

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO,  
WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,  
THURSDAY, JANUARY 4, 2007**

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The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, January 4, 2007 at 9:00 am.

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

The Invocation was led by Rev. Tom Chavana, Ceremonial Minister, Little Church at La Villita, guest of Councilmember Roger Flores, District 1.

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

Councilmember Perez made a motion to approve the minutes of the November 30, 2006 City Council Meeting. Councilmember Haass seconded the motion.

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

**CONSENT AGENDA: ITEMS 9-20**

Consent Agenda Items 9, 11, 16 and 17 were pulled for individual consideration. The remaining Agenda Items were approved upon motion made by Councilmember Perez and seconded by Councilmember Radle.

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

**2007-01-04-0006**

ITEM 10. AN ORDINANCE ACCEPTING THE BID FROM L-3 COMMUNICATIONS SONOMA EO FOR THE PURCHASE OF AN AIRBORNE THERMAL AND VISIBLE LIGHT IMAGING CAMERA SYSTEM FOR THE POLICE DEPARTMENT FOR A TOTAL COST OF \$207,800.00, FROM THE DEPARTMENT OF HOMELAND SECURITY GRANT FUNDS.

**2007-01-04-0008**

ITEM 12. AN ORDINANCE DECLARING THE WILLIE VELASQUEZ CENTER EXPANSION (VELASQUEZ CENTER) PROJECT (PROJECT) TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ONE PARCEL OF LAND LOCATED AT 1030 MENCHACA, BEING MORE SPECIFICALLY DESCRIBED AS LOT 5, BLOCK 5, NEW CITY BLOCK 2108, SAN ANTONIO, TEXAS, BY NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY, FOR PUBLIC IMPROVEMENTS FOR USE AS PART OF THIS PROJECT; APPROPRIATING FUNDS FOR THE PROJECT AND ANY MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT.

**2007-01-04-0009**

ITEM 13. AN ORDINANCE RATIFYING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$252,333 TO THE CONSTRUCTION CONTRACT WITH F.A. NUNNELLY COMPANY FOR RENOVATING THE PLAZA AND CLUB LEVEL UNDER-BALCONY AUDIO SPEAKER SYSTEM, IN CONNECTION WITH THE ALAMODOME INTERIOR IMPROVEMENT PROJECT, LOCATED IN DISTRICT 2.

**2007-01-04-0010**

ITEM 14. AN ORDINANCE APPROVING CHANGE ORDER NO. SAWS-1 IN THE AMOUNT OF \$351,093.68 TO THE CONSTRUCTION CONTRACT WITH R.L. JONES, L.P., AS AN EMERGENCY ACTION, IN CONNECTION WITH THE ELSON (34<sup>TH</sup> STREET TO SAN JOAQUIN) AND INEZ (34<sup>TH</sup> STREET TO SAN JOAQUIN) PROJECTS, LOCATED IN DISTRICT 5.

**2007-01-04-0011**

ITEM 15. AN ORDINANCE, APPROPRIATING FUNDS, AND APPROVING A \$765,919 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HVJ ASSOCIATES, INC., TO COMPLETE THE SECOND AND THIRD YEARS OF A PLANNED THREE-YEAR CITY-WIDE SURVEYING AND PAVEMENT CONDITION ASSESSMENT PROJECT, AND PROVIDING FOR A SURVEY OF SIDEWALKS, ALLEYS, PAVEMENT MARKINGS, AND SOFTWARE RELATED TO THE PROJECT IN CONNECTION WITH THE CITY-WIDE PAVEMENT MANAGEMENT SYSTEM PROJECT.

**2007-01-04-0014**

ITEM 18. AN ORDINANCE AMENDING ORDINANCE NO. 92274, PASSED AUGUST 10, 2000, WHICH ACCEPTED A GRANT FROM THE BUREAU OF JUSTICE ASSISTANCE TO ASSIST IN THE PURCHASE OF BALLISTIC VESTS FOR LAW ENFORCEMENT PERSONNEL; AUTHORIZING THE ACCEPTANCE OF THE SIXTH YEAR OF FUNDING OF \$19,504.14; AND REVISING THE CURRENT BUDGET TO REFLECT THE NEW BUDGETED AMOUNT OF \$178,398.20.

**2007-01-04-0015**

ITEM 19. AN ORDINANCE AUTHORIZING A SETTLEMENT RELATED TO THE LAWSUIT STYLED *MARTIN MARIETTA MATERIALS SOUTHWEST, LTD. V. CITY OF SAN ANTONIO*, CAUSE NO. 2005-CI-01166, 225<sup>TH</sup> JUDICIAL DISTRICT COURT, BEXAR COUNTY, TEXAS AND *CITY OF SAN ANTONIO V. MARTIN MARIETTA MATERIALS SOUTHWEST, LTD.*, CAUSE NO. 04-06-00515-CV, CURRENTLY PENDING THE 4<sup>TH</sup> CIRCUIT COURT OF APPEALS.

**2007-01-04-0016**

ITEM 20. AN ORDINANCE AUTHORIZING THE CITY TO ENTER INTO AN AGREEMENT WITH BEXAR COUNTY AND OTHER POLITICAL SUBDIVISIONS TO CONDUCT A JOINT ELECTION ON MAY 12, 2007.

**[END OF CONSENT AGENDA]**

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-01-04-0001**

ITEM 4. AN ORDINANCE APPROVING AN ADDENDUM TO THE CITY OF SAN ANTONIO'S LEGISLATIVE PLAN FOR THE 80TH REGULAR SESSION OF THE TEXAS LEGISLATURE THAT WAS ADOPTED ON OCTOBER 19, 2006.

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

Mr. Andrew Smith, Director of Intergovernmental Relations, made a presentation on the State Legislative Plan Amendments. Topics noted were Children's Health Insurance, Medicaid Funding, Assisted Living Facilities and Alternative Project Delivery. Priority issues that will be addressed are clean air, vested rights, property tax appraisal and revenue caps, business tax credits, water and county magistration. A copy of the presentation is on file with the Office of the City Clerk.

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

The City Clerk read the following Ordinance:

**2007-01-04-0002**

ITEM 5. AN ORDINANCE AUTHORIZING THE IMPLEMENTATION OF A PILOT PROJECT THAT ESTABLISHES A TRAP, NEUTER AND RETURN (TNR) PROGRAM

THAT MANAGES A FERAL CAT COLONY IN BRACKENRIDGE PARK IN COORDINATION WITH THE SAN ANTONIO PARKS AND RECREATION DEPARTMENT, SAN ANTONIO FERAL CAT COALITION, AND PURRFECT HAVEN; AND AUTHORIZING A MEMORANDUM OF AGREEMENT WITH THE SAN ANTONIO FERAL CAT COALITION AND PURRFECT HAVEN.

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

Mr. Jeffrey L. Hale, Director of Animal Care Services, made a presentation on the pilot feral cat Trap, Neuter and Return (TNR) Program at Brackenridge Park. The TNR Program would humanely trap, evaluate, vaccinate and sterilize an estimated fifty (50) feral cats. The Department of Animal Care Services (ACS) has collaborated with the City of San Antonio Parks and Recreation Department, the San Antonio Feral Cat Coalition and the PurrFect Haven, Inc. These agencies form the San Antonio Coalition for Trap Neuter and Return (SACTNR). A copy of the presentation is on file with the Office of the City Clerk.

Liz Skipper with PurrFect Haven, Inc., 13034 Cavern Park Drive, noted her philosophy for a managed program for feral cats with humanity. She proposed a privately-operated facility.

Chris Montgomery, Co-Founder of the San Antonio Feral Cat Coalition, 3311 Stoney Star, addressed the Council and stated that he was looking forward to the partnership with the City. He thanked Pat DiGiovanni for working on this issue and stated that this pilot program was the first step to address the problem.

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

## **PUBLIC HEARING**

**ITEM 6. FIRST PUBLIC HEARING ON THE PROPOSED DE-ANNEXATION FROM LIMITED PURPOSE STATUS OF THE SOUTHSIDE ANNEXATION AREA 5.**

Mayor Hardberger declared the Public Hearing open.

Emil Moncivais, Director of Planning and Community Development, made a presentation regarding the proposed de-annexation from Limited Purpose Status of Southside Initiative Area #5. He stated that a second Public Hearing is scheduled for January 11, 2007. Proposed Council Consideration of the Ordinance will be February 8, 2007.

City Clerk, Leticia M. Vacek, read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Faris Hodge, Jr., 140 Dora. Mr. Hodge wrote that the city continues to annex more land at the expense of the taxpayers. The city continues to give the business people a tax break like Toyota and other companies and that is why the city cannot save money. Lastly, he noted that the City and County should work together and combine their Police Force in order to save money.

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

The City Clerk read the following Ordinance:

**2007-01-04-0003**

ITEM 7. AN ORDINANCE AUTHORIZING CLOSURE, VACATING, AND ABANDONMENT OF NORTH MITTMAN STREET BETWEEN MONTANA AND WYOMING AND TWO ALLEYS INTERSECTING THE CLOSED SEGMENT OF MITTMAN BETWEEN GEVERS AND WALTERS STREETS, ADJACENT TO NCBS 1455 & 1456, DISTRICT 2, AS REQUESTED BY ALAMO COMMUNITY COLLEGE DISTRICT FOR A FEE OF \$25,370.

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

Mr. Shawn Eddy, Director of Asset Management, made a presentation regarding the proposed closure of portions of North Mittman Street and two (2) alleys public right-of-way (ROW). The petitioner; Alamo Community College District, is requesting the closure, vacating and abandonment of .771 acres (33.630 sf.) of N. Mittman St. and two (2) alleys public ROW located between Gevers and Walters Streets, adjacent to NCBS 1455 and 1456, in Council District 2. It was stated the petitioner owns all of the abutting property and would like to incorporate this street with its property for expansion and development of St. Phillips College Campus. A copy of the presentation is on file with the Office of the City Clerk.

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

The City Clerk read the following Ordinance:

**2007-01-04-0004**

ITEM 8. AN ORDINANCE AUTHORIZING CLOSURE, VACATING, AND ABANDONMENT OF PART OF CHAVANEUX ROAD SOUTH OF THE PALO ALTO CAMPUS AND ADJACENT TO NCB 11135, DISTRICT 4, AS REQUESTED BY ALAMO COMMUNITY COLLEGE DISTRICT FOR A FEE OF \$53,539.

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

Mr. Shawn Eddy, Director of Asset Management, made a presentation regarding the proposed closure of Chavaneaux Road public right-of-way (ROW). The petitioner Alamo Community College District is requesting the closure, vacating and abandonment of 4.12 acres (179,467 sf.) of Chavaneaux Road public ROW located between Villaret Street and Loop 410 SW, adjacent to NCB 11135, in Council District 4. The petitioner owns all of the abutting property and would like to incorporate this street with its property for expansion and development of Palo Alto College Campus. A copy of Mr. Eddy's presentation is on file with the Office of the City Clerk.

City Clerk, Leticia M. Vacek, read written testimony, a copy of which is on file with the Office of the City Clerk, submitted by Faris Hodge, Jr., 140 Dora. It was noted that Mr. Hodge was in favor of the proposed street closure for the Alamo Community College District (ACCD).

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

**CONSENT ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-01-04-0005**

ITEM 9. 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 \$365,000.00, INCLUDING: ALTERNATORS AND STARTERS PARTS & SERVICE; DIFFERENTIAL COMPONENT PARTS & NEW & REBUILT EXCHANGE UNITS; AN INCIDENT COMMAND SIMULATOR SYSTEM; TREES; AND FIRE FIGHTING FOAM.

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

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

The City Clerk read the following Ordinance:

**2007-01-04-0007**

ITEM 11. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE HOUSEKEEPING AND CONVERSION SERVICES AGREEMENT WITH GO PROFESSIONAL ENVIRONMENTAL MANAGEMENT TO PROVIDE THE ALAMODOME WITH HOUSEKEEPING AND CONVERSION SERVICES FOR THE PERIOD MARCH 22, 2007 THROUGH MAY 31, 2007, FOR AN AMOUNT NOT TO EXCEED \$117,912.00.

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

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

The City Clerk read the following Ordinance:

**2007-01-04-0012**

ITEM 16. AN ORDINANCE, APPROPRIATING FUNDS, AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION CONTRACT, AND OVER SIZING A MUNICIPAL DRAINAGE FACILITY IN THE SLICK RANCH CREEK WATERSHED, WITH SLICK CREEK, LLC, IN ACCORDANCE WITH SECTIONS 212.071 – 212.074 OF THE LOCAL GOVERNMENT CODE; THE TOTAL ESTIMATED COST OF THE PROJECT IS \$4,531,246.20 AND IS LOCATED IN DISTRICT 6.

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

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

The City Clerk read the following Ordinance:

**2007-01-04-0013**

ITEM 17. AN ORDINANCE RATIFYING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO THROUGH THE SAN ANTONIO POLICE DEPARTMENT AND THE EDGEWOOD INDEPENDENT SCHOOL DISTRICT TO CONDUCT JOINT TRAINING CLASSES AT 525 CUPPLES ROAD.

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

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

**CITY MANAGER'S REPORT**

Ms. Sculley reported on the Water Quality issue requested by Councilmember Hall. She reported that there is not conclusion yet however, she indicated scheduling a briefing for the Council to discuss. She stated that a report will be forthcoming.

Ms. Sculley further reported on Celebrate San Antonio, the New Year's Eve Extravaganza which was featured on CNN's Anderson Cooper and received National and International media exposure. She noted that San Antonio received more than fifteen (15) minutes of coverage. The majority of the fifteen (15) minutes were during the second half of the program which has the most viewer ship. She stated that only four (4) destinations were selected across the country where CNN held remote locations and provided updates leading up to midnight. The other three (3) destinations were Chicago, Key West, and New Orleans. Rick Sanchez and Anderson Cooper of CNN repeated that the biggest party was downtown San Antonio. The estimated

viewing audience was between 500,000 to 1 million for the live show. Ms. Sculley noted that this was excellent media exposure for the City of San Antonio.

Ms. Sculley reported that the Big 12 Championship Games were awarded to the City of San Antonio for 2007.

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Session at 11:15 am., to convene in Executive Session for the purpose(s) of:

- A. Deliberate the duties, appointment, and employment of the City Internal Auditor, pursuant to Texas Government Code Section 551.074 (personnel matters).
- B. Discuss legal issues related to the lawsuit styled *Martin Marietta Materials Southwest, Ltd. v. City of San Antonio*, Cause No. 2005-CI-01166, 225th Judicial District Court, Bexar County, Texas and *City of San Antonio v. Martin Marietta Materials Southwest, Ltd.*, Cause No. 04-06-00515-CV, 4th Circuit Court of Appeals pursuant to the Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

In the absence of Mayor Hardberger, Mayor Pro Tem McNeil reconvened the Regular Session at 2:12 pm., at which time she stated that the City Council had been briefed on the above-styled matters and gave staff direction, but no official action was taken.

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

**2007-01-04-0017**

AMENDING THE LAND USE PLAN CONTAINED IN THE NORTH CENTRAL NEIGHBORHOODS COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE FROM NEIGHBORHOOD COMMERCIAL LAND USE TO COMMUNITY COMMERCIAL USE FOR AN AREA OF APPROXIMATELY 0.2 ACRES LOCATED AT 3910 MCCULLOUGH AVENUE, MORE SPECIFICALLY DESCRIBED AS THE EASTERN 80 FEET AND THE SOUTHERN 132.5 FEET OF LOT 42 IN BLOCK 9 OF NCB 2802.

P-1. PLAN AMENDMENT #06011 (District 1): An Ordinance amending the Land Use Plan contained in the North Central Neighborhoods Community Plan, a component of the Master Plan of the City, by changing the use of approximately 0.51 acres of land located at 3910 McCullough from Neighborhood Commercial land use to Community Commercial land use. Staff and Planning Commission recommend Denial. Associated Zoning Case: Z2006136

Mr. Emil Moncivais, Director of Planning and Community Development, explained the proposed zoning case.

The following citizen (s) appeared to speak:

Andy Guerrero, 85 NE Loop 410, addressed the Council relating to the approval of the zoning case. Mr. Guerrero spoke in favor of the plan amendment located on the corner of Judson and Hildebrand. The plan amendment would allow the property to be used for a Starbucks.

Jack M. Finger, P.O. Box 12048, explained that City staff recommends denial because it would over-intensify the area and back up traffic onto the street. Mr. Finger recommended the Council deny this Item. Mr. Finger proceeded to speak on other agenda items including an agreement between the Beacon Hill Neighborhood Association and Chris Madrid. He added that Chris Madrid did not keep his end of the agreement so properties that he agreed to restore will never be restored. He noted that commercial encroachment is a problem as with Zoning Case Number 5, in District 1. With regard to Zoning Case Number 10, the single family residential land uses would be a greater density than what currently exists so a traffic study is needed.

Councilmember Flores moved to approve the Plan Amendment to Community Commercial for the South portion and Deny Community Commercial for the North portion of the area. Councilmember Perez seconded the motion.

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

**2007-01-04-0018**

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 THE EAST 80.4 FEET OF LOT 42, BLOCK 9, NCB 2802 FROM "MF-33" MULTI-FAMILY DISTRICT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT AND "R-4" (CD-NONCOMMERCIAL PARKING LOT) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A NONCOMMERCIAL PARKING LOT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Z-1. ZONING CASE #Z2006136 (District 1): An Ordinance changing the zoning district boundary from "MF-33" Multi-Family District and "R-4" Residential Single-Family District to "C-2" Commercial District on the East 80.4 feet of Lot 42, Block 9, NCB 2802, the 200 Block of East Hildebrand Avenue as requested by Olmos Park Village, L. P. c/o Steward Capital Ventures, LLC, General Partner, Applicant, for Olmos Park Village, L. P. c/o Steward Capital Ventures, LLC, General Partner, Owner. Staff recommends Denial, with a recommendation of "C-1" Light Commercial District. Zoning Commission recommends Approval.

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

Mr. Tom Rhode, 85 NE Loop 410, addressed the Council in support of the Zoning case related to Item P-1.

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

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

**2007-01-04-0019**

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 20, BLOCK 14; NCB 7307 FROM "MF-33" MULTI FAMILY DISTRICT TO PUD "MF-33" MULTI FAMILY PLANNED UNIT DEVELOPMENT DISTRICT.

Z-2. ZONING CASE # Z2006265 (District 1): An Ordinance amending the zoning district boundary from "MF-33" Multi-Family District to PUD "MF-33" Multi-Family Planned Unit Development District on Lot 20, Block 14, NCB 7307, 11000 Block of Howard Street as requested by Bo Broll Homes, LLP, Applicant, for Bo Broll Homes, LLP, Owners. Staff and Zoning Commission recommend Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

**CONSENT ZONING**

Councilmember Gutierrez made a motion to approve the following rezoning cases being that staff recommendation and Zoning Commission recommendation were for approval. Additionally, no citizens had signed to speak on said cases: Z-3, Z-4, Z-6, Z-8, Z-9, Z-13, Z-14, Z-15, Z-16, Z-18, Z-19, Z-22, Z-25, Z-26, Z-30, Z-31, and Z-35. Councilmember Perez seconded the motion.

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

**2007-01-04-0020**

Z-3. 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 1 AND LOT 2, BLOCK 2, NCB 2555 FROM "C-3"

GENERAL COMMERCIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE WITH THOSE USES PERMITTED IN "MF-25" MULTI-FAMILY DISTRICT. (1109 SOUTH FLORES STREET)

**2007-01-04-0021**

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 F, BLOCK 1, NCB 216 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" CD (PROFESSIONAL OFFICE) RESIDENTIAL SINGLE FAMILY DISTRICT WITH CONDITIONAL USE FOR OFFICES. (814 WEST EUCLID)

**2007-01-04-0023**

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 2.368 ACRES OUT OF NCB 8679 FROM "I-1" AND "C-3" GENERAL INDUSTRIAL DISTRICT AND GENERAL COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT. (514 N. E. LOOP 410)

**2007-01-04-0025**

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 LOTS 23 AND 24, BLOCK 4, NCB 6403, LOTS 3 AND 4, BLOCK 4, NCB 6403, LOTS 21 AND 22, BLOCK 4, NCB 6403, LOTS 1 AND 2, BLOCK 4, NCB 6403, AND LOTS 1 AND 2, BLOCK 4, NCB 3105 FROM "C-3" NCD-5 GENERAL COMMERCIAL NEIGHBORHOOD CONSERVATION DISTRICT-5 TO "C-2" NCD-5 COMMERCIAL NEIGHBORHOOD CONSERVATION DISTRICT-5. (1830 BLANCO ROAD, 1832 BLANCO ROAD, 1834 BLANCO ROAD, 1836 BLANCO ROAD, 1838 BLANCO ROAD AND 1915 BLANCO ROAD)

**2007-01-04-0026**

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 7 AND EAST 10 FEET OF 6, BLOCK, NCB 11900 FROM "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-1" COMMERCIAL DISTRICT. (4462 WALZEM ROAD)

**2007-01-04-0028**

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 1, SAVE AND EXCEPT SAVE AND EXCEPT THE EAST 40 FEET OF THE NORTH 120 FEET OF SAID LOT 1. FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT. (238 S. W. MILITARY DRIVE)

**2007-01-04-0029**

Z-14. 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 1, BLOCK 1, NCB 11090 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL. (451 WEST PETALUMA BOULEVARD)

**2007-01-04-0030**

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 LOTS 5, 6, 7, 8, 9, 10 AND LOT 65, BLOCK 6, NCB 8779 FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT. (3231 SW MILITARY DRIVE).

**2007-01-04-0031**

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 1.079 ACRES OF NCB 18164 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT. (SOUTH AND WEST OF THE INTERSECTION OF CAGNON AND US HWY 90)

**2007-01-04-0033**

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 LOTS 38 AND 39, BLOCK 4, NCB 7926 FROM "C-3R" GENERAL COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT, AND "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" RESIDENTIAL SINGLE FAMILY. (1451 CHALMERS AVE.)

**2007-01-04-0034**

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 LOTS 7 THROUGH 10, BLOCK 23, NCB 2319 FROM "C-2" COMMERCIAL DISTRICT TO "IDZ" HS INFILL DEVELOPMENT HISTORIC SIGNIFICANCE DISTRICT WITH USES PERMITTED IN "MF-25" MULTI-FAMILY DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT. (2323 BUENA VISTA STREET)

**2007-01-04-0036**

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 186.526 ACRES OUT OF NCB 15329 AND NCB 15849 AND 16.453 ACRES OUT OF NCB 15359 FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "MPCD" MASTER PLANNED COMMUNITY DISTRICT. PORTIONS OF THIS PROPERTY ARE LOCATED WITHIN THE GATEWAY CORRIDOR OVERLAY DISTRICT-2 (GC-2) AND THE APPLICANT IS NOT PROPOSING TO REMOVE OR ALTER THE OVERLAY BOUNDARY. (8000 BLOCK OF STATE HIGHWAY 151)

**2007-01-04-0038**

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 P-25, NCB 17973 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "O-1" OFFICE DISTRICT. (7607 ECKHERT ROAD)

**2007-01-04-0039**

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 1.158 ACRES OUT OF NCB 2011 FROM "MF-40" MULTI-FAMILY DISTRICT TO "MF-40" (CD - MULTI-FAMILY DWELLINGS) MULTI-FAMILY DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 55 UNITS PER ACRE OR A TOTAL OF 62 UNITS. (2806 W. ASHBY PLACE)

**2007-01-04-0043**

Z-30. 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 34.514 ACRES OUT OF NCB 18335 FROM "RM-4" S RESIDENTIAL MIXED DISTRICT WITH SPECIFIC USE PERMIT FOR A GOLF COURSE AND "R-6" S RESIDENTIAL SINGLE-FAMILY DISTRICT WITH SPECIFIC USE PERMIT FOR A GOLF COURSE TO PUD "R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT. (20000 BLOCK OF BABCOCK ROAD AND 21000 BLOCK OF CIELO VISTA)

**2007-01-04-0044**

Z-31. 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 5.288 ACRES OUT OF NCB 16390 FROM PUD "RM-4" "GC-1" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED GATEWAY CORRIDOR DISTRICT 1 TO PUD "MF-25" "GC-1" PLANNED UNIT DEVELOPMENT MULTI-FAMILY GATEWAY CORRIDOR DISTRICT 1 NOT TO EXCEED 15 UNITS. (NORTHWEST SIDE OF INTERSTATE HIGHWAY 10 WEST AT RALPH FAIR ROAD)

**2007-01-04-0046**

Z-35. 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, BLOCK 6, NCB 1433 FROM "C-3" GENERAL COMMERCIAL DISTRICT TO PUD "MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT. (4630 SCHERTZ ROAD)

**[END OF CONSENT ZONING]**

**ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

**2007-01-04-0022**

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 16, BLOCK 8, NCB 12419 FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" (CD-COPY SERVICE) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR COPY SERVICE.

Z-5. ZONING CASE # Z2007022 CD (District 1): An Ordinance amending the zoning district boundary from "R-5" Residential Single-Family District to "R-5" (CD-Copy Service) Residential Single-Family District with a Conditional Use for copy service on Lot 16, Block 8, NCB 12419, 514 Thames Drive as requested by Michael Rose, Applicant, for Michael Rose, Owner. Staff recommends Denial. Zoning Commission recommends Approval with Conditions.

Mr. John Jacks explained the proposed rezoning case.

Mr. Michael Reese, 514 Thames Drive, stated that the business is an electronic copy shop. He added that 95% of his business is handled electronically.

Councilmember Flores made a motion to approve the proposed rezoning case with the conditions as recommended by the Zoning Commission. Councilmember Perez seconded the motion.

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

**2007-01-04-0024**

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 2.955 ACRES OUT F NCB 13718 FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Z-7. ZONING CASE # Z2007036 (District 1): An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "C-2" Commercial District on Lot 7 and Lot 18, NCB 13718, San Pedro and W. Rector Drive, as requested by Kaufman and Associates, Inc., Applicant, for Sears Roebuck and Co., Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

**2007-01-04-0027**

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 151.24 ACRES OUT OF NCB 16554 FROM "C-3" GENERAL COMMERCIAL DISTRICT, "C-2" COMMERCIAL DISTRICT, "MF-33" MULTI-FAMILY DISTRICT AND "NP-10" NEIGHBORHOOD PRESERVATION DISTRICT 10 TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT ON 67.96 ACRES, "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT ON 67.75 ACRES, AND "C-2" (CD-STORAGE FACILITY) COMMERCIAL DISTRICT WITH CONDITIONAL USE FOR A MINI WAREHOUSE ON 15.53.

Z-10. ZONING CASE # Z2007004 (District 2): An Ordinance changing the zoning district boundary from "C-3" General Commercial District, "C-2" Commercial District, "MF-33" Multi Family District and "NP-10" Neighborhood Preservation District 10 to "R-5" Residential Single Family District on 67.96 acres, "R-6" Residential Single Family District on 67.75 acres, and "C-2" (CD-Storage Facility) Commercial District with conditional use for a mini warehouse on 15.53 acres, NCB 16554, Southeast Corner of East Loop 1604 North and Graytown Road as requested by 1604 Blackland Farms, Ltd., Applicant, for 1604 Blackland Farms, Ltd., Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case. Mr. Jacks noted that the applicant would like to request an amendment which City Staff supports.

Mr. Wayne Flores with Pape Engineers requested an amendment noting that the Texas Department of Transportation (TXDOT) would like the access to 1604 closer (North) to Graytown Road. The original application was for R-6 zoning with the right-of-way along 1604. Mr. Flores requested that the Council consider the amendment supporting TXDOT's request.

Councilmember Herrera made a motion to approve the proposed rezoning case as amended by the applicant. Councilmember Perez seconded the motion.

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

Z-11. ZONING CASE #Z2007008 (District 2): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "I-2" Heavy Industrial District on 8.013 acres out of NCB 10597, 4000 Block of Corner Parkway as requested by John M. Sheesly, Applicant, for John M. Sheesly, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks explained the proposed rezoning case.

David Arevalo with the Rose Organization addressed the Council relating to the fuel storage tanks in which he added that all are located on the East Side of the city. He added that their organization is opposed to said zoning case. He asked that the Council deny the item.

Tommy Calvert Jr., 818 Windhurst Street, a representative for RediFuel spoke in favor of the Zoning case. He noted that RediFuel will build a state-of-the-art corporate campus that is "US Green Building Council Certified". He noted that US Green Building Council is a nationally accepted benchmark for the design, construction and operation of high performance green buildings.

John M. Sheesly, President of RediFuel asked the Council to vote in favor of the proposed zoning case.

AJ Garcia, 1706 Nevada, Founding President of Arena District, also spoke in favor of the Zoning case and asked the Council to vote in favor of the proposed zoning case.

Councilmember Herrera made a motion to continue said item for 30 days (February 1, 2007) in order to conduct a community meeting. Councilmember Haass seconded the motion.

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

Z-12. ZONING CASE # Z2007043 (District 2): An Ordinance amending the zoning district boundary from "RM-4" Residential Mixed District to "RM-4" HS Residential Mixed Historic Significance District on Lots 27, 28, and the East irregular 73 feet of Lot 26, and the North 75 feet of the East 2 feet of Lot 25, Block 54, NCB 1629, 321 Essex Street as requested by City of San Antonio, Planning Department Historic Preservation Officer, Applicant, for San Antonio Housing Authority, Owner.

Mr. John Jacks explained the proposed rezoning case.

Councilmember Herrera made a motion to continue for 30 days (February 1, 2007). Councilmember Radle seconded the motion.

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

**2007-01-04-0032**

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 THRU 4, BLOCK 17, NCB 6073 (538 SURREY); LOTS 37 THRU 39, BLOCK 17, NCB 6073 (533 CARLISLE) AND LOTS 36, 37 AND 38, BLOCK 9, NCB 6067 (535 SURREY) FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" (CD-DAY CARE CENTER) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH CONDITIONAL USE FOR A DAY CARE CENTER.

Z-17. ZONING CASE # Z2007028 CD (District 5): An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD-Day Care Center) Residential Single-Family District with a Conditional Use for a day care center on Lot 1, Lot 2, Lot 3, Lot 4, Lot 37, Lot 38, and Lot 39, Block 17, NCB 6073; and Lot 36, Lot 37, and Lot 38, Block 9, NCB 6067; 538 Surrey, 533 Carlisle, and 535 Surrey as requested by Cynthia T. Puente, Applicant for La Hermosa Beautiful Gate Baptist Temple, Owners. Staff and Zoning Commission recommend Approval with conditions.

Mr. John Jacks explained the proposed rezoning case.

Councilmember Radle made a motion to approve the proposed rezoning case with an amendment to the business hours from 5:30 am to 10:30 pm. Councilmember Perez seconded the motion.

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

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 16, 17 AND 18, BLOCK 1, NCB 8593 FROM "C-3 R" COMMERCIAL RESTRICTIVE ALCOHOLIC SALES DISTRICT AND "C-3 R" GC-2 COMMERCIAL RESTRICTIVE ALCOHOLIC SALES GATEWAY CORRIDOR OVERLAY DISTRICT-2 TO "RM-4" RESIDENTIAL MIXED DISTRICT AND "RM-4" GC-2 RESIDENTIAL MIXED GATEWAY CORRIDOR OVERLAY DISTRICT-2.

Z-20. ZONING CASE #Z2006290 (District 6): An Ordinance changing the zoning district boundary from "C-3 R" Commercial Restrictive Alcoholic Sales District to "RM-4" Residential Mixed District on Lot 16, Lot 17, and Lot 18, Block 1, NCB 8593, 122 Garner, as requested by Jerry Arredondo, Applicant, for Richard M. Polendo, Owner. Portions of the subject property are located within the Gateway Corridor Overlay District-2 (GC-2); however, the applicant is not proposing to alter or remove the overlay boundary. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

Z-21. ZONING CASE # Z2007003 (District 6): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3NA" Commercial District, Nonalcoholic Sales on Lot 7, Lot 8 and Lot 9, Block 35, NCB 8073, 1301 South General McMullen, as requested by Carlos Roberto Jimenez, Applicant, for Gustavo C. Lopez, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

At this time Mayor Hardberger returned and Presided over the meeting.

Mr. John Jacks explained the proposed rezoning case.

Juanita Gomez, 117 Aldama, expressed concern with the notification that was sent out to affected citizens, specifically requesting if her taxes would increase due to the Zoning change.

Said Item was deferred to the end of the Council Meeting to allow the applicant the opportunity to address Ms. Juanita Gomez question.

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 45 AND 46, BLOCK 10, NCB 13961 FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3NA" COMMERCIAL DISTRICT NONALCOHOLIC SALES.

Z-23. ZONING CASE # Z2006286 (Council 6): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-3NA" Commercial District Nonalcoholic Sales on Lot 45 and Lot 46, Block 10, NCB 13961, 2247 Herbert Lane as requested by Manuel A. Garza, Applicant, for Jose Cervantes, Owner. Staff and Zoning Commission recommend Denial.

Mr. John Jacks explained the proposed rezoning case.

Andy Guerrero, 3134 Renker, representing the applicant, stated that a 50 x 30 ft. automotive windshield replacement facility was proposed. He added that the site plan meets all the requirements regarding setback and buffer areas as required by the City.

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

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

Z-24. ZONING CASE # Z2006272 CD (District 7): An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-4" (CD- Duplexes) Residential Single Family District with a Conditional Use for duplexes with density not exceeding 12 units per gross acre on Lot P-119, NCB 15664 (8.004 acres out of NCB 15664), 11100 Block of Bandera Road. As requested by Duran Investments, Inc., Applicant, for Marlin and Gabriel Biefing, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Mr. John Jacks explained the proposed rezoning case.

Councilmember Guajardo made a motion to continue said item for two (2) weeks (January 18, 2007). Councilmember Wolff seconded the motion.

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

**2007-01-04-0040**

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 2.581 ACRES OUT OF NCB 34725 FROM "O-2 ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT AND "O-2" OFFICE DISTRICT TO PUD "RM-4 ERZD" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED EDWARDS RECHARGE ZONE DISTRICT ON 0.157 ACRES OUT OF NCB 34725 AND PUD "RM-4" PLANNED UNIT DEVELOPMENT RESIDENTIAL MIXED DISTRICT ON 2.424 ACRES OUT OF NCB 34725.

Z-27. ZONING CASE #Z2006141 (District 8): An Ordinance changing the zoning district boundary from "O-2 ERZD" Office Edwards Recharge Zone District and "O-2" Office District to PUD "RM-4 ERZD" Planned Unit Development Residential Mixed Edwards Recharge Zone District on 0.157 acres out of NCB 34725 and PUD "RM-4" Planned Unit Development Residential Mixed District on 2.424 acres out of NCB 34725, 6858 Legend Lane as requested by Brown, PC., Applicant, for Portofino Development LP, Owner. Staff and Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

**2007-01-04-0041**

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 P-32, P-32A AND P-33C, NCB 15841 FROM "O-2" ERZD OFFICE EDWARDS RECHARGE ZONE DISTRICT TO "RM-4" ERZD RESIDENTIAL MIXED EDWARDS RECHARGE ZONE DISTRICT.

Z-28. ZONING CASE #Z2006253 (District 8): An Ordinance changing the zoning district boundary from "O-2" ERZD Office Edwards Recharge Zone District to "RM-4" ERZD Residential Mixed Edwards Recharge Zone District at P-32, P-32A and P-33C, NCB 15841, 13105 Babcock Road as requested by Elaine Ballard, Applicant, for Elaine Ballard, Owner. Staff and Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

**2007-01-04-0042**

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 195.28 ACRES OUT OF NCB 14861 FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT (96.04 ACRES OUT OF NCB 14861), "MF-25" MULTI FAMILY DISTRICT (50.09 ACRES OUT OF NCB 14861), "C-2" COMMERCIAL DISTRICT (35.05 ACRES OUT OF NCB 14861) AND "R-4 C" (CD-TOWN HOMES) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR TOWN HOMES (14.10 ACRES OUT OF NCB)

Z-29. ZONING CASE # Z2006281 CD (District 8): An Ordinance changing the zoning district from "R-6" Residential Single-Family District to "R-5" Residential Single-Family District (96.04 acres out of NCB 14861), "MF-25" Multi Family District (50.09 acres out of NCB 14861), "C-2" Commercial District (35.05 acres out of NCB 14861) and "R-4 C" Residential Single-Family District with a conditional use for town homes (14.10 acres out of NCB 14861) on 195.28 acres out of NCB 14861, 6425 De Zavala Road as requested by Brown, P.C., Applicant, for Steubing Farm, Owner. Staff and Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

Stephanie Duegas with Ridgehaven Homeowners Association, 6309 Rustling Way, addressed the Council and distributed a packet of street and drainage information. She referenced photographs within her packet depicting the traffic congestion which said zoning case will increase if approved and compound their traffic situation.

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

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

Z-32. ZONING CASE # Z2007020 S (District 9): An Ordinance changing the zoning district boundary from "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD S" Commercial Edwards Recharge Zone District with a specific use permit for a bar on 3.533 acres out of NCB 18218, as requested by Kaufman & Associates, Inc., Applicant, for RAD Investments, Inc., Owner. Staff and Zoning Commission recommends Approval with conditions.

Mr. John Jacks explained the proposed rezoning case.

Councilmember Wolff made a motion to continue said item to January 18, 2007. Councilmember Perez seconded the motion.

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

**2007-01-04-0045**

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 29.83 ACRES OUT OF NCB 17727 FROM "R-6 ERZD" EDWARDS RECHARGE ZONE RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON 13.194 ACRES, "O-2 ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT ON 13.689 ACRES AND "O-1 ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT ON PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**Note:** Z-33 was re-considered after at the end of all Zoning Items. (Refer to page 23)

Z-33. ZONING CASE #Z2005289 (Districts 9 and 10): An Ordinance changing the zoning district boundary from "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres all on 29.83 acres out of NCB 17727, 3500 Block to the 3600 Block of North Loop 1604 East as requested by Earl & Associates, Applicant, for The Sitterle Corporation, Owner. Staff and Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

Z-34. ZONING CASE # Z2006274 (District 10): An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "I-1" General Industrial District to "R-4" Single-Family Residential District on 28.769 acres out of NCB 14049 and "MF-25" Multi Family District on 26.932 acres out of NCB 14049, 13900 Block of Lookout Road, as requested by Tesoro Homes Ltd., Applicant, for Cosas Claras Ltd., Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

James Webster, 6303 Wenzeler, addressed the Council noting that he represents 308 people who have signed petitions, asking the Council to deny the request. The original petitions were submitted, and are on file with the Office of the City Clerk. It was noted that the individuals who signed the petitions are against multi-family housing in the area because of the density.

David Owen, 6434 Greenapple, addressed the Council noting that he is against multi-family housing.

Linda Owen, 6434 Greenapple, addressed the Council noting that she supports single-family housing only and requested the necessary roadwork improvements be done in the area.

Jack West, 6706 Raintree Place, addressed the Council noting that he is opposed to MF-25 multi-family housing.

J. Adrian Rodriguez, 6715 Raintree Place, addressed the Council noting that his subdivision is new and if multi-family housing is allowed it would devalue the subdivision he resides in. Mr. Rodriguez stated that he opposes the MF-25 and would like to see R-4 and R-5 zoning.

Councilmember Haass made a motion to postpone for 30 days (February 1, 2007). Councilmember Perez seconded the motion.

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

### **ZONING CASE DEFERRED**

Z-21. ZONING CASE # Z2007003 (District 6): An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3NA" Commercial District, Nonalcoholic Sales on Lot 7, Lot 8 and Lot 9, Block 35, NCB 8073, 1301 South General McMullen, as requested by Carlos Roberto Jimenez, Applicant, for Gustavo C. Lopez, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Mr. John Jacks explained the proposed rezoning case.

Councilmember Herrera made a motion to send back the item to Zoning Commission and consider a zoning change of C-2 NACD. Councilmember Hall seconded the motion.

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

**2007-01-04-0045**

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 29.83 ACRES OUT OF NCB 17727 FROM "R-6 ERZD" EDWARDS RECHARGE ZONE RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2

ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT ON 13.194 ACRES, "O-2 ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT ON 13.689 ACRES AND "O-1 ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT ON PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Z-33. ZONING CASE #Z2005289 (Districts 9 and 10): An Ordinance changing the zoning district boundary from "R-6 ERZD" Edwards Recharge Zone Residential Single-Family District to "C-2 ERZD" Commercial Edwards Recharge Zone District on 13.194 acres, "O-2 ERZD" Office Edwards Recharge Zone District on 13.689 acres and "O-1 ERZD" Office Edwards Recharge Zone District on 2.74 acres all on 29.83 acres out of NCB 17727, 3500 Block to the 3600 Block of North Loop 1604 East as requested by Earl & Associates, Applicant, for The Sitterle Corporation, Owner. Staff and Zoning Commission recommends Approval.

Mr. John Jacks explained the proposed rezoning case.

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

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

Councilmember Hall made a motion to reconsider Item Z-33. Councilmember Gutierrez seconded the motion.

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

Councilmember Hall made a motion to approve the proposed rezoning case with 55.1% impervious cover. Councilmember Wolff seconded the motion.

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

Mayor Hardberger recessed the Regular Session at 4:45 pm and will reconvene at 5:15 pm for Ceremonial Items.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented the following honorariums:

The U.S. Army was recognized for the All American Bowl Game, which showcases the best high school football players in the country. The East vs. West match is to be held on January 6, 2007.

The San Antonio Police Department was recognized for receiving the 1<sup>st</sup> place Target National Night Out (NNO) Award in the 300,000+ population category for the NNO 2006 competition.

The Heart Gallery of San Antonio was recognized for starting a project in the Adoption of Foster Children around the nation.

**CITIZENS TO BE HEARD**

Mr. Steve Brown, 8515 Coppermine, addressed the Council with concerns of FM 78 requesting it be de-annexed and placed into the City of Converse. He recognized Councilmember McNeil for being instrumental in getting EMS coverage in the area.

Mr. Anthony Niera, P.O. Box 200571, thanked the Council for passing the Feral Cat Ordinance. He proposed Toyota and the Alamo Area Foundation work together to build a second Animal Resource Center on the Toyota property.

Mr. Mark Perez, 119 Hardem Ave, stated he spoke with the City Attorney's Office regarding Mission Petroleum located on 410 East Houston. He noted concern that Mission Petroleum is operating a business without a Certificate of Occupancy from the City of San Antonio.

Mr. Nazarite Ruben Flores Perez, 627 Herne Ave, distributed copies of a "Religion and Spiritual" newspaper clipping and Cultural Arts newspaper clipping titled "Virgen Matricides". He spoke of the origins of Santa Claus and Religion.

Mr. Faris Hodge, Jr., 140 Dora, spoke of Councilmember's Hall, Herrera, Gutierrez, Haass, Perez, and Radle not hiring any African American employees. He spoke of Councilmember Flores parking illegally downtown. He also addressed the Police Department's racial profiling noting that he would file a complaint with Susan Reed, District Attorney. He added that trash not being picked up on Thanksgiving, Christmas, and Martin Luther King Holiday not be billed.

Mr. Michael John, 2238 Tansyl presented a video to the council of a Mariachi Group vending on the Riverwalk. He stated that the Mariachis are soliciting on public sidewalks noting they are not allowed to solicit. He asked the Council to be observant and apply the rules equally to everyone.

Patricia L. Fennell, Director of Ramsey's requested funding for Education. She requested equal consideration and equal funding for Disadvantaged Senior Citizens.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:24 pm.

A P P R O V E D  
  
PHIL HARDBERGER  
M A Y O R

Attest:

  
LETICIA M. VACEK  
City Clerk