM:** Public Hearing and Consideration of Amendments to the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases
- 5:00PM:** Ceremonial Recognitions
- 6:00 PM** Citizens to be Heard
- 7:00PM:** Adjourn\*\*

*At any time during the Regular City Council Meeting, the City Council may meet in executive session for consultation concerning attorney-client matters (real estate, litigation, contracts, personnel and security) under Chapter 551 of the Texas Government Code.*

*\*At 7:00 p.m., if the meeting is not yet adjourned, the presiding officer shall entertain a motion to recess the council meeting and reconvene at 9:00 a.m., or any other time designated by Council, on the following day. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned.*

**DISABILITY ACCESS STATEMENT**

This meeting is wheelchair accessible. The accessible entrance is located at 103 S. Main Ave. Accessible parking spaces are located at City Hall, 100 Military Plaza. Auxiliary aids and services are available upon request (interpreters for the deaf must be requested forty-eight (48) hours prior to the meeting) by calling (210) 207-7245 V/TTY for assistance. Closed captioning is available on broadcasts of the Council meetings on 31-TVSA.

Questions regarding this agenda notice should be directed to the City Agenda Coordinator at 207-7080.

The City Council of San Antonio will convene in the Norma S. Rodriguez Council Chamber, Municipal Plaza Building in a Regular Council Meeting at 9:00 A.M.

1. Invocation by Pastor Kenneth McIntyre, Greater Good News Missionary Baptist Church, Guest of Councilmember Roland Gutierrez, District 3, and Pledge of Allegiance.
2. Swearing In of Mayor Pro Tem ~~Elena K. Guajardo~~ <sup>KEVIN WOLFF</sup>, District 7.
3. Swearing In of Sheryl Sculley, City Manager.
4. Approval of Minutes for the October 20, 2005 City Council Meeting.

**THE FOLLOWING ITEMS MAY BE CONSIDERED AT ANY TIME DURING THE REGULAR COUNCIL MEETING:**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

2005-44-38

A Resolution allocating the votes for the City's candidate for the Bexar Appraisal District Board of Directors. [Presented by Leticia M. Vacek, City Clerk]

101653

6. Public hearing and consideration of an Ordinance making a finding, pursuant to the requirements of Texas Parks and Wildlife Code Chapter 26, that there is no feasible and prudent alternative to the change in use from public park use to public school use of approximately 8 acres located in Spicewood Park in City Council District 4 and authorizing the transfer of ownership to Southwest Independent School District, in exchange for approximately 8 acres of adjacent property to be designated as park land. [Presented by Malcolm Matthews, Director, Parks and Recreation; Christopher J. Brady, Assistant City Manager]

101654

7. An Ordinance authorizing the re-allocation of FY 2006 one-time monies in the amount of \$100,000.00 from the Customer Convenience Initiative to Contributions payable to Social and Health Research Center through the San Antonio Metropolitan Health District (SAMHD); authorizing the execution of a contract in the amount of \$100,000.00 with the Social and Health Research Center to conduct a program for the prevention and study of childhood diabetes through the Bienestar and Neema Programs; and authorizing payments, as requested by Councilmember Richard Perez, District 4 and Councilmember Patti Radle, District 5. [Presented by Dr. Fernando A. Guerra, Director, Health; Frances A. Gonzalez, Assistant City Manager]

101652

An Ordinance accepting \$49,622.68 from the Greater San Antonio Chamber of Commerce, administrative agent of the San Antonio Military Missions (SAMM) Task Force, as repayment of unused funds previously allocated through an Agreement to Use Funds. [Presented by Ramiro Cavazos, Director, Economic Development; Jelynn LeBlanc Burley, Assistant City Manager]

Continued  
15-05

Consideration of an appeal by Matisse restaurant, regarding the San Antonio Board of Adjustment's decision to deny a variance allowing an existing on-premise sign to exceed 40 feet in height, located at 13259 Blanco Road. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

10. Consideration of an appeal by Earl & Associates, P.C., on behalf of Mortgage Loan & Agency, Inc., regarding the Planning Commission's action to deny rights under Chapter 245, Texas Local Government Code for a proposed project on 1.722 acres out of Lot 1, Block 1, NCB 16329 located at 150 Voigt Drive. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

**CONSENT AGENDA**

**Items Concerning the Purchase of Equipment, Supplies and Services**

101655  
11. An Ordinance accepting the bid submitted by Airwave Radio, Inc. to provide the Fire Department with HAM radio equipment for a total cost of \$51,970.00, from the 2004 Urban Area Security Initiatives fund. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Michael Armstrong, Assistant City Manager/Chief Information Officer]

101660  
12. An Ordinance accepting the offer submitted by Fisher Scientific Company, L.L.C., utilizing the Houston Galveston Area Council of Governments contract, to provide the Fire Department with software and accessories that will be used to track equipment and personnel on the ground at the scene of an incident, for a total cost of \$33,265.00, from the 2004 Assistance to Firefighter Act Grant funds. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Michael Armstrong, Assistant City Manager/Chief Information Officer]

10166  
13. An Ordinance accepting the bids of various companies to provide the City of San Antonio with various types of commodities and services on an annual contract basis for fiscal year 2005-2006 for an estimated combined annual cost of \$981,155.00 including: Spoken Word audio books; Spanish language books and videocassettes; Spanish language materials; ready mix concrete; reinforced concrete storm drain and sanitary sewer pipe; maintenance for HVAC systems for the Metropolitan Health District; Akron, Elkhart, Red Head Brass and Task Force Tips repair parts to maintain firefighting equipment; and maintenance of elevators for Market Square facilities. [Presented by Janie B. Cantu, Director, Purchasing & General Services; Michael Armstrong, Assistant City Manager/Chief Information Officer]

**Capital Improvement Items**

101662  
14. An Ordinance authorizing the execution of an Amendment to a Developer Participation Agreement between the City of San Antonio and Rio Perla Properties, L.P. (Rio Perla) for the Broadway Corridor Storm Water Drainage Project in the amount of \$454,486.87 for the Pearl Parkway (Broadway to Avenue A) Project located in District 1, funded in the amount of \$28,041.87 by Rio Perla, \$226,445.00 transferred from the Broadway Corridor Storm Water Drainage Project and appropriating the sum of \$200,000.00 from 2003-2007 General Obligation Street Improvement Bond funds. [Presented by Thomas Wendorf, Director, Public Works; Melissa Byrne Vossmer, Assistant City Manager]

101669  
15. An Ordinance amending the performance term and authorizing additional funding in the amount of \$58,029.00 from 2006 Certificates of Obligations, as necessary for environmental regulatory compliance, to be paid to Stearns, Conrad, and Schmidt Consulting Engineers, dba SCS Engineers, under an existing 2003 Agreement for Stand-by Professional Environmental Engineering Services-Geotechnical for Landfills and Other City Projects; and providing for payment. [Presented by Daniel V. Cardenas, Director, Environmental Services; Melissa Byrne Vossmer, Assistant City Manager].

*Submitted for review*  
**Miscellaneous Items**

101656  
16. An Ordinance approving the proposed Tree Mitigation Fund Budget for FY05-06 and appropriating funds in the amount of \$736,852.00. [Presented by Florencio Pena, Director, Development Services; Christopher J. Brady, Assistant City Manager]

101657  
17. An Ordinance authorizing the purchase of medical professional liability insurance for the San Antonio Metropolitan Health District from National Fire & Marine Insurance Company through McGriff, Seibels & Williams of Texas, Inc., the City's Broker of Record, for a one (1) year period beginning November 22, 2005 and ending November 22, 2006, at a cost of \$127,514.25. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]

101658  
18. An Ordinance authorizing the execution of a contract with Aetna for an estimated annual amount of \$864,178.00 to provide Medicare Health Maintenance Organization (HMO) Program services beginning January 1, 2006 and ending December 31, 2008, with an option to extend the contract for one (1) two (2) year period, subject to and contingent upon funding and approval by City Council. [Presented by Sharon De La Garza, Director, Human Resources; Frances A. Gonzalez, Assistant City Manager]

*Approved*  
19. Confirmation of a Travel Authorization Request from Councilmember Sheila McNeil, District 2, to attend the 2005 Enterprise Network Conference in Washington, D.C. during the period of November 8, 2005 through November 13, 2005.

**Board, Commissions and Committee Appointments.**

20. Consideration of the following Board Appointments: [Presented by Leticia M. Vacek, City Clerk]

101658  
A. An Ordinance appointing Michael Hogan (District 6) (Category: Real Estate/Building Industry) and reappointing Victor M. Hebling (District 10) (Category: Community Representative) to the Capital Improvements Advisory Committee for terms of office to expire November 10, 2007.

101659  
B. An Ordinance reappointing Judge Andy Mireles (District 7) to the Commission for Children and Families for a term of office to expire May 31, 2007; and providing for the waiver of term limitations of City Code Section 2-404(b) for this appointment.

21. City Manager's Report

*- Ms. Sculley commented on issue regarding fire equipment.*

**THE CITY COUNCIL WILL RECESS FOR LUNCH AT NOON AND MAY RECONVENE AT 1 P.M. TO CONSIDER EXECUTIVE SESSION ITEMS AND ANY UNFINISHED COUNCIL BUSINESS.**

**The City Council will recess into an executive session to discuss the following:**

- PULLED**
- A. Discuss legal issues related to an appeal regarding the Planning Commission's action to deny rights under Chapter 245 of the Texas Local Government Code, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
  - ✓ B. Discuss legal issues related to *Summarglen Property Owner's Association, et al v. City of San Antonio*, Cause No. 2005-CI-02005, 131<sup>st</sup> District Court, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
  - ✓ C. Discuss legal issues related to *Timberwood Development Corporation v. City of San Antonio*, Cause No. 2005-CI-12900, 45th District Court, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

**2:00 P.M. TIME CERTAIN (may be heard after this time):** Public Hearing and Consideration of the Following Adoption and Amendments of the Neighborhood, Community and Perimeter Plans as Components of the Master Plan and Zoning Cases. [**Land Use Plan Amendments presented by Emil R. Moncivais, Director, Planning; Jelyne LeBlanc Burley, Assistant City Manager**]; [**Zoning Cases presented by Florencio Peña, Director, Development Services; Christopher J. Brady, Assistant City Manager**]

**P-1. PLAN ADOPTION:** An Ordinance adopting the South Central San Antonio Community Plan Update, a component of the Master Plan of the City for an area approximately 12 square miles bound by Alamo Street/Union Pacific Railroad tracks to the north, IH-37 to the east, S.W. Military Drive to the south, and IH-35 to the west and superseding the Land Use Element of the South Central San Antonio Community Plan adopted August 19, 1999. Staff's recommendation is for approval. The Planning Commission recommended approval. **(No related zoning case)**

**P-2. PLAN AMENDMENT CASE #05011 (District 4):** An Ordinance amending the land use plan contained in the Nogalitos/ S. Zarzamora Community Plan, a component of the Master Plan of the City, by changing the use of an 0.287 acre tract of land located at 6202 and 6206 S. Zarzamora and 810 Vickers Ave. from Low Density Residential land use to Neighborhood Commercial land use. Staff's recommendation is for denial. Planning Commission's recommendation is for approval.

**Z-2. ZONING CASE #Z2005208 (District 4):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "NC" Neighborhood Commercial District on Lots 2 through 8 and 27, Block 62, NCB 8012, 6202 and 6206 Zarzamora Street and 810 Vickers Avenue as requested by Spector Investments Limited Partnership, Applicant, for Spector Investments Limited Partnership, Owner(s). Staff has recommended denial and Zoning Commission has recommended approval pending plan amendment.

P-3. **PLAN AMENDMENT CASE #05003 (District 7):** An Ordinance amending the Huebner/Leon Creeks Community Plan, component of the City's Master Plan by adding an "Office" land use category to the "Land Use Plan" section of the "Heart of the Neighborhood" chapter, by adding "Office" as a land use category to the Land Use Plan, and by changing the land use of approximately 3.71-acres located at 8093 Eckhart Road from Medium Density Residential land use to Office land use. Staff's recommendation is for approval. Planning Commission's recommendation is for approval. (Council District 7)

Z-3. **ZONING CASE #Z2005041 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "O-1" Office District on Parcel 32, NCB 17970, 8093 Eckhart Road as requested by Dr. Guillermo Reyes, Applicant, for GMEJR Partners Ltd., Dr. Guillermo Reyes, general partner, Owner(s). Staff and Zoning Commission have recommended approval contingent on plan amendment.

Z-4. **ZONING CASE #Z2005234 CD (District 1):** An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "R-5" CD (Bed and Breakfast) Residential Single-Family District with Conditional Use for a Bed and Breakfast on Lot 18, Block 1, NCB 13441, 606 Jackson Keller Road as requested by Joseph N. Barfield, Applicant, for Joseph N. Barfield, Owner(s). Staff and Zoning Commission have recommended approval.

Z-5. **ZONING CASE #Z2005183 S (District 2):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "RE" S Residential Estate District with Specific Use Permit for One Manufactured Home on Lot 1, Lot 2 and Lot 3, NCB 10579, 1027 Creekview Drive as requested by Craig A. Slein, Applicant, for Craig A. Slein, Owner(s). Staff and Zoning Commission have recommended approval.

Z-6. **ZONING CASE #Z2005219 (District 2):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on Lot 5, Block 1, NCB 10314, 1863 Rigsby Road as requested by the Estate of Susie Lee, Applicant, for the Estate of Susie Lee, Owner(s). Staff and Zoning Commission have recommended approval.

Z-7. **ZONING CASE #Z2004222 (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "MF-33" Multi-Family District on 14.000 acres out of NCB 10934, 6711 South New Braunfels Avenue as requested by the State of Texas (San Antonio State Hospital), Applicant, for the State of Texas, Owner(s). Staff and Zoning Commission have recommended approval contingent on Plan Amendment.

Z-8. **ZONING CASE #Z2005222 (District 3):** An Ordinance changing the zoning district boundary from "C-2NA" Commercial Nonalcoholic Sales District to "C-2" Commercial District on Lot 21, Block 172, NCB 9456, 3505 Pleasanton Road as requested by Al and Armando Salazar, Applicant, for Al and Armando Salazar, Owner(s). Staff and Zoning Commission have recommended approval.

Z-9. **ZONING CASE #Z2005225 (District 4):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on Lots 5 and 6, NCB 12334, 1918 through 1964 Southwest Military Drive as requested by John L. Santikos, Applicant, for John L. Santikos, Owner(s). Staff and Zoning Commission have recommended approval.

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1 week  
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Z-10. **ZONING CASE #Z2005210 CD (District 5):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "R-5" (CD-for a duplex) Residential Single-Family District with a Conditional Use for a Duplex on Lot 3, Block 2, NCB 9160, 1618 West Malone Street as requested by Maria A. Acuna, Applicant, for Maria A. Acuna, Owner(s). Staff has recommended approval and Zoning Commission has recommended denial.

Z-11. **ZONING CASE #Z2005212 (District 5):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "O-1" Office District on the west 100 feet of Lot A, NCB 7898 and "C-2NA" Commercial, Nonalcoholic Sales District on the east 256 feet of the west 356 feet of Lot A, NCB 7898, 803 Pleasanton Road as requested by Joseph A. Marotta, M.D., Applicant, for Jose Alonzo, Owner(s). Staff and Zoning Commission have recommended approval contingent on plan update.

Z-12. **ZONING CASE #Z2005238 (District 5):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "NC" Neighborhood Commercial District on the North 50 feet of Lots 18, 19 and 20, Block 6, NCB 2137, 1123 North Zarzamora as requested by Martin and Blanca Aguinaga, Applicant, for Martin and Blanca Aguinaga, Owner(s). Staff and Zoning Commission have recommended approval.

Z-13. **ZONING CASE #Z2005217 CD (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6" (CD - Non-Commercial Parking Lot) Residential Single-Family District with a Conditional Use for a Non-Commercial Parking Lot on the North 50 feet of Lots 10 and 11, Block 10, NCB 13961 and "R-6" Residential Single-Family District to "C-2NA" (CD - Food Products - Wholesale Warehouse) Residential Single-Family District with a Conditional Use for a Food Products - Wholesale Warehouse on Lots 10 and 11, save and except the North 50 feet, of Lots 10 and 11, Block 10, NCB 13961, 5470 Zupan Lane as requested by Porter Poultry & Egg Company, Inc. , Applicant, for Porter Poultry & Egg Company, Inc., Owner(s). Staff has recommended denial and Zoning Commission has recommended approval.

Z-14. **ZONING CASE #Z2005224 (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on Lot 5 and Lot 9, Block 1, NCB 17637, 10540 and 10480 Culebra Road as requested by Harold D. Johnson, Applicant, for Harold D. Johnson, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval of "C-2NA" Commercial Nonalcoholic Sales District.

Z-15. **ZONING CASE #Z2005118 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on Parcel 33G, Parcel 33 and Parcel 33D, Block 2, NCB 14864, 10601 and 10631 Huebner Road as requested by Sue G. Renker, Applicant, for Alice E. Fogg, Roberta L. Mowery and Sue G. Renker, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval of "C-2" Commercial District.

*Continued  
30 days for*

**Z-16. ZONING CASE #Z2005218 CD S (District 8):** An Ordinance changing the zoning district boundary from "C-3R" ERZD "GC-1" Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District Gateway Corridor Overlay District-1 and "C-3" ERZD "GC-1" General Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 to "C-2" CD (Conditional Use for a Freight Depot) S ERZD "GC-1" Commercial Edwards Recharge Zone District Gateway Corridor Overlay District-1 with a Conditional Use and a Specific Use Permit for a Freight Depot on 9.835 acres out of NCB 14881 and 14882. Property generally located East of I-10 and North of Loop 1604 as requested by Brown, P. C., Attorneys at Law, Applicant, for Fourth Quarter Properties d/b/a/ Thomas Acquisition Corporation, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with a 65% impervious cover limitation and the condition that the freight depot is for the off loading and loading of lumber only.

*Continued  
12/1/05*

**Z-17. ZONING CASE #Z2005191 S (District 9):** An Ordinance changing the zoning district boundary from "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" S ERZD Commercial Edwards Recharge Zone District with a Specific Use Permit for a Car Wash on 1.0959 acres out of NCB 19223, 19000 Block of Huebner Road as requested by Texas Shine Express, LLC, Applicant, for Shops of Stone Oak, LP, Owner(s). Staff and Zoning Commission have recommended denial.

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**Z-18. ZONING CASE #Z2005233 S (District 9):** An Ordinance changing the zoning district boundary from "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" S ERZD Commercial Edwards Recharge Zone District with a Specific Use Permit for a Bar on 0.0620 acres out of NCB 17608, 19141 Stone Oak Parkway, Suite 206 as requested by Jerry Arredondo, Applicant, for Stone Oak Enterprises, L. P., Owner(s). Staff has recommended approval and Zoning Commission has recommended approval with SAWS site-specific recommendations and conditions.

**Z-19. ZONING CASE #Z2005226 (District 10):** An Ordinance changing the zoning district boundary from "R-5" Residential Single Family District to "C-3" General Commercial District on Lot 22, NCB 12116, 8623 Perrin Beitel as requested by Jerry Arredondo, Applicant, for Universal Development Property, Owner(s). Staff and Zoning Commission have recommended approval.

**5:00 P.M. (may be heard after this time) – Ceremonial Recognitions**

*Resolution of Respect  
officer John Wheeler  
2005-44-39*

**6:00 P.M. (may be heard after this time) – Citizens to be Heard**

**ADJOURN**

**7:00 P.M. –** If Council has not yet adjourned, the presiding officer shall entertain a motion to recess the council meeting and reconvene at 9:00 a.m., or any other time designated by Council, on the following day. If no motion is made or if a motion is made and it fails, the meeting will continue until adjourned.