

**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, WEDNESDAY, DECEMBER 5, 2007 AND THURSDAY, DECEMBER 6, 2007.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, December 5, 2007, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Galvan, Herrera, Cibrian, Wolff, Clamp, and Mayor Hardberger. **ABSENT:** Gutierrez, Cortez and Rodriguez.

- 1. BRIEFINGS RELATED TO INTERNATIONAL RELATIONS AND TRADE IN SAN ANTONIO:**
  - A. PRESENTATION BY THE INTERNATIONAL AFFAIRS DEPARTMENT ON THEIR PROGRAMS IN GLOBAL TRADE, FOREIGN DIRECT INVESTMENT AND INTERNATIONAL RELATIONS.**
  - B. PRESENTATION BY THE FREE TRADE ALLIANCE ON EFFORTS TO SUPPORT AND PROMOTE INTERNATIONAL TRADE IN SAN ANTONIO.**
  - C. PRESENTATION BY THE PORT AUTHORITY OF SAN ANTONIO ON REDEVELOPMENT EFFORTS AT THE PORT OF SAN ANTONIO.**

Ms. Beth Costello, Director of International Affairs, provided an overview of the roles and functions of the International Affairs Department, the Free Trade *Alliance*, and the Port Authority of San Antonio. She noted that International Affairs targeted several industries including Aerospace and Aviation, Biotechnology, Manufacturing, Technology and Security, Telecommunications, High End Services, and Tourism. She stated that the Free Trade *Alliance* and Port San Antonio focused on Transportation and Logistics. She made mention of other partners in International Economic Development including Bexar County, UTSA International Trade Center, the Economic Development Foundation, and the U.S. Department of Commerce. Ms. Costello stated that Texas was the top U.S. Recipient for Foreign Direct Investment and San Antonio was the fourth leading destination in Texas. She added that the top industries targeted in the U.S. were high-end services like Banking and Insurance, Computers and Electronics Manufacturing, Chemicals, and Machinery Manufacturing.

Mr. Kyle Burns, President and CEO of Free Trade *Alliance* San Antonio, provided a history of the organization, noting that it was created in the early 80's as the San Antonio World Trade Association. He presented an overview of the *Alliance's* \$734,000 budget and a list of their primary goals of developing and advocating policy, attracting foreign investment, and developing business. Mr. Burns noted that the Foreign Direct Investment Strategy targeted Mexico, Canada, Brazil, and China. He stated that the *Alliance* was in the process of identifying a minimum of ten trade leads for Port San Antonio, increasing service to small/medium sized businesses, focusing on trade realization and less on trade promotion, increasing the effectiveness of trade missions, and developing warm leads prior to missions. Mr. Burns concluded his presentation with a list of Signature Events and Programs.

Mr. Bruce Miller, President and CEO of Port San Antonio, stated that their mission was to transform the former Kelly Air Force Base to the benefit of San Antonio, creating quality jobs and generating economic growth. He presented several aerial maps showcasing plans for Kelly Field, the East Kelly Railport, and the 36<sup>th</sup> Street Extension, noting that they were still searching for funding to complete the III, IV, and V phases of the extension. Mr. Miller stated that Port San Antonio was principally a real estate operation with low vacancy rates. He presented graphs depicting the total capital investment from 1997-2007 and the projected capital investment from 2007-2012, noting that the amount had increased from \$185,700,000 to \$387,630,988. He stated that the City of San Antonio had five current projects which totaled \$66.9 million. Lastly, he explained the "HEB Test," an experiment that proved it was faster and cheaper to ship cargo from China to San Antonio than through the traditional west coast cities.

Mayor Hardberger recognized two guests - Mr. Wayne Alexander, Chair of the Port Authority of San Antonio and Ms. Elisa Chan, Chair of the China Steering Committee, a subset of the Free Trade *Alliance*.

Councilmember Cibrian stated that she was very excited to see all that was developing in China. She was also excited to hear that it was faster and cheaper to ship from China to San Antonio than to ship from China to west coast ports. Councilmember Cibrian noted that there was a University of Incarnate Word in Guangzhou and more than 100 UTSA graduates in Shanghai.

Councilmember Clamp asked how San Antonio marketed the City to others. Ms. Costello replied that there was a lot of joint marketing and that the City worked with various embassies to be paired up with companies that would be a good match. She stated that the City did not have a comprehensive CD or DVD to showcase San Antonio, but hoped to have one soon. Mayor Hardberger stated that although it may be expensive, it would greatly benefit San Antonio to have a good marketing film.

2. **UPDATE ON THE SPECIFICATIONS, PROCUREMENT AND IMPLEMENTATION OF THE CITY'S COMPUTER AIDED DISPATCH SYSTEM (CAD). ITEM PULLED**
3. **DISCUSS LEGAL ISSUES RELATED TO TAX INCREMENT FINANCING (TIF) PROGRAM POLICY PURSUANT TO TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY).**

Mayor Hardberger recessed the meeting into executive session at 4:45 pm to discuss Item 3. Mayor Hardberger reconvened the meeting at 5:20 pm and noted that no action had been taken. There being no further discussion, Mayor Hardberger adjourned the meeting at 5:20 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, December 6, 2007 at 9:00 am in the City Council Chambers.

The Invocation was delivered by Father Rudy Carrola, Jr., Pastor, St. Berchman's Catholic Church, Guest of Councilmember Lourdes Galvan, District 5.

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

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor

Hardberger. **ABSENT:** Cortez. It was noted that Councilmember Cortez was absent due to annual USAF Active Duty Training.

## **MINUTES**

Councilmember McNeil made a motion to approve the Minutes for the October 18, 2007 City Council Meeting. Councilmember Rodriguez seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

## **4. INTRODUCTION OF POLICE EXECUTIVE RESEARCH FORUM (PERF) TEAM BY CHIEF WILLIAM MCMANUS AND ERIK WALSH – PULLED (RESCHEDULED TO JANUARY 2008)**

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Galvan recognized the Tindall Corporation in reference to Item #19. The Tindall Corporation has selected San Antonio over California and Nevada, to locate and operate its new concrete manufacturing facility. The new facility will create at least 250 jobs with a minimum starting salary of \$12 per hour. Councilmember Galvan thanked all those who assisted with this process.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-12-06-1247**

Item 5. AN ORDINANCE AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADDING PROVISIONS FOR DIGITAL SIGNS; CLARIFYING, CONSOLIDATING AND ADDING VARIOUS DEFINITIONS; REPEALING THE AMORTIZATION PLAN FOR NON-CONFORMING SIGNS; AND PROVIDING FOR PENALTIES AND PUBLICATION.

Rod Sanchez presented background information on Off-Premise Signs. He stated that they were commonly called “Billboards” and were designed to advertise or inform the traveling public about goods and services. He noted that On-Premise Signs were not being regulated through this ordinance. Mr. Sanchez stated that Chapter 28 of the Sign Code prohibited the construction of new billboards except for the relocation of billboards on a two for one basis. He noted that the minimum time for the static image of a digital billboard to be displayed was ten seconds and that the change of the image had to be completed within one second. He added that light intensity levels would be required to adjust to natural ambient light conditions and that the sign face could only be single-sided. He stated that the minimum distance between signs would be 2,000 feet and that they could not resemble traffic control devices or be animated. Additionally, the owners of digital signs would be required to coordinate with the City of San Antonio to allow for the display of real-time emergency information.

Mr. Sanchez stated that currently, there are 1,544 registered billboards in the City and ETJ. He noted that an estimated 187 could be erected over the next ten years. He added that relocation requirements would lead to a 41% reduction equating to 648 billboards. He stated that for the one-year digital billboard pilot program, only 15 billboards would be allowed. Within 90 days of the expiration of the

pilot program, Development Services will provide the Council with a status report. Council approval would then be required in order to allow additional digital billboards to be erected.

Roy Lowey-Ball spoke in opposition to digital billboards. He stated that auto companies were not allowed to put TV screens in dashboards because they could be a distraction, and billboards would be a similar distraction. He noted that Clear Channel would remove two billboards and erect a single billboard in its place, but that one billboard would deliver 8000 messages a day.

Nazirite Ruben Flores Perez stated that everyone had a right to express themselves according to the Constitution. He added that it was Council's responsibility to regulate laws, work with the community, and assure no one was being endangered.

William Bourne spoke against digital billboards and referenced the *Business Weekly* and Clear Channel Communications CEO Mark Mays. He stated that through his research, he had concluded that citizens overwhelmingly opposed digital billboards.

Chuck Saxer, Northside Neighborhoods for Organized Development, stated that the organization was against billboards of any kind. He noted that many issues had not been addressed in the draft ordinance including distance from residential areas, prevention of digital faces in scenic and urban corridors, and specific wording for a 4-to-1 take down average. Mr. Saxer also noted that the only study that had been conducted on the safety of digital billboards was flawed.

Dick Slife spoke against digital billboards, noting the carbon footprint that the billboards would leave on the City. He stated that digital signs, along with the air-conditioning systems needed to cool them, would add a significant amount of heat which created ozone. Since the signs would be located along highways, more vehicle emissions would also be turned into ozone.

Cosima Colvin, Beacon Hill Neighborhood Association Board of Directors, stated that she was not speaking for the Association, only for the Board. She noted that she opposed digital billboards and added that she did not think anyone was against progressive technology, but that there were reasons for laws against the irresponsible use of technology. She asked that anyone affiliated with Clear Channel please disclose that information when introducing themselves.

Vanessa Way spoke in support of digital billboards. She stated that she had driven to Corpus Christi to see a digital sign and that it looked like a traditional billboard. Ms. Way noted that digital signs would provide local businesses with a cost-effective way to advertise and would bring in funds from national companies.

Joseph Barnett spoke in opposition to digital billboards. He stated that the Council was approving a compromise with Clear Channel and he did not support that decision.

Chris Wiggins spoke in favor of digital billboards. He stated that his father had moved their family to San Antonio in the early 80's and began investing in commercial property. He expressed his belief that advancements in technology were important and therefore, supported digital media in the San Antonio market.

Ruben Navarro spoke in support of digital billboards. He stated that they looked nice and displayed a sharp and clean image to the public.

Chris Schultz, President of the American Institute of Architects (AIA), spoke in opposition to digital billboards. He stated that the takedown ratio based on square feet would be 2.25 to 1 and not 4 to 1 as was being claimed. He noted that Austin, Dallas and Arlington all had "No New Billboard" ordinances. He added that the City should promote the increasing beautification of the city.

June Kachtik spoke against digital billboards. She presented the Council with a Billboard Study Summary Peer Review conducted by the Maryland State Highway Administration stating that there were serious safety concerns with the installation of digital billboards.

Roberto Hinkson, President of the Monticello Park District, spoke against digital billboards. He stated that digital billboards would negatively impact his neighborhood by providing an intense light pollution.

Robert Lowry stated he was a small business owner in support of digital billboards. He expressed his belief that small businesses would be able to more easily afford this type of advertising.

Will McNamez spoke in opposition to digital billboards. He stated that they would distract drivers and be safety hazards.

Robert Perez stated his support for digital billboards.

Lisa Harbert stated that she had not given approval to her Homeowner's Association to state that their members did not support this item. She noted that she was in support of digital billboards. She added that they could be used to support tourism and that her small business could benefit from them.

Former Councilmember Bonnie Conner spoke against digital billboards. She stated that the ordinance was weakly written and that the Council should be making decisions based on good public policy. She added that the billboards would diminish the beauty of the city.

Stephen Galvan spoke in support of digital billboards. He stated that a billboard had changed his life. He added that since some billboards would be taken down in exchange for digital ones, it would help beautify the city and would not add clutter.

Antonio Martinez spoke in favor of digital billboards. He stated that they would benefit small business owners.

Anita Woodward spoke in support of digital billboards. She stated that digital displays would remain static, and therefore, not cause any safety hazards. She added that digital billboards would enhance the city's scenic beauty.

Mike Poole spoke in support of digital billboards. He stated that he was the owner of a small billboard company in San Antonio and a friendly competitor of Clear Channel.

Marsha Shields, member of the Clear Channel Outdoors Board, spoke in support of digital billboards. She stated that the city was in need of a high-tech, modern system to attract new businesses and investments. She added that digital billboards would look sharp and attractive and reiterated that they remained static for several seconds.

Anne Frieze spoke in favor of digital billboards. She stated that she had visited Albuquerque, New Mexico where they are already in existence and that she did not see any "visual pollution."

Marci Ince, San Antonio Conservation Society President, spoke in opposition to the digital billboards. She stated that by allowing these signs, the Council was reversing what previous Councils had done to preserve San Antonio's scenic corridors, skyline, and distinctiveness.

Jody Sherrill spoke against billboards. He stated that if the City needed billboards, then digital ones would be preferable. He noted that many citizens were upset with process imposed upon the City by Clear Channel.

Tom Langford spoke in favor of the digital billboards stating that he had visited the one in Corpus Christi and that he could not differentiate it from the others. He stated that the City already had a mechanically moving billboard at I-10 and 410 and had heard no complaints about it.

Teena Florian spoke in opposition to digital billboards. She referred to an *Express News* article in which it was stated that if Texas was a separate country, it would be the seventh largest carbon monoxide polluter in the world. She stated that one billboard's pollution equaled the pollution of 270 cars.

Fred Pfeiffer spoke against digital billboards stating that San Antonio was known for its uniqueness. He stated that the individuality of the City had been kept in place by regulation.

Patrick McMillan spoke against digital billboards. He noted that he was from Los Angeles and that particular city had become a giant advertisement. He stated that not only would the billboards cause environmental pollution, but they would cause visual pollution as well.

Margaret Lloyd, Policy Director of Scenic Texas, spoke against digital billboards. She spoke about the Highway Beautification Act and the fact that four states have banned billboards completely. She addressed condemnation costs that could occur if highways were widened.

Larry DeMartino spoke in opposition to digital billboards. He noted that he had served on every Council appointed committee drafting the City's various sign ordinances. He stated that when the current ordinance was written, City staff was thinking ahead to address these types of signs and sought to make them illegal.

Kathleen Trenchard, Scenic Texas Representative, spoke against digital billboards by stating that the Council should be more concerned with preserving the City's historic beauty.

Betty Eckert, Interim Chairman to the Olmos Park Terrace Historic Association, spoke against digital billboards. She stated that Clear Channel was entitled to advertise anything on the billboards and she did not want to advocate negative things to children who might see the sign.

Blake Custer stated that he was with Clear Channel Outdoor and was in favor of the digital billboards. He stated that the proposed program was only a pilot and that Clear Channel was an environmentally sensitive company.

Tim Anderson, Clear Channel Outdoor employee, spoke in support of digital billboards. He stated that studies had found digital billboards safety neutral when compared with vinyl. Mr. Anderson also noted

that to erect the new billboards they would take down 60 larger signs or 270 smaller neighborhood structures.

Ted Trakos, President of the Vance Jackson Neighborhood Association, spoke against digital billboards and submitted petitions against them.

Frank Burney, representative of Clear Channel Outdoor, spoke in support of digital billboards. He stated that the company had spent numerous hours negotiating in getting the proposal before Council. He reiterated that it was only a pilot and that Clear Channel would continue working with the City in order to prove to the citizens that digital billboards have a positive impact.

Jack M. Finger spoke in opposition to digital billboards. He stated that watching TV while you were driving was illegal for a reason. He also spoke in opposition to Item #7.

Sherry Jividen spoke in favor of digital billboards. She stated that these billboards would be affordable to small business owners like her who could not afford to advertise on a vinyl board.

R.L. Sutherland stated that he was a small business owner in support of digital billboards.

Mrs. Vacek announced that Councilmember Cortez would be out of town beginning December 1, 2007 through December 19, 2007 to attend annual U.S. Air Force Active Duty Training.

Mrs. Vacek read written testimony from Dr. Richard Reid of Trinity University. He wrote in opposition to digital billboards, stating that the integrity of the area would be compromised and that the billboards would increase light pollution.

A written testimony was received from Glen Alan Graham in opposition to digital billboards. He wrote that they were a distraction and that they would blight the appearance of the city.

Councilmember Herrera inquired about how digital billboards would affect San Antonio's Scenic Corridors. Mr. Sanchez stated that no new billboards would be allowed in those corridors; the ordinance would only allow the refacing of those billboards that currently exist. He explained the four-to-one ratio of removal by stating that two billboards would have to be removed in order for one to come down, but also, that there would be a square footage removal requirement, which equated to a two-to-one ratio thus totaling a four-to-one removal. Councilmember Cibrian stated that she had contacted the Corpus Christi Police Department and spoke with Captain McKinney who confirmed that there had been no digital billboard-related accidents reported. Mayor Hardberger reiterated that this ordinance would only authorize a pilot program for one year.

Councilmember Gutierrez moved to adopt the proposed Ordinance. Councilmember Herrera seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** Rodriguez. **ABSENT:** Cortez.

The City Clerk read the following Ordinance:

**2007-12-06-1248**

Item 6. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY AMENDING AND ADOPTING PROVISIONS FOR A NEW ZONING DISTRICT NAMED FORM BASED ZONING DISTRICT "FBZD" AND PROPOSING THE APPLICATION OF SUCH DISTRICT BE LIMITED TO THE AREA BOUNDED ON THE NORTH BY INTERSTATE HIGHWAY 410 SOUTH, ON THE EAST BY INTERSTATE HIGHWAY 37, ON THE SOUTH BY A LINE 1350 FEET SOUTH OF THE MEDINA RIVER, AND ON THE WEST BY INTERSTATE HIGHWAY 35, SAVE AND EXCEPT THE AREA KNOWN AS SOUTHSIDE STUDY AREA 5 DISANNEXED BY ORDINANCE NO. 2007-02-08-0150, PROVIDED THAT THE AREA KNOWN AS SOUTHSIDE STUDY AREA 7 ANNEXED BY ORDINANCE NO. 2007-10-18-0013R SHALL BE INCLUDED.

Jesus Garza presented said item on the amendment and adoption of provisions for a new zoning district named Form Based Zoning District (FBZD). He stated that the impetus for San Antonio to create the FBZD was the City South Initiative. The idea was to develop an appropriate code that would meet the community goals for sustainable walkable mixed-use communities in accordance with the previously developed plans. He noted that this had been coordinated among City Departments, agencies and school districts, who had reviewed and discussed the code at length. Mr. Garza stated that the City has several mixed-use development options within the UDC but the greatest advantage to the FBZD is that it integrates all aspects of the development process. An additional benefit is that it helps implement the goals of the City's Master Plan by including an emphasis on open space and parks. Mr. Garza noted that the City would have an opportunity to use an FBZD for sustainable development through Verano and River North.

Chris Schultz, President of AIA San Antonio, spoke in support of the item. He stated that the creation of the FBZD would develop standards consistent with AIA's 10 Principles of Livable Communities, and more importantly, the City's Master Plan Policies. He added that the FBZD should be used as an optional development tool for all areas within the incorporated city limits and not be restricted to City South. Lastly, he stated that the City should continue to refine the specifics of the ordinance, especially the architectural standards.

Councilmember Gutierrez stated that the City South Management Authority had unanimously approved this item and moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

The City Clerk read the following Ordinance:

**2007-12-06-1249**

Item 7. AN ORDINANCE APPROPRIATING FUNDS AND AUTHORIZING THE PAYMENT OF \$7,015,251.00 TO THE SAN ANTONIO RIVER AUTHORITY FOR CONSTRUCTION OF PHASE I OF THE MISSION REACH ECOSYSTEM RESTORATION PROJECT IN ACCORDANCE WITH THE INTERLOCAL AGREEMENT TO COMPLETE THE SAN ANTONIO RIVER IMPROVEMENT PROJECT AND APPROPRIATING FUNDS.

Suzanne Scott, General Manager, San Antonio River Authority (SARA), recognized several newly elected SARA Board Members. She stated that said item only included Phase I of the total project which encompassed the area extending south from Lone Star to Mission Espada. Ms. Scott outlined the Mission Reach Project Budget which totaled \$126.6 million. She noted that construction costs had significantly increased due to the escalation in material and fuel costs, design enhancement, and the increased cost of diverting water due to the increased base flow of the river. Ms. Scott added that the City and County had previously authorized SARA to secure approval to accelerate local funding to fully fund Phase I construction. She provided an overview of the Construction Authorization and Bid Schedule, noting that the Contractor Notice to Proceed would be issued in March 2008. Lastly, Ms. Scott added that Phase II was funded to 100% design, Phase III funded to 95% design and Phase IV funded to 30% design.

Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez and Wolff.

The City Clerk read the following Ordinance:

**2007-12-06-1250**

Item 8. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE PROVIDING FOR THE CONTINUED TAXATION OF CERTAIN TANGIBLE PERSONAL PROPERTY TEMPORARILY STORED IN WAREHOUSES THAT WOULD OTHERWISE BE EXEMPT FROM TAXATION UNDER SECTION 11.253 OF THE TEXAS PROPERTY TAX CODE.

Mayor Hardberger declared the Public Hearing open. Mrs. Vacek read written testimony from Faris Hodge, Jr. which stated that he was in support of this item. There being no citizens signed up to speak, Mayor Hardberger declared the Public Hearing closed.

Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Herrera seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez, Wolff, and Clamp.

The City Clerk read the following Ordinance:

**2007-12-06-1251**

Item 9. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE CLOSING, VACATING, AND ABANDONING AN IMPROVED 60-FOOT-WIDE PORTION OF BOBCAT LANE ADJACENT TO NCB 11186, DISTRICT 4, AS REQUESTED BY SOUTH SAN ANTONIO INDEPENDENT SCHOOL DISTRICT FOR A FEE OF \$183,195.

Oscar Serrano presented said item and stated that the South San Independent School District was requesting the closure, vacation and abandonment of 1.785 acres of Public Right of Way (ROW) located in District 4. He noted that the petitioner owned all of the abutting property and wanted to incorporate

this ROW for the development of a new gymnasium and additional parking. Mr. Serrano added that through this action, the City would collect a fee in the amount of \$183,195.

Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez, Cortez and Wolff.

**CONSENT AGENDA: Items 10 – 29**

Consent Agenda Item 20 was pulled for Individual Consideration. Councilmember McNeil moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Jack M. Finger spoke against Item #19, noting that the Tindall Corporation already owned property in San Antonio. He expressed his belief that since they were already invested in the City, they did not need a tax abatement. He spoke against Item #16, stating that the City had previously given \$15 million to Texas A&M and should not give them \$500,000 for a street.

Councilmember Gutierrez clarified that the \$500,000 being authorized was a part of the original \$15 million allocation. He added that this was project was a huge accomplishment due to the fact that it was a rural and underserved area of the community. He thanked all those who worked on this project, as it took several years to complete and was a team effort.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez and Wolff.

**2007-12-06-1252**

Item 10. 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 2007-2008 FOR A COMBINED ESTIMATED COST OF \$1,384,000.00, INCLUDING: (A) COLLISION REPAIR ON DAIMLER/CHRYSLER AUTOMOBILES & LIGHT DUTY PICKUP TRUCKS; (B) COLLISION REPAIR ON GENERAL MOTORS AUTOMOBILES & LIGHT DUTY PICKUP TRUCKS; (C) BLS AND ALS DEFIBRILLATOR MONITOR ACCESSORIES; (D) POLICE SEDAN ACCESSORIES AND SERVICE; (E) MAINTENANCE AND REPAIR OF HVAC SYSTEMS AT FIRE STATIONS; (F) SAFETY EQUIPMENT; (G) MAINTENANCE AND REPAIR OF BARBER-COLMAN AUTOMATIC TEMPERATURE CONTROL SYSTEM; AND (H) DVD'S, CD'S, AND MULTIMEDIA SERVICES.

**2007-12-06-1253**

Item 11. AN ORDINANCE ACCEPTING THE BIDS FROM CALDWELL COUNTRY CHEVROLET AND LONGO TOYOTA TO PROVIDE THE CITY WITH ADMINISTRATIVE SEDANS FOR A COST OF \$2,319,744.00, FUNDED BY TAX-EXEMPT LEASE PURCHASE FUNDS, BUDGETED DEPARTMENTAL CAPITAL OUTLAYS AND THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

**2007-12-06-1254**

Item 12. AN ORDINANCE AUTHORIZING A \$229,222.51 JOB ORDER CONTRACT TO JAMAIL & SMITH CONSTRUCTION FOR WORK AND MATERIALS INCIDENT TO REPLACING CHILLERS AND AIR HANDLER UNITS AT THE FIRE DEPARTMENT HEADQUARTERS BUILDING, 115 AUDITORIUM CIRCLE, DISTRICT 1.

**2007-12-06-1255**

Item 13. AN ORDINANCE AUTHORIZING THE SUBMISSION BY THE SAN ANTONIO FIRE DEPARTMENT, OFFICE OF EMERGENCY MANAGEMENT, OF A GRANT APPLICATION AND THE ACCEPTANCE, UPON AWARD, OF UP TO \$150,000.00 IN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FUNDS FROM THE GOVERNOR'S DIVISION OF EMERGENCY MANAGEMENT TO OFFSET THE ADMINISTRATIVE COSTS OF PLANNING FOR NATURAL, MANMADE, AND TECHNOLOGICAL DISASTERS AND ACTS OF TERRORISM INVOLVING WEAPONS OF MASS DESTRUCTION FOR THE PERIOD OF OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.

**2007-12-06-1256**

Item 14. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD FROM THE TEXAS HISTORIC COMMISSION, NATIONAL PARK SERVICE HISTORIC PRESERVATION FUND FOR APPROXIMATELY \$12,000.00 FOR HISTORIC SURVEYS IN THE CITY'S EXTRATERRITORIAL JURISDICTION, STAFF DEVELOPMENT AND ALLOCATING A \$2,000 CASH MATCH.

**2007-12-06-1257**

Item 15. AN ORDINANCE DESIGNATING THE VERANO PROJECT AREA LOCATED IN CITY COUNCIL DISTRICT 3, BOUNDED BY SOUTH LOOP 410 TO THE NORTH, THE MISSOURI-PACIFIC RAILROAD COMPANY LINE AND/OR PLEASANTON ROAD TO THE EAST, MAUERMANN ROAD TO THE SOUTH AND ZARZAMORA ROAD OR THE HUNTERS POND SUBDIVISION TO THE WEST AS A TAX INCREMENT REINVESTMENT ZONE; CREATING A BOARD OF DIRECTORS; PROVIDING FOR AN EFFECTIVE DATE AND A TERMINATION DATE; NAMING IT "REINVESTMENT ZONE NUMBER TWENTY-EIGHT, CITY OF SAN ANTONIO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER STATUTORILY REQUIRED PROVISIONS FOR THE DESIGNATION OF A TIRZ.

**2007-12-06-1258**

Item 16. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT TO USE FUNDS WITH VTLM TEXAS, L.P. IN AN AMOUNT NOT TO EXCEED \$500,000.00 FOR ENGINEERING AND DESIGN SERVICES ASSOCIATED WITH ROAD CONSTRUCTION AT THE PROPOSED TEXAS A&M CAMPUS SITE IN COMPLIANCE WITH THE EXECUTED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY, VERANO, CPS ENERGY AND TEXAS A&M UNIVERSITY SYSTEM; AND DECLARING THE CITY'S INTENT TO REIMBURSE ITSELF FROM PROCEEDS DERIVED FROM THE SALE OF CITY OF SAN ANTONIO, CERTIFICATES OF OBLIGATION, SERIES 2007 FOR ANY AUTHORIZED EXPENDITURES FROM ANY LAWFULLY AVAILABLE FUNDS OF THE CITY.

**2007-12-06-0022R**

Item 17. A RESOLUTION CONSENTING TO THE ISSUANCE OF LIMITED OBLIGATION REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$28,000,000 BY THE KENDALL

COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION FOR LOAN TO MORNINGSIDE MINISTRIES, A TEXAS NONPROFIT CORPORATION, TO FINANCE AND REFINANCE THE COSTS OF MORNINGSIDE CONTINUING CARE FACILITIES, SOME OF WHICH ARE LOCATED WITHIN THE BOUNDARIES OF SAN ANTONIO, TEXAS.

**2007-12-06-0023R**

Item 18. A RESOLUTION RECOMMENDING TO THE CPS ENERGY BOARD OF DIRECTORS THAT \$1,400,000.00 FROM THE COMMUNITY INFRASTRUCTURE AND ECONOMIC DEVELOPMENT (CIED) FUND BE ALLOCATED FOR THE RELOCATION OF 17 ELECTRICAL TRANSMISSION TOWERS AT THE PORT OF SAN ANTONIO TO FACILITATE THE EXTENSION AND REALIGNMENT OF 36TH STREET THROUGH THE KELLYUSA.

**2007-12-06-1259**

Item 19. AN ORDINANCE AUTHORIZING A TAX PHASE-IN AGREEMENT WITH TINDALL CORPORATION TO EXEMPT 100% OF AD VALOREM TAXES ON \$12.5 MILLION IN REAL PROPERTY IMPROVEMENTS AND 50% OF \$12.5 MILLION IN PERSONAL PROPERTY IMPROVEMENTS, FOR UP TO TEN YEARS.

**2007-12-06-1261**

Item 21. AN ORDINANCE AUTHORIZING THE PURCHASE OF EXCESS WORKERS' COMPENSATION AND EXCESS LIABILITY INSURANCE FOR THE CITY FROM STAR INSURANCE COMPANY, THROUGH THE CITY'S BROKER OF RECORD, FOR A ONE-YEAR PERIOD BEGINNING DECEMBER 31, 2007, AT A COST OF \$653,562.00.

**2007-12-06-1262**

Item 22. AN ORDINANCE APPROVING A CONTRACT WITH DOCUMATION, INC., FOR THE PROVISION OF PHOTOCOPY AND COMPUTER PRINTING SERVICES IN ALL LIBRARY DEPARTMENT FACILITIES, PROVIDING FOR THE CITY TO RECEIVE TEN PERCENT OF GROSS REVENUES FROM PHOTOCOPIES AND PRINTS, ALLOWING FOR A THREE-YEAR TERM WITH TWO ONE-YEAR RENEWAL PERIODS.

**2007-12-06-0024R**

Item 23. A RESOLUTION IN SUPPORT OF THE PRESERVE AMERICA PROGRAM INDICATING THE CITY'S COMMITMENT TO THE PRESERVATION OF HISTORIC AND CULTURAL RESOURCES.

**2007-12-06-1263**

Item 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO REIMBURSE THE CITY OF SAN ANTONIO IN AN AMOUNT NOT TO EXCEED \$80,850.00 FOR THE COST OF FURNISHING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT ALONG THE IH10 FRONTAGE ROAD AT THE INTERSECTIONS OF HILDEBRAND AVE., FRESNO DR., WEST AVENUE, AND VANCE JACKSON ROAD.

**2007-12-06-1264**

Item 25. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AMEND AND EXTEND TWO (2) ONE-YEAR CONTRACTS IN THE TOTAL APPROXIMATE AMOUNT OF \$2,925,240.00 WITH WASTE MANAGEMENT OF TEXAS, INC., TO PROVIDE

MUNICIPAL SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING SERVICES IN THE HERITAGE NORTHWEST AREA AND THE LONGS CREEK AREA FOR THE PERIOD BEGINNING JANUARY 1, 2008, THROUGH DECEMBER 31, 2008.

**2007-12-06-1265**

Item 26. AN ORDINANCE AMENDING THE CITY MANAGER EMPLOYMENT AGREEMENT.

**2007-12-06-1266**

Item 27. AN ORDINANCE INCREASING THE SALARY OF THE CITY CLERK.

Item 28. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE NOMINEES, FOR TERMS TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. REAPPOINTING SCOTT SHEPHERD AND RAND GOLDSTEIN (AVIATION INDUSTRY), RICHARD KELLEY AND EDWARD BENSON (AIR TRANSPORTATION ADVISORY COMMISSION REPRESENTATIVES), LESLIE HOBGOOD (NEIGHBORHOOD ASSOCIATION REPRESENTATIVE), AND NEIL STONE (CHAMBER OF COMMERCE REPRESENTATIVE), AND APPOINTING VERNER EGLIT (NEIGHBORHOOD ASSOCIATION REPRESENTATIVE) TO THE NOISE ABATEMENT ADVISORY COMMITTEE FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE OCTOBER 11, 2009.
- B. REAPPOINTING ANDRIA MACIAS-CASTILLO AND CHARLES "CAM" MESSINA (CHILDHOOD EDUCATION CATEGORY), SOPHIA M. ORTIZ (HIGHER EDUCATION-COLLEGE LEVEL), KAREN FRITZ-DLUGOSZ (BUSINESS REPRESENTATIVE) AND ADELITA CANTU (MEDICAL REPRESENTATIVE), AND APPOINTING HENRY J. MENDEZ (HIGHER EDUCATION-COLLEGE LEVEL) TO THE HEAD START POLICY COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE NOVEMBER 1, 2008.
- C. APPOINTING DAVID STRAUS (AT-LARGE) TO THE SAN ANTONIO RIVER COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 27, 2008.
- D. APPOINTING MARISCELA AGUIRRE (DISTRICT 7) AND TERESA NIÑO (DISTRICT 1) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.

**2007-12-06-1267**

Item 29. AN ORDINANCE REAPPOINTING REBECCA CERVANTEZ TO THE COMMUNITY-BASED ORGANIZATION CATEGORY; JOHN E. CURRAN, III TO THE BUSINESS CATEGORY; FEDERICO ZARAGOZA, PH.D. TO THE HIGHER EDUCATION CATEGORY AND APPOINTING SCOTT EYCHNER TO THE PUBLIC EMPLOYMENT SERVICE CATEGORY TO THE ALAMO WORKSOURCE BOARD OF DIRECTORS FOR THE REMAINDER OF UNEXPIRED TERMS, TO EXPIRE DECEMBER 31, 2008.

**[CONSENT ITEMS CONCLUDED]**

## **ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-12-06-1260**

Item 20. AN ORDINANCE AUTHORIZING EXECUTION OF AN AUDIT SERVICES CONTRACT WITH GRANT THORNTON LLP, TO PROVIDE INDEPENDENT AUDIT SERVICES TO THE CITY FOR FISCAL YEARS ENDING SEPTEMBER 30, 2007, 2008, AND 2009, WITH TWO ONE-YEAR RENEWAL TERMS AT THE CITY'S OPTION, FOR A TOTAL FEE NOT TO EXCEED \$4,025,000.00.

Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Clamp seconded the motion.

Councilmember Rodriguez made a motion to amend the contract to an initial two-year term with three one-year renewal options. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

The main motion with the amendment prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

## **CITY MANAGER'S REPORT**

Ms. Sheryl Sculley thanked all who participated in the City Manager's 5K Run/Walk. She stated that there were over 1,300 participants which included employees from the City, County, United Healthcare, and the School District. She thanked all those who helped organize the event, especially Roger Soler, a small business owner and former Olympian.

Ms. Sculley reminded everyone of the Employee Recognition Banquet being held tomorrow evening at the Henry B. Gonzalez Convention Center. The event will honor those employees with 20, 25, 30, 35, 40, 45, and 50 years of service with the City.

## **EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 12:48 pm to break for lunch and convene in Executive Session for the purposes of:

- A. Deliberations and discussion relating to the purchase, exchange, lease or value of real property and related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- B. Deliberation and discussion of legal issues related to City Council procedures pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 2:47 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

### **PULLED FROM THE AGENDA**

Item 31. AN ORDINANCE PROVIDING FOR THE EXTENSION OF THE SAN ANTONIO CITY LIMITS BY THE FULL PURPOSE VOLUNTARY ANNEXATION OF APPROXIMATELY 19.98 ACRES OF LAND KNOWN AS US HIGHWAY 281 NORTH AND MARSHALL ROAD (TACARA) AREA AND APPROVING A SERVICE PLAN FOR THE AREA.

Councilmember Wolff moved to pull the item from the agenda indefinitely. Councilmember Clamp seconded the motion.

Mr. Mark D. Johnson thanked the Council for pulling the item. He stated that he was not for or against the project; he only wanted additional information.

Mr. Terry Davis stated that he was the President of the North Winds Estate Homeowners Association. He expressed his support for the VIA Park and Ride because the roads in this area were very congested and dangerous. He stated he was against the proposed location, however, because of possible contamination to the Edwards Aquifer.

Ms. Pat Byrom thanked the Council for pulling the item from the agenda.

Ms. Elyzabeth Earnley, Agua representative thanked the Council for pulling the item. She stated that by doing so, the Council had sent a message of conservation to the community. Ms. Earnley stated her belief that a park and ride in another location would be valuable to the area.

Ms. Janice Hayden thanked the Council for pulling the item. She provided a sample of rock from the location for Council to see how porous it was. She added that she hoped Council would prevent overdevelopment and inappropriate development over the Edwards Aquifer.

Mr. Greg Snow stated that he was concerned with traffic congestion and growth in the area, but his primary concern was water pollution. He stated that he was against the park and ride because the traffic problems would not be solved by an addition to Marshall Road.

Ms. Diane Lang stated that with new development, the Aquifer was the most important resource to consider. She encouraged the Council to do whatever they could to help preserve the Aquifer for future generations.

Mr. Jack M. Finger stated his concern that the Council did not require lower impervious cover when approving zoning items. He challenged everyone to lower the impervious cover on items Z-24 and Z-25 and noted that staff was against item Z-9.

Mr. Nazirite Ruben Flores Perez thanked Councilmember Wolff for pulling the item. He also wished both Councilmember Wolff and Councilmember Gutierrez luck in their upcoming elections. He stated that there were problems with water on the south side and noted that since he had recently been elected to the San Antonio River Authority, he had the power to do something about it.

The motion to remove the item prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

### CONSENT ZONING

Councilmember McNeil made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had signed up to speak: Z-4, Z-5, Z-7, Z-8, Z-9, P-2, P-3, Z-10, Z-11, Z-12, Z-13, Z-14, Z-15, Z-19, Z-21, and Z-23. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

#### **2007-12-06-1271**

Item Z-4. **ZONING CASE # Z2007319 (District 10):** An Ordinance changing the zoning district from "I-2" Heavy Industrial District, "I-2" S IH-1 Heavy Industrial, National Highway System High Priority Corridor District with Special Use Permit for a Quarry "I-2" S Heavy Industrial District with Special Use Permit for a Quarry, "I-1" General Industrial District, "C-2" Commercial District, "NP-10" Neighborhood Preservation District, "NP-10" S Neighborhood Preservation District with Special Use Permit for a Quarry, and "NP-10" S Neighborhood Preservation District with Special Use Permit for a Golf Course to "C-3" IH-1 General Commercial, National Highway System High Priority Corridor District, "C-3" General Commercial District, "ED" Entertainment District, "MF-25" Multi-Family District, "O-1" Office District and "RP" Resource Protection District on 371.03 acres out of NCB 14945 and 14941, generally bound by IH 35, Perrin Beitel and Schertz Road as requested by Brown, P. C., Applicant for Alamo Park, Inc., North East Independent School District, Owners. Staff and Zoning Commission recommend Approval.

#### **2007-12-06-1272**

Item Z-5. **ZONING CASE # Z2008005 S (District 10):** An Ordinance changing the zoning district from C-2" (CD - Carwash) Commercial District with a Conditional Use for a Carwash to "C-2" S Commercial District with a Specific Use Permit for a Carwash on Lot 15, Block 1, NCB 16959, 13630 O'Connor Road, as requested by Earl & Associates, P.C., Applicant for Russell Simpson, Owner. Staff and Zoning Commission recommend Approval with Conditions.

#### **2007-12-06-1273**

Item Z-7. **ZONING CASE # Z2007310 (District 2):** An Ordinance changing the zoning district from "R-6" Residential Single-Family District to "C-2" Commercial District on 1.0102 acres out of NCB 15894, 6744 Walzem Road as requested by Clare Abad, Applicant for Clare and Michael Abad, Owners. Staff and Zoning Commission recommend Approval.

#### **2007-12-06-1274**

Item Z-8. **ZONING CASE # Z2008003 (District 2):** An Ordinance changing the zoning district from "I-1" RIO-2 General Industrial River Improvement Overlay District-2 to "IDZ" RIO-2 Infill Development Zone River Improvement Overlay District-2 with uses allowed in "C-3" General Commercial District and "MF-50" Multi-Family District on Lots 1, 2, 3, 4, 5, 6, 7, 8, 23, 24 and the East 36.5 Feet of Lot 9 and the East 36.15 Feet of Lot 22, Block 19, NCB 976, 1915 and 1921 Broadway as

requested by Brackenridge Park/Broadway Developments, Ltd., Applicants for Brackenridge Park/Broadway Developments, Ltd., Owners. Staff and Zoning Commission recommend Approval.

**2007-12-06-1275**

Item Z-9. **ZONING CASE # Z2007185 (District 3):** An Ordinance changing the zoning district boundary from "R-4" Single Family Residential District to "C-3NA" General Commercial, Nonalcoholic Sales District on 4.0 acres of land out of NCB 11156, 12000 Block of Southeast Loop 410 as requested by Ramiro Valadez, Applicant for Ramiro Valadez, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

**2007-12-06-1276**

Item P-2. **PLAN AMENDMENT # 08002 (District 3):** An Ordinance amending the land use plan in the Highlands Community Plan and South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the common boundary line of the Highlands Community Plan and the South Central San Antonio Community Plan from IH-37 to S. New Braunfels Avenue. Staff and Planning Commission recommend Approval.

**2007-12-06-1277**

Item P-3. **PLAN AMENDMENT # 08005 (District 3):** An Ordinance amending the land use plan in the City South Community Plan, a component of the Master Plan of the City, by changing the use of a 413.38 acre tract of land located approximately 0.6 miles south of the intersection of Southwest Loop 410 and South Zarzamora Street and extending to the southeast to Pleasanton Road from Agriculture and Light Industry to Urban Living land use. Staff and Planning Commission recommend Approval. **(Associated Zoning Case Z2008008)**

**2007-12-06-1278**

Item Z-10. **ZONING CASE # Z2008008 (District 3):** An Ordinance changing the zoning district from "MI-1" Mixed Light Industrial District and "UD" Urban Development District to "FBZD" Form Based Zoning District on 1,056.737 acres out of CB 4005, CB 4283, CB 4284, CB 4285, CB 4286, NCB 16456, NCB 16458, NCB 18087 and NCB 18088, 700-1900 Block of Southwest Loop 410, 11000-12000 Block of Pleasanton Road and 10000-11000 Block of South Zarzamora as requested by Brown, PC, Applicant for Verano Land Group, LP, Owners. Staff, Zoning Commission, and CSMA recommend Approval.

**2007-12-06-1279**

Item Z-11. **ZONING CASE # Z2007318 (District 4):** An Ordinance changing the zoning district from "I-2" Heavy Industrial District to "C-3" General Commercial District on 14.67 acres out of NCB 11186, 7000 Block of Yarrow Boulevard as requested by Brown, P. C., applicant for MTB Interests, Inc. and WOB Interests, Inc. ETAL, Owner. Staff and Zoning Commission recommend Approval.

**2007-12-06-1280**

Item Z-12. **ZONING CASE # Z2008002 (District 4):** An Ordinance changing the zoning district from "R-4" Residential Single Family District to "C-2" Commercial District with a 25 foot buffer of "O-1" Office District along the east property line on the West 145 Feet of the North 388 Feet of Lot 3 and the East 74.88 Feet of the North 388 Feet of Lot 2, Block 102, NCB 11072, 1354 Gillette Boulevard as requested by Andres and Bonnie Vargas, Applicants for Andres and Bonnie Vargas, Owners. Staff and Zoning Commission recommend Approval.

**2007-12-06-1281**

Item Z-13. **ZONING CASE # Z2008001 CD (District 5):** An Ordinance changing the zoning district from "R-5" Residential Single-Family District to "C-2" (CD-Motor Vehicle Sales) Commercial District with a Conditional Use for Motor Vehicle Sales on Lot 1 and Lot 2, Block 2, NCB 8290, 675 North General McMullen as requested by Antero Patlan Jr., Applicant for Antero Patlan Jr., Owner. Staff and Zoning Commission recommend Approval.

**2007-12-06-1282**

Item Z-14. **ZONING CASE # Z2007305 CD (District 6):** An Ordinance changing the zoning district from "R-6" Residential Single-Family District to "R-6" (CD- Bakery) Residential Single-Family District with a Conditional Use for a Bakery on Lot 1, Block 6, NCB 8989, 530 S.W. 38th Street as requested by Robert Cortez, Sr., Applicant for Cortez Properties, LLC, Owners. Staff and Zoning Commission recommend Approval with Conditions.

**2007-12-06-1283**

Item Z-15. **ZONING CASE # Z2007313 CD (District 6):** An Ordinance changing the zoning district from "C-3R" Commercial District, Restrictive Alcoholic Sales to "C-2NA" (CD-Contractor Facility) Commercial District, Nonalcoholic Sales with a Conditional Use for a Contractor Facility on Lot 40 and Lot 41, Block 1, NCB 8593, 2802 and 2804 Castroville Road, as requested by Reynaldo and Maria Teresa Reyna, Applicants for Reynaldo and Maria Teresa Reyna, Owners. Staff and Zoning Commission recommend Approval.

**2007-12-06-1284**

Item Z-19. **ZONING CASE # Z2008006 (District 8):** An Ordinance changing the zoning district from "R-5" Residential Single Family District to "NC" Neighborhood Commercial District on Lot 58A, Block 4, NCB 11614, 2202 Babcock Road, as requested by Jacklyn Wiley, Applicant for Jacklyn Wiley, Owner. Staff and Zoning Commission recommend Approval.

**2007-12-06-1286**

Item Z-21. **ZONING CASE # Z2007291 ERZD (District 9):** An Ordinance changing the zoning district from "R-6" ERZD Residential Single Family Edwards Recharge Zone District to "C-1" ERZD Light Commercial Edwards Recharge Zone District on 9.3076 acres out of NCB 18218, 22000 Block of Stone Oak Parkway as requested by RAD Investments, Inc., Applicant for RAD Investments, Inc., Owners. Staff and Zoning Commission recommend Approval.

**2007-12-06-1288**

Item Z-23. **ZONING CASE # Z2007307 (District 9):** An Ordinance changing the zoning district from "C-2" Commercial District to "C-3" General Commercial District on Lot 30, Block 4, NCB 13342, 9907 San Pedro Avenue as requested by C. B. Barker, Trustee, Applicant for Davila Ledbetter, Owner. Staff and Zoning Commission recommend Approval.

**[ZONING CONSENT ITEMS CONCLUDED]**

**ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

**PULLED FROM THE AGENDA**

Item Z-1. **ZONING CASE # Z2008010 S ERZD (District 9):** An Ordinance changing the zoning district boundary from Property Located Outside City Limits to "C-3" S ERZD General Commercial

Edwards Recharge Zone District with a Specific Use Permit for a Transit Park and Ride on 19.982 acres out of CB 4900 and CB 4924, 23000 Block of US Highway 281 North as requested by City of San Antonio, Applicant for 281/150 Stone Oak Developers, Ltd., Owners. Staff and Zoning Commission recommend Approval.

Councilmember Wolff moved to remove the item from the agenda. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

**2007-12-06-1268**

**Item P-1. PLAN AMENDMENT # 08007 (District 10):** An Ordinance amending the land use plan in the Northeast Inner Loop Neighborhood Plan, a component of the Master Plan of the City, by changing the use of a 7.3 acre tract of land located at 1107, 1111 and 1125 Austin Highway from Neighborhood Commercial to High Density Residential land use. Staff and Planning Commission recommend Approval. **(Associated Zoning Case Z2007278)**

Ms. Nina Nixon-Mendez presented the proposed Plan Amendment.

Ms. Suzanne Bettac stated that the project would impact the City of Alamo Heights. She noted that the zoning and planning reports were contradictory and that amending the neighborhood plan would only open the door to additional changes. Ms. Bettac expressed her concern that the neighborhood plan was going to be dissected until it no longer resembled the original document. She also noted that under the City's Master Plan, they were required to review the plans every five years and that had not happened since the plans were created in 2001.

Ms. Betsy G. Pollock stated that although there would be no fiscal impact to the City, the homeowners would incur decreased property values. She expressed her belief that the property owners should be consulted on how they wanted the neighborhood developed.

Mr. Parker Scott, Terrell Heights Neighborhood Association Board of Directors, stated that the Board was in favor of the rezoning. He noted that the plan for Austin Highway was to remove several commercial areas to make the area more livable.

Mr. Walter Thorman, Oak Park-Northwood Neighborhood Association, stated that the Association was against the rezoning because of the burden it would place on the Alamo Heights School District. He claimed that the Terrell Heights Neighborhood Association's meeting did not allow minority opinion or for citizens to speak.

Mrs. Vacek read the following written testimonies in opposition to the item:

Ms. Nancy Kilgore wrote that she opposed the rezoning because integration with the current community would be limited.

Mr. Tripp Puhl wrote that he did not support the rezoning because it was not consistent with the NEO Plan.

Mr. Michael Yockey also wrote that he was opposed to the rezoning because it was not consistent with the NEO Plan.

Ms. Patricia Buescher wrote that she was against the rezoning because she wanted to maintain the integrity of the NEO Plan.

Ms. Susan Lanford wrote that she was opposed to the rezoning because she was concerned with overcrowding in the school district.

Ms. Heidi White expressed her opposition because the rezoning did not comply with the Northeast Inner Loop Plan.

Ms. Doris Alderman wrote in opposition to the rezoning without restrictive covenants.

Ms. Judith K. Wells wrote to express her opposition to the rezoning without restrictive covenants, noting that it would grant developers the option to build anything.

Mrs. Vacek read the following written testimonies in support of the Plan Amendment:

Mr. Roel Martinez, 422 Devonshire Drive wrote that he was in favor of the rezoning and stated that he hoped everyone's concerns could be addressed and resolved.

Mr. Ryan Pape wrote that he was in support of the item and noted that the neighborhood association had overwhelmingly voted in favor.

Councilmember Clamp moved to adopt the proposed Plan Amendment. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**2007-12-06-1269**

Item Z-2. **ZONING CASE # Z2007278 (District 10):** An Ordinance changing the zoning district from "C-2" Commercial District to "MF-50" Multi-Family District on Lot 9, the South 293.32 Feet of Lot 11, Lot 12, Lot 13, the West 22 Feet of Lot 14, and Lot 21, NCB 8692, 1107, 1111 and 1125 Austin Highway as requested by Kaufman and Associates, Inc., Applicant for Bhakta, Karsan and Bhakta, Jashuben / Bentwood Apartments, LLC / See, Sian-Tock, Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Bill Kaufman, 100 West Houston, stated that he was representing Chancellor Properties. Mr. Kaufman noted that the real issue was density because the property was already zoned for multiple families and could be built higher than sixty feet. He presented photos of the area, noting that there were old, run-down hotels on the property and that SAFFE Officers reported that 90% of crime in the area happened at these properties. Lastly, Mr. Kaufman noted restrictive covenants agreed upon by the developer and the Terrell Heights Neighborhood Association.

Mr. Parker Scott, 264 Larchmont, Terrell Heights Neighborhood Association, thanked Councilmember Clamp for his help in negotiating and finalizing the agreement between the Association and the Developer. He stated that the Board had made a presentation to the Association and they had overwhelmingly voted in favor of the rezoning with restrictive covenants. Mr. Scott noted that an agreement signed by both parties was on record at the Bexar County Clerk's Office.

Mr. Walter Thorman, 111 Tyrol, Oak Park-Northwood Neighborhood Association, spoke in opposition to the rezoning. He reiterated the school district's concern that they would not be able to support the increase in students.

Councilmember Clamp moved to adopt the proposed Zoning Item. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**2007-12-06-1270**

Item Z-3. **ZONING CASE # Z2007309 (District 10):** An Ordinance changing the zoning district from "C-2" Commercial District to "R-6" Residential Single Family District on Lot 16, Block 1, NCB 16725, 13875 Higgins Road as requested by Calvary Apostolic Church, Applicant for Northside United Pentecostal Church (Calvary Apostolic Church), Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Clamp moved to adopt the proposed Zoning Item. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**CONTINUED**

Item Z-6. **ZONING CASE # Z2007306 CD (District 2):** An Ordinance changing the zoning district from "R-4" EP-1 Residential Single Family Facility Parking/Traffic Control District-1 to "R-4" EP-1 (CD-Multi-Family Dwellings) Residential Single Family Facility Parking/Traffic Control District-1 with a Conditional Use for Multi-Family Dwellings not exceeding 11 units per acre or a total of 2 units on Lot 2, Block 7, NCB 9548, 2275 Hays Street as requested by Rosario Padilla, Applicant for Rosario Padilla, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Councilmember McNeil moved to continue the proposed Zoning Item. Councilmember Wolff seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez and Clamp.

**CONTINUED**

Item Z-16. **ZONING CASE # Z2008004 S (District 6):** An Ordinance changing the zoning district from "C-2" Commercial District to "C-2" S Commercial District with Specific Use Permit for a Car

Wash on 2.272 acres out of NCB 18805, 7100 Block of Tezel Road as requested by Stephen Cook Engineering, Applicant for Imax Properties, c/o Ravinder Sahota, Owner. Staff and Zoning Commission recommend Approval.

Ms. Sarah Spicer inquired about the number of houses notified of the zoning case. She stated that she and her neighbors did not support a carwash or any other business in the area and they were concerned about security. Ms. Spicer submitted petitions from neighbors who had not responded to the City's mail out.

Mr. Norm Haines, Park Crest Home Owners Association, stated that the Association was against the rezoning. He stated that Cook Engineering did not meet with them and had not addressed their concerns. He noted that the neighborhood was worried about the additional noise, loitering, and graffiti.

Councilmember Herrera moved to continue the proposed Zoning Item. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cortez.

**CONTINUED**

Item Z-17. **ZONING CASE # Z2007063 (District 7):** An Ordinance changing the zoning district from "I-1" General Industrial District to "R-4" Residential Single-Family District on 40.538 acres out of NCB 18560 and to "C-2" Commercial District on 8.760 acres out of NCB 18560, 7000 Block of Bandera Road as requested by Kaufman and Associates, Inc., Applicants for Charles and Peggy Blank, Owners. Staff recommends Approval. Zoning Commission failed to make a recommendation.

Councilmember Rodriguez moved to continue the proposed Zoning Item. Councilmember Cisneros seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

**CONTINUED**

Item Z-18. **ZONING CASE # Z2007284 (District 8):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "MF-33" Multi-Family District on 11.398 acres out of Lot 1, Block 9, NCB 17259, 8600 Block of Huebner Road, as requested by Gerardo Menchaca, Applicant for Ithaca Investments, Ltd., Owners. Staff and Zoning Commission recommend Approval.

Councilmember Cibrian moved to continue the proposed Zoning Item. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

**2007-12-06-1285**

Item Z-20. **ZONING CASE # Z2007264 ERZD (District 9):** An Ordinance changing the zoning district boundary from "C-3 R" ERZD General Commercial Restrictive Alcoholic Sales Edwards Recharge Zone District to "C-3" ERZD General Commercial Edwards Recharge Zone District on 22.238

acres out of Lot 2 and 3, Block 30, NCB 18217, 22000 Block of US Highway 281 North, as requested by Kaufman and Associates, Inc., Applicant for DDR DB Stone Oak, LP, Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Wolff moved to adopt the proposed Zoning Item. Councilmember Herrera seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

**2007-12-06-1287**

Item Z-22. **ZONING CASE # Z2007302 (District 9):** An Ordinance changing the zoning district boundary from "C-2 NA" Commercial, Nonalcoholic Sales District, "O-2" Office District and "R-4" Residential Single Family District to "C-2 NA" Commercial, Nonalcoholic Sales District on Lots 6, 7, 8, 9, 10, 11 and 12 (3.636 acres) Block 5, NCB 11969, 300 East Ramsey (9518 McCullough) and 318 East Ramsey, as requested by Hendry Investments, Inc., Applicant for Esplande Offices, Ltd. / Elsie Schneider, Norbert Schneider, Doris Muenchow and Carolyn Steinmetz, Owners. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Earl J Robinson stated that he and his neighbors were not opposed to the zoning request, but they wanted to go on record requesting that in the future, an eight foot fence between their homes and any new developments be required. He also requested that a buffer be left between the property and the homes, and that the barrier on McCullough remain in place.

Ms. Virginia Prewtera, Hendry Investments, stated that the rezoning was being requested to make it consistent with the zoning of neighboring properties. She noted that Hendry Investments' corporate office was located directly east of the property and they had been at that location for twenty-four years. Ms. Prewtera stated that they had no immediate plans for this property, but were requesting the rezoning to eliminate future delays.

Councilmember Wolff moved to adopt the proposed Zoning Item. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** Cisneros, McNeil, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Gutierrez and Cortez.

**2007-12-06-1289**

Item Z-24. **ZONING CASE # Z2007317 S ERZD (District 9):** An Ordinance changing the zoning district from "QD" S ERZD Quarry Edwards Recharge Zone District with a Specific Use Permit for Asphaltic Blasting and Concrete and "C-3" ERZD General Commercial Edwards Recharge Zone District to "C-3" S ERZD General Commercial Edwards Recharge Zone District with a Specific Use Permit for a Hospital on 69.71 acres out of NCB 15669 (County Blocks 4938, 4948 and 4949), 18000 Block of US Highway 281 as requested by Kaufman and Associates, Inc., Applicant for B & M Ventana, Ltd. and KB Home, Owners. Staff recommends Approval. Zoning Commission recommendation pending public hearing.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Wolff moved to adopt the proposed Zoning Item with conditions. Councilmember Clamp seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **NAY:** Cisneros and Galvan. **ABSENT:** Cortez.

**2007-12-06-1290**

Item Z-25. **ZONING CASE # Z2008038 CD ERZD (District 9):** An Ordinance changing the zoning district from "R-6" ERZD Residential Single Family Edwards Recharge Zone District and "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2" ERZD (CD-Theater - Indoor Permitting Over 2 Screens and/or Stages) Commercial Edwards Recharge Zone District with a Conditional Use for an Indoor Theater Permitting Over 2 Screens and/or Stages on 23.1392 acres out of NCB 18218, 2560 Marshall Road as requested by Brown, PC, Applicant for B & M Marshall Road, Ltd., Owner. Staff recommends Approval. Zoning Commission recommendation pending public hearing.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Wolff moved to adopt the proposed Zoning Item with conditions. Councilmember McNeil seconded the motion.

The motion prevailed by the following vote: **AYES:** McNeil, Gutierrez, Herrera, Rodriguez, Cibrian, Wolff, and Clamp. **NAY:** Cisneros, Galvan, and Mayor Hardberger. **ABSENT:** Cortez.

**[ZONING ITEMS CONCLUDED]**

**CEREMONIAL ITEMS**

Mayor Hardberger was recognized for his numerous years of maintaining a Pilot's License. Vick Putnam, a local attorney, shared various flying accomplishments achieved by Mayor Hardberger. Gary Stanford, a representative from the FAA presented Mayor Hardberger with the Wright Brothers Master Pilot Award. This prestigious award requires an individual to have been flying for over 50 years with no accidents, incidents, or suspensions.

More than 600 loyal volunteers serve our Municipal Government as Board and Commission Members and approximately 40 of them were ceremonially sworn-in by Mrs. Vacek. Mayor Hardberger and the City Council personally congratulated each one of these dedicated citizens who contribute their time and energy, undertaking issues from downtown revitalization to zoning.

**6:30 PM TIME CERTAIN: PUBLIC HEARING RELATING TO REDEVELOPMENT PLANS FOR BOSWELL USARC AND CALLAHAN USARC AND AUTHORIZING THE SUBMISSION OF THE REDEVELOPMENT PLANS TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND U.S. ARMY FOR CONSIDERATION.**

Robert Murdock presented said item, recognizing Lynn Basie, Department of Defense-Office of Economic Adjustment, and Deputy James Henderson, Office of Military Affairs, who worked hard on this project. Mr. Murdock provided an overview of the redevelopment plans for Boswell and Callaghan

US Army Reserve Command (USARC), outlining key dates. He stated that Southwest Research Institute (SWRI) and the Northside Independent School District (NISD) had submitted Notices of Interest (NOI) for Callaghan. An unsolicited proposal for Boswell had been received by Weston Solution. Mr. Murdock stated that an Evaluation Committee consisting of representatives from the Office of Military Affairs, Economic Development Department, Finance Department and Asset Management Department, met on October 15, 2007 and recommended SWRI for Callaghan. He stated numerous reasons for this selection included an economic impact of over \$760 million.

Mayor Hardberger declared the Public Hearing open.

John Folks, Superintendent for NISD, spoke in support of NISD acquiring the Callaghan Property for the proposed Northside Learning and Transportation Center. He stated that half of the property would be used for an alternative high school, along with a community center, and the other half would serve as a depot for Northside buses.

Lydia Martinez, Director of the NISD Adult and Community Education Program, also spoke in support of NISD acquiring the Callaghan property. She expressed the district's need to expand their community programs.

Russell Barber, Counselor, NISD Alternative High School, also expressed his support for NISD acquiring the Callaghan Property. He provided an overview of the district's Alternative High School and the services they provide.

Katie Reed, President of the NISD Board of Trustees, spoke in support of NISD acquiring the Callaghan Property. She stated that the district was growing by 4,000 students each year and that the district was outgrowing its facilities.

Walt Downing, Southwest Research Institute (SWRI), spoke in support of SWRI acquiring the Callaghan Property. He stated that SWRI had immediate and long-term plans for the property. Mr. Downing outlined key projects that could be completed with the additional property.

Faris Hodge Jr. spoke about the homeless problem in San Antonio. He stated that the Callaghan Property would not benefit the homeless because most of them resided in the downtown area.

Nazirite Ruben Flores Perez spoke in support of SWRI acquiring the Callaghan Property.

Joe Medina, spoke in support of NISD acquiring the Callaghan Property. He stated that NISD had a valid proposal for use of the property.

Nadia Miklaucic also spoke in support of NISD acquiring the Callaghan Property. She stated that NISD had done a great job in educating their students, highlighting the numerous recognized schools. She noted the many community programs and opportunities that were provided by the district.

Randall Fields, NISD Trustee, spoke in support of NISD acquiring the Callaghan Property. He stated that although SWRI was a great community partner, NISD had a greater need for the property with their over 85,000 projects. He added that the district had no surplus land and could benefit greatly from this property.

Deonna Dean, Principal, Sul Ross Middle School, spoke in support of NISD acquiring the Callaghan Property. She provided examples of the projects that NISD supports, noting the need for additional space.

Councilmember Cibrian stated that she knew this had been a difficult process and offered to work with staff to develop a win-win situation for both SWRI and NISD.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Clamp recognized Patty Hill, a teacher from Warren High School.

### **CITIZENS TO BE HEARD**

Mr. Nazirite Ruben Flores Perez stated that he would not be in attendance at the next council meeting because he would be having an operation.

Mr. Mark Perez stated that he had called 3-1-1 on June 14, 2005 to report a chemical spill. He stated that when San Antonio Fire Hazmat and the Environmental Services Department were satisfied with the clean up, they left and paid no attention to the fact that the company did not have a certificate of occupancy, a Hazmat Permit, a Tier 2 from the Health Department, or that they were Zoned I1. He called the City with his concerns but had never received a response.

Mr. Hal McCloskey stated that he had been a vendor on the Riverwalk for seventeen years. He noted that he appreciated the vending ordinance that had recently been passed, but thought that it needed refining. Mr. McCloskey thought it was unfair to make vendors cover their merchandise while transporting it, since other businesses were not required to do so. He added that he sold flowers and covering them when it is hot and humid outside kills them.

Mr. Bobby Contreras, Jr., Secretary of the Downtown Vendors Association, complained that Dallas native Steve Cline made \$900,000 a year off of San Antonio Events and questioned how he was able to receive exclusive vending rights. Mr. Contreras stated that he had spoken with Teresa Keck of the Parks Foundation and that she was willing to allow vendors operate stationary sites outside the blueprint. He asked for Council's support arranging this for next year.

Mr. Faris Hodge, Jr. stated that he was not satisfied with the open records request process. He sang a song and then voiced his concern with Item 4 being pulled from the agenda. He stated that the PERF should include input from citizens and Councilmembers.

Mr. Nick Calzoncit submitted a petition to create a department of non-violence and peace. He stated that the Harlandale drop out rate was 57%. Mr. Calzoncit then addressed the fact that most facilities were named after Anglo Men. He stated that there was a need for female role models and that Council should consider renaming facilities after minorities and/or females.

Ms. Petra Maldonado stated that she lived in a Mirasol Home and was not satisfied with the Task Force. She expressed her belief that the Task Force worked for their own benefit and would like for the Mirasol residents to give the Task Force direction rather than the other way around.

Mr. Guadalupe Lopez stated that he was a Mirasol resident and expressed his concern that the Task Force was not producing results.

Ms. Henrietta De Hoyos stated that she was a Mirasol Homeowner and expressed her concern with SAHA. She noted that she had requested paperwork from SAHA over a year ago, but had not received anything to date.

Mr. Robert Weston spoke of the Chapter 5 rewrite. He inquired about how a vicious dog would be identified and noted that physical descriptions violated Breed Specific Laws in Texas. He stated that his family had four dogs and that they would bark and try to protect their family if needed. He also spoke against the portion of the rewrite that allowed for the seizure of animals.

Ms. Janet Ahmad stated that she had high hopes for the Mirasol Task Force. She gave examples of pregnant females living in Mirasol Homes giving birth to sickly babies. She stated that the Task Force claimed to be fixing the problems with the homes so they could be resold, but the second generation owners were having the same problems as the first generation owners. She added that the residents were told to get legal assistance from Legal Aid, but were not helped.

Ms. Julie Iris Oldham stated that KB Homes was given a permit to build over a landfill and that the builders should have known there would be problems. Ms. Oldham spoke of the overly extravagant schools that were being built and compared them to when she was a student and the buildings did not have air-conditioning.

A representative for Ms. Laura Garcia stated that Ms. Garcia was a Mirasol Homeowner. He noted that they had contacted several Councilmembers who were willing to help, but that it would take the entire Council's assistance to accomplish anything.

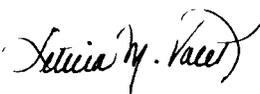
### **ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 8:01pm.

**A P P R O V E D**

  
**PHIL HARDBERGER**  
MAYOR

Attest:

  
**LETICIA M. VACEK**  
City Clerk