

**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, APRIL 16, 2008 AND THURSDAY, APRIL 17, 2008.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **April 16, 2008**, in the Municipal Plaza Building with the following Councilmembers present: Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. Absent: Cisneros and McNeil. Mrs. Vacek noted that Councilmember Cisneros was absent due to travel outside the country.

1. STAFF BRIEFING AND UPDATE ON STATUS OF SAN ANTONIO RIVER WATER QUALITY AND CLARITY.

City Manager Sheryl Sculley provided background information on the River Water Quality Workgroup (RWQW), stating that their charge was to investigate the conditions and quality of the river both scientifically and aesthetically. Assistant City Manager Penny Post oak-Ferguson noted that the RWQW's focus was primarily in the River Loop and that their goals were focused on meeting the State's bacteria criteria for contact recreation, chemical composition, and water clarity. She reviewed progress and achievements made since June 2006 and ongoing quality initiatives that include the San Antonio River Water Quality and Clarity Program, the Zoo Outfall Water Quality Project, the Riverwalk Implementation Program, GPS Tagging, and the Riverwalk Capital Improvements Master Plan.

Ms. Lynda Billa Burke and Ms. Lisa Wong, representing the San Antonio River Commission, stated that the river was an integral part of San Antonio and that upkeep would be a lifetime issue. Ms. Post oak-Ferguson concluded the presentation with short and long-term steps being taken to maintain the river.

Mr. Steve Clouse, SAWS Chief Operations Officer, presented results from the San Antonio River Sampling and Inspection Project. He stated that in 2007, they began the sampling process, but due to the huge amount of rainfall, the results were skewed. He noted that in the 1940's, the River was essentially a drainage ditch and has been reconstructed many times since. Mr. Clouse stated that in 2007, discharge samples were collected from forty-nine outfalls, but in 2008, there were only eighteen points with flow. He noted that testing was recently performed to determine where pipes were connected and which pipes had been capped off and which had fallen. He presented graphs comparing the 2007 and 2008 levels of E. Coli, BOD (oxygen demand), NH₃-N (ammonia nutrient), FOG (fats, oils, and grease), and TSS (suspended solids). He reported that overall, the results were very positive and only two sites would need to be analyzed in greater detail.

Councilmember Herrera asked about the results for Site 195 and for more detail on the graphs. Mr. Clouse replied that the sample from Site 195 had been tested and retested because of the exceptionally high TSS reading, but was valid. He also noted that they had used site numbers rather than identifying locations because the pipes may not go to businesses in the area. Mr. Clouse added that they would continue analysis on Sites 195 and 174, but reminded Council that the samples were taken over a seven day period and the flow into the river was not constant.

Mayor Hardberger and the Council requested a status report on Sites 195 and 174 and thanked the River Commission and SAWS for their work.

2. STAFF UPDATE ON THE FY 2009 BUDGET PROCESS.

Mr. Peter Zaroni, Director of Management and Budget, presented the FY 2009 Budget Process Update referencing the timeline for the Budget Development Strategy. He noted that 200 Budget Input Boxes had been distributed throughout the City and that travel boxes were available for all Councilmembers. He demonstrated the Online Budget Input Box and spoke of the Frontline Employee Focus Groups comprised of 185 city employees.

Mr. Zaroni reviewed upcoming budget related events and presented the Major Programs and Budget Components Report. He noted that the Report would include a Summary of Major Departmental Programs, Department Mission Statement, Goals and Objectives and Performance Measures, and Summary of Department Budget Changes over the past three years. He added that the ballot would be provided to Council during the April 30, 2008 "B" Session.

Councilmember Cibrian requested that cutting waste be included in Financial Policies. Councilmember Clamp stated that the Five Year Financial Forecast was a great tool for Council. After review of the Summary of Major Programs and the timeline for the 2009 Budget Process, the Mayor and Council thanked Mr. Zaroni.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:38 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 17, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Monsignor Michael Yarbrough, Pastor, St. Matthew Catholic Church, guest of Councilmember Diane Cibrian, District 8.

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: McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. Absent: Cisneros. Mrs. Vacek noted that Councilmember Cisneros was absent due to travel outside the country.

MINUTES

Councilmember Herrera made a motion to approve the Minutes for the March 20, 2008 City Council Meeting. Councilmember Cibrian seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-04-17-0017R

Item 4. A RESOLUTION DENYING THE PETITION OF BP 1766 SAN ANTONIO, LTD., OWNERS OF 1,766 ACRES OF LAND KNOWN AS "THE HILLS OF CASTLE ROCK", FOR THE CITY OF SAN ANTONIO TO MAKE AVAILABLE WATER AND SANITARY SEWER SERVICES AND REFUSING CONSENT FOR THE CREATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY OF UP TO THREE MUNICIPAL UTILITY DISTRICTS OVER THE PROPERTY, LOCATED IN MEDINA AND BANDERA COUNTIES, LARGELY IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ).

Mr. Jesus Garza presented said item noting that the owners of the Hills of Castle Rock had petitioned the City to provide water and sanitary sewer services to the land within the ETJ and authorization by the Texas Commission on Environmental Quality (TCEQ) to create three Municipal Utility Districts (MUDs). He stated that the area encompassed a total of 1,766 acres and that approximately 1,168 acres were within the City's ETJ.

Mr. Garza added that the San Antonio Water Systems (SAWS) Board had declined to enter into a Utility Service Agreement due to the density and location of the project, sensitive geographical conditions of the land, and the negative impact on the environment and wildlife in the area. He stated that city staff recommended denial of the petition request.

Mr. Douglas McNeel spoke in opposition to the petition. He urged the Council to take a firm stance and deny the petition in an effort to discourage disruptive development. He noted that if the sewage treatment plant was approved, there was a possibility that treated sewage would be discharged into the Edwards Aquifer via the San Geronimo Creek. Mr. McNeel referenced a 2004 Study by Hydrologist Dr. George Veni that contained an assessment of the role that San Geronimo Creek plays in recharging the Edwards Aquifer and provided a copy of the study to the City Council.

Ms. Charlotte Kahl with the Old Spanish Trail Project also spoke in opposition to the petition. She noted the cumulative effects of subdivisions within the Boerne Stage Road Corridor and the efforts required to preserve and protect the area. She commended City Staff for offering smart growth incentives and asked that more creative incentives be established for those developers committed to sensitive growth.

Mr. Robert Lee, Mayor of Castroville, stated that his concerns with the proposed petition were water quantity, water quality, and flooding. He noted that the citizens of Castroville were solely dependent on the Edwards Aquifer and were concerned with growth in Medina County. He asked the Council to consider the possible repercussions if approved.

Ms. Camille White, Member of the San Geronimo Valley Alliance, stated that they were in support of city staff's recommendation to deny the petition.

Mr. Randy Johnson, President of the San Geronimo Valley Alliance, thanked City Staff for their recommendation to deny said request and stated that the water supply needed to be protected. He noted

that the San Geronimo Watershed was a major contributor to the Edwards Aquifer and that creation of a wastewater treatment plant so close would create a safety hazard.

Mr. Neil Hernandez of the San Geronimo Valley spoke in opposition to the petition. He presented photos of the recharge of the valley, noting that it connected to the Edwards Aquifer. He stated that more research was needed before allowing development in environmentally sensitive areas.

Mr. Wayne E. Jones referenced a SAWS Board Meeting held on December 7, 2007 in which he and others had argued their case against the project but SAWS Staff recommended approval. He noted that Mayor Hardberger and SAWS Chairman Alex Briseño understood the concerns and listened to their pleas and for that, he was very grateful. He thanked Mayor Harberger for his support and urged the Council to aganist the petition.

Ms. Myfe Moore stated she was from Helotes, Texas and had just opened up the Helotes Creek Nature Center. She noted that her group was struggling to protect the Helotes Creek from fecal contamination which dropped directly into the Edwards Aquifer. She asked the Council to deny said petition and to continue to protect the environment.

Ms. Jennifer Nottingham, Chairperson of the Hill Country Planning Association, spoke in opposition to the petition and stated their concern for the welfare of Northwest Bexar and Medina Counties. She noted that the Hill Country was home to an important section of the recharge contributing and transition zone of the San Antonio segment of the Edwards and Trinity Aquifers. She urged the Council to continue to protect the citizens, community and Aquifer.

Dr. Bob Fitzgerald, President of the Medina County Action Environmental Association, spoke to the denial of said petition. He stated that there was a great need to protect the aquifer and that there were too many consequences if the sewer plant malfunctioned. He asked the Council to preserve and protect the pristine aquifer.

Mr. Jerry Day thanked the Mayor and Council for their courage to stand up for the interests of the aquifer, environment, and citizens. He urged all for denial of the petition and to continue to preserve the aquifer.

Ms. Annalisa Peace, representing the Greater Edwards Aquifer Alliance, thanked Mayor Hardberger for his support at the SAWS Board Meeting in December. She asked the Council to deny said request and for City support in contesting the application that was approved for the sewage treatment plant for the Hills of Castle Rock. She expressed concern with the practice of sewage treatment plants dumping treated effluent into Edwards Recharge Creeks and urged the Council to revisit water quality regulations.

Mr. Jack M. Finger spoke in opposition to said petition, noting that it would pollute the aquifer and affect our source of drinking water. He also stated that he was against Item 5, because it issued public bonds for private welfare.

Ms. Julie Iris Oldham thanked the Council for preserving the Aquifer and doing what was right so that all could continue to have clean drinking water.

Mayor Hardberger asked that Councilmembers follow the city staff recommendation to deny the petition and to take an active role when said item goes before the TCEQ.

Councilmember Cibrian moved to approve the resolution denying the petition. Councilmember McNeil seconded the motion.

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

2008-04-17-0018R

Item 5. A RESOLUTION APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE CITY OF SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY RELATING TO THE APPOINTMENT OF BOARD MEMBERS; AND APPROVING AN AMENDMENT TO THE AUTHORITY'S BYLAWS RELATING TO THE APPOINTMENT OF OFFICERS.

Mr. Robert Peche presented said item on the amendment of the Articles of Incorporation and Bylaws of the City of San Antonio Industrial Development Authority (IDA). He provided background information on the IDA noting that its purpose was to provide low cost financing through issuance of tax-exempt bonds for private sector manufacturing projects. He stated that in 1987, the serving Mayor and Council were designated by name as the Board of Directors. Said Resolution would appoint the Mayor and Council to serve as Ex-Officio Members of the IDA Board of Directors. He added that current IDA Bylaws called for the annual election of IDA Officers and said Resolution would designate officers of the IDA Board of Directors by position as follows:

- President – Mayor
- Vice-President – Current Mayor Pro Tem
- Secretary – City Clerk
- Treasurer – Director of Finance
- Executive Director – Director of Economic Development

Councilmember Rowe moved to approve the proposed Resolution. Councilmember Clamp seconded the motion.

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

Mayor Hardberger recessed the meeting of the City Council and convened the meeting of the City of San Antonio Industrial Development Authority for the consideration of items 6A, 6B and 6C.

Item 6. CONSIDERATION OF THREE RESOLUTIONS BY THE CITY OF SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY:

2008-04-17-0019R

- A. A RESOLUTION APPROVING AN AMENDMENT TO ARTICLES II AND IV OF THE BYLAWS OF THE CITY OF SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY RELATING TO THE APPOINTMENT OF THE BOARD OF DIRECTORS AND OFFICERS OF THE AUTHORITY, ALL TO SERVE IN AN EX OFFICIO CAPACITY.

2008-04-17-0020R

- B. A RESOLUTION APPROVING AMENDED FEE SCHEDULE AND BOND PROCEDURES RELATING TO APPLICATIONS FOR FINANCING OF DEVELOPMENT PROJECTS BY THE CITY OF SAN ANTONIO INDUSTRIAL DEVELOPMENT AUTHORITY.

2008-04-17-0021R

- C. A RESOLUTION TAKING AFFIRMATIVE OFFICIAL ACTION TOWARD THE ISSUANCE OF PRIVATE ACTIVITY REVENUE BONDS TO CONSTRUCT AND EQUIP A MANUFACTURING FACILITY FOR THE TINDALL CORPORATION, A SOUTH CAROLINA CORPORATION; DECLARING AN OFFICIAL INTENT TO REIMBURSE EXPENDITURES; AND AUTHORIZING SUBMISSION OF AN APPLICATION TO THE TEXAS BOND REVIEW BOARD FOR PRIVATE ACTIVITY BOND ALLOCATION.

Mr. Peche stated that the IDA Board of Directors was convening to consider three Resolutions to: A) approve amendments to the Bylaws, B) approve fee schedules and bond procedures, and C) take official action toward the issuance of Industrial Revenue Bonds for the Tindall Corporation Manufacturing Project.

Mr. Peche stated that the Bylaw Amendments were authorized by City Council the previous item (5). He made note of the new fee schedule and added that the administrative bond procedures for the issuance of Industrial Revenue Bonds by the IDA would be updated. He stated that said Resolution also declared the official intent of the IDA Board to issue tax exempt Industrial Revenue Bonds (IRB) for the purpose of reimbursing expenditures to the Tindall Corporation for the construction of their facility, and authorized Tindall to apply to the Texas Bond Review Board for an IRB allocation.

Director Galvan moved to approve the Resolutions for items 6A, 6B and 6C. Director Rowe seconded the motion.

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

Mayor Hardberger adjourned the meeting of the City of San Antonio Industrial Development Authority and reconvened the City Council Meeting at 10:22 am and addressed the Consent Agenda.

CONSENT AGENDA: Items 7-30E

Consent Agenda Items 12, 15, 18, 19, 20 26, 27, and 28 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Clamp seconded the motion.

Councilmember Rowe recognized Mr. Mark Webb and the City Staff of the San Antonio International Airport on Item 22 for their work in bringing new airlines and non-stop flights to San Antonio.

Mr. Glen Alan Graham addressed the Council in support of Items 18, 19 and 20 because they referenced the parks in the City but asked that Council scrutinize the details and design of the park plans. He expressed concern with the final look of Main Plaza, noting that it did not look like the architectural drawings that had been presented at Public Hearings.

Mr. John Haning, President of the Park Police Officers Association, addressed the Council regarding Item 27. He stated that a year's pay had been lost due to the lengthy Meet and Confer process. He expressed concern that funding for tasers was no longer available and that 20 Park Police Officer positions had been placed on Executive Hold. He added that the Association had voted on this contract because they felt they had no other option but that many of their requests had been denied and they were unsure of the reasons why.

Mr. Jack M. Finger addressed the Council and spoke in opposition to Item 27 regarding the Meet and Confer Agreement with the Park Police. He stated that if the salary increase was given to them, the Police Department and others would expect the same. He expressed concern with Item 26, noting that middle class families should receive the same opportunity for assistance to purchase a home. Lastly, he noted that on Item 22, Spirit Airlines should not be given incentives. Motion carried by all present.

2008-04-17-0305

Item 7. 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 \$301,200.00, INCLUDING: (A) VITAL RECORDS FORMS; (B) LANDSCAPE MAINTENANCE SERVICES FOR PROGRAM BUILDING FACILITIES-ANIMAL CARE SERVICES FACILITY AND THE EMERGENCY OPERATIONS CENTER; (C) AUDIBLE PEDESTRIAN SIGNAL; (D) GROUNDS-CLEARING AND MAINTENANCE OF AIRPORT FACILITIES; AND (E) JANITORIAL SERVICES FOR DCI FACILITIES.

2008-04-17-0306

Item 8. AN ORDINANCE AMENDING AN INTERLOCAL AGREEMENT WITH THE SOUTH TEXAS REGIONAL AREA COUNCIL (STRAC) TO INSTALL AN ADDITIONAL ONE-HUNDRED (100) MOBILE LICENSES FOR THE FIRE DEPARTMENT PATIENT CONTACT RECORD SYSTEM ZOLL TABLET PCR, FOR A TOTAL COST OF \$350,000.00.

PULLED

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM PHILPOTT MOTORS, LTD, USING THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT, TO PROVIDE EIGHTEEN SPORT UTILITY VEHICLES FOR USE BY THE HOUSING AND NEIGHBORHOOD SERVICES DEPARTMENT FOR A TOTAL COST OF \$310,758.00, FROM THE GENERAL FUND AND THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2008-04-17-0307

Item 10. AN ORDINANCE ACCEPTING AN OFFER FROM OSI FEDERAL TECHNOLOGIES, MADE AVAILABLE THROUGH A FEDERAL SUPPLY SCHEDULE CONTRACT OF THE UNITED STATES GENERAL SERVICES ADMINISTRATION, TO PROVIDE THE FIRE DEPARTMENT WITH THE PURCHASE OF SPECIALIZED COMPUTER EQUIPMENT FOR A TOTAL COST OF \$70,828.17, FROM URBAN AREA SECURITY INITIATIVE GRANT FUNDS.

2008-04-17-0308

Item 11. AN ORDINANCE ACCEPTING A STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) CONTRACT TO PROVIDE THE CITY OF SAN ANTONIO WITH GOVERNMENT MANAGED SERVICES ASSESSMENT FOR THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT, FOR A TOTAL COST OF \$255,000.00.

2008-04-17-0310

Item 13. AN ORDINANCE AUTHORIZING A ONE-YEAR RENEWAL OF A LEASE OF SPACE AT 345 W. COMMERCE THAT THE CITY USES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT MAIN IMMUNIZATION CLINIC, FOR MONTHLY RENT OF \$8,837.50 AND PROVIDING FOR POSSIBLE RENEWAL.

2008-04-17-0311

Item 14. AN ORDINANCE APPROVING THE FIRST AMENDMENT TO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES AGREEMENT, WITH CHESNEY MORALES & ASSOCIATES, INC. FOR ADDITIONAL ARCHITECTURAL AND ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$232,823.00, IN CONNECTION WITH THE SECOND PHASE OF THE ROOF REPLACEMENT OF THE HENRY B. GONZALEZ CONVENTION CENTER PROJECT, LOCATED IN DISTRICT 1 AND APPROPRIATING \$267,323.00.

2008-04-17-0313

Item 16. AN ORDINANCE AUTHORIZING A JOINT USE AGREEMENT WITH THE SAN ANTONIO RIVER AUTHORITY ALLOWING SARA TO INSTALL A SEWER PIPELINE IN NEWCOMBE DRIVE, DISTRICT 2, WAIVING THE FEE OTHERWISE DUE.

2008-04-17-0314

Item 17. AN ORDINANCE APPROVING RENEWAL OF A LEASE WHEREBY THE CITY LEASES A DISTRICT 10 CONSTITUENT OFFICE FOR THREE YEARS, BEGINNING AT \$900.74 MONTHLY AND GRADUALLY INCREASING OVER THE LEASE TERM, AND PROVIDING FOR THE POSSIBILITY OF RENEWAL.

2008-04-17-0318

Item 21. AN ORDINANCE ELIMINATING THE INTERNET CONVENIENCE FEE FOR AVIATION PARKING PERMITS, AND DELETING CHAPTER 2, SECTION 2-503 OF THE CITY CODE OF SAN ANTONIO, TO REFLECT THE ELIMINATION OF THE FEE.

2008-04-17-0319

Item 22. AN ORDINANCE AUTHORIZING AN INCENTIVE PACKAGE FOR SPIRIT AIRLINES THAT INCLUDES \$300,000.00 FOR MARKETING COST REIMBURSEMENTS, LANDING FEE WAIVERS, AND REIMBURSEMENT OF START-UP COSTS NOT TO EXCEED \$150,000.00 FOR FLIGHTS TO FORT LAUDERDALE BEGINNING APRIL 14 AND MAY 1, 2008.

2008-04-17-0320

Item 23. AN ORDINANCE APPROVING \$525,000.00 AMENDMENTS TO EACH OF THREE PROFESSIONAL ENGINEERING SERVICES AGREEMENTS, AS AMENDED, WITH POST BUCKLEY SCHUH & JERNIGAN, INC., ADAMS ENVIRONMENTAL, INC., AND S&B INFRASTRUCTURE, LTD. FOR ADDITIONAL NATIONAL ENVIRONMENTAL POLICY ACT SERVICES IN CONNECTION WITH CITY-WIDE PROJECTS.

2008-04-17-0321

Item 24. AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH CONVENTIONS SPORTS & LEISURE INTERNATIONAL (CS&L) TO PROVIDE FOR A RATE

STUDY OF THE CONVENTION FACILITIES AND INCREASING THE AMOUNT OF THE AGREEMENT BY \$65,000.00.

Item 25. CONSIDERATION OF THE FOLLOWING RESOLUTIONS RELATING TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION:

2008-04-17-0022R

- A. A RESOLUTION APPROVING THE ISSUANCE OF \$28,000,000.00 IN PRINCIPAL AMOUNT OF "ADJUSTABLE RATE DEMAND REVENUE BONDS" BY THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE UNIVERSITY OF THE INCARNATE WORD, A TEXAS NONPROFIT CORPORATION, AND APPROVING OTHER MATTERS RELATED THERETO.

2008-04-17-0023R

- B. A RESOLUTION AUTHORIZING AND APPROVING AN AMENDMENT TO THE ARTICLES OF INCORPORATION OF THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION TO CONFORM THE STATUTORY AUTHORITY UNDER WHICH THE CORPORATION EXISTS TO CURRENT STATE LAW.

2008-04-17-0325

Item 29. AN ORDINANCE APPROVING A \$77,746.00 CONTRACT WITH JESSE JAMES AND ASSOCIATES, INCORPORATED DBA TREE WISE MEN FOR SERVICES IN CONNECTION WITH DOWNTOWN TREE RELOCATIONS.

Item 30. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

- A. Confirming the reappointment by Mayor Hardberger of Heberto Gutierrez and Steven Jewell to the Bexar Metro 911 District Board of Managers for the remainder of unexpired terms of office to expire February 28, 2010.

PULLED

- B. Appointing Albert Cisneros (District 5) to the Electrical Supervisory Board for the remainder of an unexpired term of office to expire July 31, 2008, and waiving the City Code Section 10-66 "layperson" categorical requirement, as requested by Councilmember Galvan.
- C. Reappointing Jimmy Salazar (District 10 - Category: Layperson) to the Mechanical Board of Appeals for the remainder of an unexpired term of office to expire March 20, 2010.
- D. Appointing Sallie Frances Scott (District 10) to the Animal Care Services Advisory Board for a term of office to expire April 16, 2010.
- E. Appointing Pat DiGiovanni (District 10 - Category: City Manager's Designee) to the Brooks Development Authority for the remainder of an unexpired term of office to expire November 4, 2009.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-04-17-0309

Item 12. AN ORDINANCE APPROVING CHANGE ORDER 25 IN THE AMOUNT OF \$3,100,000.00 TO THE \$38,089,089.72 CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. FOR INSTALLATION OF TWO PORTABLE CHILLER SYSTEMS, INCLUDING COOLING TOWERS, GENERATORS AND FUEL TANKS, IN CONNECTION WITH PROJECT 6 – ROADWAYS & UTILITIES AND PROJECT 10 – VOLUME 2 – HYDRONIC LINES RELOCATION AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A REVISED CONTRACT VALUE OF \$41,189,089.72.

Councilmember Rowe recused himself on said item by exiting the Council Chambers and noted that he had submitted a recusal form for Item 12 to the City Clerk.

Councilmember Cortez asked about the cost of the change order and why it was necessary. Mr. Mark Webb stated that the City had requested the change order to make improvements to the Central Utility Plant. He added that said item was more cost efficient than upgrading the existing plant and that the money saved by installing portable chillers be utilized to build a new Central Utility Plant closer to the terminals.

After a lengthy discussion, Councilmember Herrera moved to continue said item. Councilmember Galvan seconded the motion.

The motion failed by the following vote: **AYES:** Ramos, Cortez, Galvan, Herrera, and Rodriguez. **NAY:** McNeil, Cibrian, Clamp, and Mayor Hardberger. **ABSENT:** Cisneros. **ABSTAIN:** Rowe.

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

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

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos recognized Todd Moore, Steve Hiskels, Stephanie Hollaman, and Paul Guerrero for their work on Global Youth Services Week.

The City Clerk read the following Ordinance:

2008-04-17-0312

Item 15. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-01 IN THE AMOUNT OF \$145,027.38 TO THE CONSTRUCTION CONTRACT, WITH TEXAS STERLING, L.P. FOR ADDITIONAL WORK, IN CONNECTION WITH THE CALLAGHAN ROAD: INGRAM TO HEMPHILL PROJECT, LOCATED IN DISTRICTS 6 AND 7.

Councilmember Rodriguez asked for clarification of said work and if there would be project delays. Mr. Majed Al-Ghafry stated that the change order was owner-requested due to errors and omissions but that the work would be completed on time by November, 2008.

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

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

The City Clerk read the following Ordinance:

2008-04-17-0315

Item 18. AN ORDINANCE APPROVING \$67,356.00 OF PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT SALES TAX INITIATIVE FUNDS FOR THE ACQUISITION OF APPROXIMATELY 18.45 ACRES OF LAND ALONG LEON CREEK IN CITY COUNCIL DISTRICT 7 FROM NANCE & ASSOCIATES INC. AND APPROVING THE ACCEPTANCE OF AN EASEMENT DONATION ALONG SALADO CREEK IN CITY COUNCIL DISTRICT 2 FROM BEXAR COUNTY FOR THE LINEAR CREEKWAY PARKS DEVELOPMENT PROGRAM.

Councilmember Rodriguez highlighted said project. Mr. Malcolm Matthews added that said acquisition was part of the overall Linear Creek Program in Leon Creek and was located in the flood plain. He added that the Program was spread out over time and affected all Council Districts.

Councilmember Rodriguez moved to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

2008-04-17-0316

Item 19. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPARTMENT AND THE ACCEPTANCE, UPON AWARD, IN AN AMOUNT UP TO \$200,000.00, TO BE USED TO FUND AMENITIES AND IMPROVEMENTS ASSOCIATED WITH THE MEDINA RIVER GREENWAY PROJECT.

Councilmember Ramos highlighted said project and thanked Mr. Malcolm Matthews for his efforts in submitting said grant application. Mr. Matthews stated that the project would be concentrated in the area between the Medina River and the Land Heritage Institute and extended to both Districts 3 and 4. He added that amenities included benches, trailhead information, and mile markers.

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

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

The City Clerk read the following Ordinance:

2008-04-17-0317

Item 20. AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY CODE REGARDING CITY PARKS, CLARIFYING PERMITTED USES OF CERTAIN PARK FACILITIES TO ENSURE THE HEALTH AND SAFETY OF CITIZENS; PROVIDING FOR PENALTIES; AND PROVIDING FOR PUBLICATION.

Councilmember Cortez inquired about the process in which the changes were developed and if the required manpower to enforce the changes was available. Mr. Matthews stated that the item had been discussed during meetings with various stakeholders and advisory boards before it was scheduled before the Quality of Life Council Committee. He noted that it was the first time staff had recommended making a comprehensive change to the City Code regarding park regulations. He added that the changes would allow the City to better manage properties and Park Police to enforce infractions. As far as manpower, Mr. Matthews stated that the existing workforce was sufficient. Councilmember Cortez asked about revisions to the fees and hours of operations. It was noted that no fee changes were incorporated and that hours of operation would be determined administratively.

Councilmember Galvan asked about lake privileges. Mr. Matthews stated that usage was restricted to areas allotted by the City. Councilmember Cibrian noted that the Quality of Life Committee had kept special uses in mind while working on said item.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

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

The City Clerk read the following Ordinance:

2008-04-17-0322

Item 26. AN ORDINANCE AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SAN ANTONIO HOUSING AUTHORITY (SAHA) AND THE ACCEPTANCE OF \$760,000.00 TO PROVIDE DOWNPAYMENT ASSISTANCE TO FIRST-TIME HOMEBUYERS IN CONNECTION WITH THE CITY'S HOMEOWNERSHIP INCENTIVE PROGRAM (HIP).

Councilmember Herrera asked about the restrictions for the monies in relation to the Mirasol Project. Mr. Garza stated that these funds were for the Hope 6 Project for homeownership and could only be used for that project or they would be forfeited back to the Federal Government. He noted that through the partnership with SAHA, 38 families who were at or below 80% of the median income would be able to gain homeownership in the San Antonio Area after completion of a Homebuyer Counseling Class.

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

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

The City Clerk read the following Ordinance:

2008-04-17-0323

Item 27. AN ORDINANCE APPROVING A MEET AND CONFER AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO PARK POLICE OFFICER'S ASSOCIATION FOR A PERIOD THROUGH SEPTEMBER 30, 2009.

Mr. Belmares reviewed the process and noted that the one-year agreement would affect 220 employees. He highlighted the new step pay plan with an average 16% increase per officer, 100% of base hourly wages for officers injured in the line of duty, providing new officers with required equipment, establishing a stipend, and documenting certification pay. He added that in October, all peace officers received 2.2% cost of living adjustment plus an additional 2% increase in January 2008.

Councilmember Herrera stated that it was important for the groups to continue meeting and inquired about two Peace Officers who were decommissioned. Mr. Belmares stated that the Animal Cruelty Investigators had been reclassified to Specialists after analyzing the core functions of the department and discussions with the officers, department, and SAPD. Ms. Sculley reviewed the salary increases for the Officers and noted that the work done by Peace Officers and Police Officers was very different.

Councilmember Galvan asked if the salary increases equaled back pay and what were the next steps in that process. Staff responded that the structure of the agreement did not include any retroactive payment and that next steps were to continue meetings in the future. Councilmember Galvan requested a salary forecast.

Councilmember Cortez asked Mr. Belmares to assess the Process and if there was anything planned in writing for upcoming discussions. Mr. Belmares stated that the process had gone well and that the City wanted to ensure the employees were heard and taken care of. He spoke of increasing officer responsibilities and noted that staff has agreed to meet with the Association on any other concerns.

Councilmember Rodriguez recognized Mr. John Haning. Mr. Haning stated that the Process was a great improvement over past years' practices. He noted several items that had not been discussed at the meetings including retro pay, the impact low salaries had on hiring, tests for hiring and promotions, and posting Minutes. He stated that the duties of Peace Officers and Police Officers were more similar than credited.

Councilmember Rodriguez moved to continue the item for 30 days.

Councilmember Cibrian stated that it was very important for Management to have a strong relationship with employees. She noted that the Agreement had passed with an 85% vote, but if more time was needed to discuss the other items she would support a continuance. Mr. Bernard stated that any change in the Agreement would have to be ratified by the Association and it was not likely to happen in 30 days. He added that continuing the item would only be a set back.

Councilmember Rodriguez withdrew his motion.

Councilmember McNeil stated that the item was on the agenda because it had been agreed on. She noted that it was a work in progress, but it was a good start and not moving forward would only hinder the progress.

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

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

The City Clerk read the following Ordinance:

2008-04-17-0324

Item 28. AN ORDINANCE APPROVING FIELD USE AND MAINTENANCE LICENSE AGREEMENTS WITH WESTWOOD TERRACE PONY LEAGUE (FORMERLY WESTWOOD TERRACE LITTLE LEAGUE) AT LACKLAND TERRACE PARK AND MILLER'S POND YOUTH FOOTBALL LEAGUE AT MILLER'S POND PARK, IN CITY COUNCIL DISTRICT 4.

Councilmember Cortez asked if proceeds from Concession Sales would go to the League in exchange for maintenance. Mr. Matthews confirmed that they would.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Clamp recognized Councilmember Herrera for her work on the Derailment Training Facility for Union Pacific. This is the first municipally-owned hazardous material training facility in the State of Texas and was made possible due to the cooperative efforts and negotiations of public and private entities.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:30 pm to break for lunch and to convene in Executive Session for the purpose of Item A:

- A. Deliberate the appointment, employment, and duties of public officers and discuss related legal issues pursuant to Texas Government Code Sections 551.074 (personnel matters) and 551.071 (consultation with attorney).
- B. Discuss and deliberate the purchase, exchange, lease or value of real property pursuant to Texas Government Code Section 551.072 (real property). ITEM WITHDRAWN BY CITY ATTORNEY

Mayor Hardberger reconvened the Regular Meeting at 2:45 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- The Small Business Office Staff has collaborated with the City Attorney's Office to develop revised language to strengthen Small Business Contracting efforts. The revisions will allow for more effective implementation of the City's Small Business Economic Development Advocacy Policy.
- The Monthly Bond Report was distributed to the Council last week along with a website link that allows Council to view specific projects by District. CIMS Staff is available to meet with Council individually if there are any questions.
- AT&T has completed the Broadband Wireless Pilot Network in the Downtown Riverwalk Area. This is a pilot network that was installed by AT&T and their vendors without any direct cost to the City of San Antonio for 18 months, after which time it will be re-evaluated. Special thanks to AT&T and ITSD Staff who worked to provide this Wi-Fi Service within the Downtown Area.

Mrs. Vacek provided a status of Outstanding Financial Disclosure Reports for Board Members noting that of the 589 board members, five reports were still outstanding. She noted the following five individuals would be removed from their respective Boards:

- Commission for Children and Families – Mr. Solano
- Empowerment Zone Governance Board – Mr. Hawkins
- Keep San Antonio Beautiful – Mr. Magnuson
- Tax Increment Reinvestment Zone No. 7 – Mr. Medellin
- Tax Increment Reinvestment Zone No. 16 – Mr. Gill

She added that in 2006, fifteen persons were removed from boards, and that in 2007, there were seven Board Members were removed. Ultimately, from 2004 to the current, the number of members removed from Boards has been reduced from 40 at the most to only five.

CONSENT ZONING

Councilmember Herrera made a motion to approve the following re-zoning cases Z-2, Z-3, Z-4, Z-8, P-1, Z-9, and Z-11 under consent noting that Staff and Zoning Commission recommended approval and that no citizens had registered to speak. Councilmember Ramos seconded the motion.

The motion to approve the Consent Zoning items prevailed by the following vote: **AYES:** McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros and Clamp.

2008-04-17-0326

Item Z-2. **ZONING CASE # Z2008098 CD (District 5):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-2 CD" (CD-Auto Paint and Body) Commercial District with a Conditional Use for an Auto Paint and Body Facility, on 0.311 acres out of NCB 2524, 514 Merida Street as requested by Salah Diab, Applicant for Merida & La Chapelle, Ltd., Owners. Staff and Zoning Commission recommend Approval.

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: 0.311 ACRES OUT OF NCB 2524 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-2 CD" (CD-AUTO PAINT AND BODY) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN AUTO PAINT AND BODY FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2008-04-17-0327

Item Z-3. **ZONING CASE # Z2008102 (District 5):** An Ordinance changing the zoning district boundary from "IDZ" Infill Development Zone with uses permitted in "MF-33" Multi-Family District and "C-2" Commercial District to "IDZ" Infill Development Zone with uses permitted in "MF-50" Multi-Family District and "C-2" Commercial District, on 10.06 acres out of NCB A-14, 1334 S. Flores Street and 243, 249, 301, 305, 311, 315 and 319 E. Cevallos Street as requested by Bobby J. Perez, Applicant for NRP Group, LLC, Owner. Staff and Zoning Commission recommend approval.

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: 10.06 ACRES OUT OF NCB A-14 TO WIT: FROM "IDZ" INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "MF-33" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "IDZ" INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "MF-50" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT.

2008-04-17-0328

Item Z-4. **ZONING CASE # Z2008054 S (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel, on Lot 1 and Lot 2, Block 3, NCB 17634, 11202 and 11214 Misty Woods Street as requested by Sahi-Grant, LLC, Applicant for Jerry Lee and Loretta F. Wendel, Owners. Staff and Zoning Commission recommend approval with conditions.

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 3, NCB 17634 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" S COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A HOTEL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2008-04-17-0330

Item Z-8. **ZONING CASE # Z2008101 (District 9):** An Ordinance changing the zoning district boundary from "O-1" Office District to "I-1" General Industrial District, on Lot 52, Block 1, NCB 12048, 927 Clydeville Road as requested by Kimberly Smith, Applicant for Jim and Kimberly Smith, Owners. Staff and Zoning Commission recommend Approval.

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

52, BLOCK 1, NCB 12048 TO WIT: FROM "O-1" OFFICE DISTRICT TO "I-1" GENERAL INDUSTRIAL DISTRICT.

2008-04-17-0331

Item P-1. **PLAN AMENDMENT # 08011 (District 1):** AN ORDINANCE AMENDING THE LAND USE PLAN IN THE SOUTH CENTRAL SAN ANTONIO COMMUNITY PLAN, A COMPONENT OF THE MASTER PLAN OF THE CITY, BY CHANGING THE USE OF A 11.3 ACRE TRACT OF LAND GENERALLY BOUND BY S. ALAMO STREET TO THE NORTH, PROBANDT ST. TO THE EAST, EAST AND WEST CEVALLOS TO THE SOUTH AND THE UNION PACIFIC RAIL LINE TO THE WEST FROM LIGHT INDUSTRIAL LAND USE TO MIXED USE LAND USE. Staff and Planning Commission recommend Approval.

2008-04-17-0332

Item Z-9. **ZONING CASE # Z2008099 (District 1):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3" General Commercial District on the North 80.8 Feet of Lot 1C, Block 3, NCB 2807, 1601 North Zarzamora as requested by B & C Conner Group, L. L. C., Applicant for B & C Conner Group, L. L. C., Owner. Staff and Zoning Commission recommend Approval.

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 NORTH 80.8 FEET OF LOT 1C, BLOCK 3, NCB 2807 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2008-04-17-0333

Item Z-11. **ZONING CASE Z2008104 CD (District 4):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-2" (CD-Motor Vehicle Sales) Commercial District with a Conditional Use for Motor Vehicle Sales, on a 0.4028 acre tract of land out of Lot 6, Block 4, NCB 8780, 3441 S. W. Military Drive, as requested by Robert Villarreal, Applicant for Eric Morales, Owner. Staff and Zoning Commission recommend Approval.

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: A 0.4028 ACRE TRACT OF LAND OUT OF LOT 6, BLOCK 4, NCB 8780 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-2" (CD-MOTOR VEHICLE SALES) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR A MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

CONTINUED

Item Z-1. **ZONING CASE # Z2008089 CD (District 5):** An Ordinance changing the zoning district boundary from "IDZ" Infill Development Zone with uses permitted in "R-4" Single-Family Residential District and "NC" Neighborhood Commercial District to "IDZ" Infill Development Zone with uses

permitted in "C-2" (CD-Theater-Outdoor including Drive-In and Amphitheaters) Commercial District with a Conditional Use for a Theater-Outdoor including Drive-In and Amphitheaters on Lot A4, NCB 2569, 132 East Cevallos as requested by Rick and Angela Martinez, Applicant for Patrick S. Shearer, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Sarah Valdez spoke in favor of the proposed rezoning. She noted that the movies shown at the cinema were classics and family-oriented films that were free to attend. She stated that parking and noise were not issues because the business was small and only operated for part of the year.

Mr. Patrick Shearer stated he was the current owner of the property and that the proposed use would fit nicely in the area because it was a funky, artistic neighborhood. He noted that this type of use could not be anticipated in a Master Plan, but would contribute greatly. Mr. Shearer added that Slab Cinema was not a Drive-In Theatre, but more of an Art Gallery, which was allowed under the current zoning.

Ms. Angela Martinez stated that Slab Cinema was a family-friendly, open-air theatre. She added that the City did not have an appropriate zoning description for her business, so she was forced to seek the Drive-In/Amphitheater Designation. She noted that the Zoning Commission had approved the request with a Conditional Use and the Planning Department agreed it was within the Community Plan.

Mr. Rick Martinez noted that acoustics had been their biggest obstacle for his business. He noted that the speakers next to the rooms at the Holiday Inn El Tropicano emitted a soft sound. Mr. Martinez stated that he would be utilizing a similar speaker for the business.

Mr. Richard J. Martinez stated that his son and daughter-in-law understood urban development. He added that they were Downtown Residents and very active in the community. He was disappointed to hear about misconceptions regarding the theater.

Mr. Joe Lopez stated he was a gallery owner and in support of the project. He noted that Mr. and Ms. Martinez had drawn up the plans for the cinema. He also thanked the Mayor for the Luminaria event.

Ms. Retha Oliver stated that she had lived within walking distance of the previous theater. She noted that the theater would not be high intensity as the zoning designation suggested. She added that parking was not an issue because the cinema would only be open a few nights a week for a few months out of the year.

Mr. Jack M. Finger stated that Z-1 was the only case recommended for denial by Zoning Staff because it was located within a residential area. He also added that the impervious cover requested for items Z-6 and Z-7 was too high.

Councilmember Galvan moved to continue the proposed Zoning Item for 30 days. Councilmember Cibrian seconded the motion.

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

CONTINUED

Item Z-5. **ZONING CASE # Z2008062 (District 7):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "MF-33" Multi-Family District on Parcel 22B and Parcel 22C, NCB 15052 and Lots 7 through 13, Block 8, NCB 18098, 5831 Northwest Loop 410 and 5052 through 5082 Wurzbach Road, as requested by Kaufman & Associates, Inc., Applicant for Paul Herder and Alex Thomas Jr., Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

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

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

2008-04-17-0329

Item Z-6. **ZONING CASE #Z2008059 CD S ERZD (District 8):** An Ordinance changing the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "O-1 S ERZD" Office Edwards Recharge Zone District with a Specific Use Authorization for a Non-Commercial Parking Lot and "R-6 CD S ERZD" (CD-Non-Commercial Parking Lot) Residential Single-Family Edwards Recharge Zone District with a Conditional Use for a Non-Commercial Parking Lot and a Specific Use Authorization for a Non-Commercial Parking Lot within the Edwards Recharge Zone on Lots 6 and 8, Block 4, NCB 14759, 7535 West Loop 1604 and 999 Red Robin Road as requested Kyle Seale Crossings, Ltd., Applicant for Vernon and Maria Griffith. Staff and Zoning Commission recommend Approval with conditions.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Elyzabeth Earnley, AGUA Representative, noted that even though the land use was changing, the impervious cover would remain the same. She stated that this was a good compromise.

Mr. Jim Harnish, Hills and Dales Neighborhood Association, spoke in favor of the item. He noted that he worked with the developer and felt that the property use was appropriate. He added that green space would be included in the design and restrictions on the surrounding area would be in place, and there was a good ratio of impervious cover.

Councilmember Cibrian moved to adopt the proposed rezoning Item. Councilmember Rodriguez seconded the motion.

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

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 6 AND 8, BLOCK 4, NCB 14759 TO WIT: FROM "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "O-1 S ERZD" OFFICE EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL

PARKING LOT AND "R-6 CD S ERZD" (CD-NON-COMMERCIAL PARKING LOT) RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT AND A SPECIFIC USE AUTHORIZATION FOR A NON-COMMERCIAL PARKING LOT WITHIN THE EDWARDS RECHARGE ZONE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

CONTINUED

Item Z-7. **ZONING CASE # Z2008085 CD S ERZD (District 9):** An Ordinance changing the zoning district boundary from "C-1 ERZD" Light Commercial Edwards Recharge Zone District to "C-2 CD S ERZD" [CD-Veterinary Hospital - Small Animals (No Outside Runs, Pens and Paddocks Permitted)] Commercial Edwards Recharge Zone District with a Conditional Use for a Veterinary Hospital - Small Animals (No Outside Runs, Pens and Paddocks Permitted) and a Specific Use Authorization for a Veterinary Hospital - Small Animals (No Outside Runs, Pens and Paddocks Permitted) within the Edwards Recharge Zone, on 0.5869 acres out of Parcel 25B, NCB 18218, west side of Stone Oak Parkway between U.S. Highway 281 and Bulverde Road, as requested by RAD Investments, Inc., Applicant for RAD Investments, Inc., Owner. Staff and Zoning Commission recommend Approval.

Mr. Chris Looney presented the proposed Zoning Case.

Dr. Kari McGlothlin stated that she and her business partner would like to build a small animal hospital. She noted that they had known about the 50% impervious cover restriction, but believed that the remaining nine acres of the original property would be included in the calculations. She added that the previous owner had promised to set aside a greenbelt to balance out the impervious cover.

Ms. Elyzabeth Earnley, AGUA Representative, spoke against said item because she felt that the plan was not comprehensive and impossible to enforce. She added that it would lead to problems with developers in the future.

Councilmember Rowe moved to continue the proposed Zoning Item for 30 days. Councilmember McNeil seconded the motion.

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

CONTINUED

Item Z-10. **ZONING CASE # Z2008103 (District 2):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "I-1" General Industrial District on Lot 11 and Lot 12, Block 1, NCB 15732, 140 and 144 Remount Drive as requested by Benjamin G. Lopez, Applicant for Benjamin G. Lopez and Olga G. Lopez, Owner. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember McNeil moved to postpone the continue Zoning Item for 30 days. Councilmember Cibrian seconded the motion.

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

Mayor Hardberger recessed the meeting at 3:52 p.m. and stated that it would reconvene at 5:00 pm for Ceremonials.

CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation to Mr. Fernando C. Reyes who reigned as Rey Feo LX. Mr. Reyes will represent the LULAC Council #2 Scholarship Committee during Fiesta. The mission of the committee is to financially support the aspiration of deserving high school seniors to obtain a college education regardless of race, color or religion. This year's "*Ugly King*" has raised a record setting \$433,160 for LULAC Scholarships.

Mayor Hardberger presented a proclamation to The Texas Department of Transportation (TxDot) San Antonio District Office for the "Fiesta Safe, Drive Sober San Antonio" Campaign. Their mission is to educate the community on the dangers of drinking and driving during Fiesta 2008.

The Centro San Antonio Amigos and the City of San Antonio presented their Fiesta Medals to the City Council. The Amigos help accommodate the growing residential population through the efforts of the Public Improvement District, to position downtown as a premier convention and visitor's destination. The Amigos also serve as goodwill ambassadors by assisting downtown users and providing attention to the overall appearance of downtown. The Official City of San Antonio Fiesta 2008 Medal affirms that our city is *deep in our hearts*. The "Corazon Red" medal takes the shape of the city's brand identity echoing the four pillars of the San Antonio experience – People, Pride, Promise and Passion.

CITIZENS TO BE HEARD

Mr. Glen Alan Graham thanked the City Council for their vote to protect the Aquifer earlier today. He asked them to reconsider digital billboards and expressed excitement for Fiesta 2008.

Mr. Mark Perez stated that City staff was not properly trained with hazardous materials and that the EPA gave the City money for adequate training. He noted that he had been attending the Council Meetings for a very long time and nothing had been done about the facilities operating without permits. He stated that the City was withholding information from him in regard to various Open Records Requests he had submitted.

Mr. Nazirite Ruben Flores Perez noted that he had returned from Washington D.C. where he met with Senator Hutchinson and Representative Gonzalez. He stated that Leon Creek was doing well and he will be attending a meeting with the EPA at Kelly. He spoke of the last two Council Meetings he had attended and reiterated that the lions in Revelations represented the United States and the United Nations.

Mr. Michael Furlow addressed the Council and spoke of a confrontation with police in the Medical Center where he was detained for medical attention.

Mr. Faris Hodge, Jr. made mention of the Pope's prayers with sex abuse victims on his recent trip to the United States. He also expressed concern with the two retired SAPD Officers performing administrative

work as civilians at a rate of pay of \$450 per day. He requested that the Central Library modify their hours of operation and spoke against the firing of the City Auditor. He expressed opposition to Councilmember Rodriguez's proposal to restrict cell phone use in school zones, a nuclear power plant, and CPS rates being increased. He added that Final Four Funding should be spent on Libraries. Lastly, he stated that some SAPD Officers used too much force and that he would not be attending Fiesta 2008.

Mr. Edward O'Campo spoke of various ailments he has suffered since being removed from his Mirasol Home due to medical issues. Results of his air quality test proved that his home was full of deadly toxins, but was told that the results did not mean anything. He requested that KB Homes come up with an equitable solution for the handicapped and to be reimbursed for personal items that were destroyed.

Mr. George Alejos, LULAC 4383, stated that repairs to Mirasol Homes were being done without permits and asked why SAHA was paying \$75,000 on Project Supervisors for the work. He commended Mr. Mark Perez for his persistence in bringing concerns before the Council.

Ms. Petra Maldonado stated that the new SAHA Board was doing good things and the Council should support them. She added that the City should pursue and punish builders that do not obtain permits and asked the Council to become involved in their cause.

Karen Lazaro, daughter of a Mirasol Homeowner, stated that she did not want to live in her house anymore because she was afraid of getting sick. If sick, she would miss school and hamper her ability to play sports. She said that the problems with the home affected her family life because her parents were always arguing.

Ms. Alicia Lazaro stated numerous issues with her Mirasol Home. She urged the Council to get involved and ensure KB Homes is held responsible.

Mr. Guadalupe Lopez spoke in support of the new SAHA Board Chairman, Ramiro Cavazos. He stated that Mr. Cavazos was stretched to his limit and heeded help from the others.

Ms. Catrina Jacobo stated that the Express-News had printed a front page story covering Mirasol Home issues. She noted that Councilmember Galvan had attended their protest and that they were planning another one. She stated that several individuals had gone to look at the home next to her home and were told to do a walk-through and to list everything that they wanted fixed. Ms. Jacobo expressed concern with this practice because it was the Realtor's responsibility to disclose problems; not ask a buyer to figure out what the issues are. Mirasol Residents were promised that they would be at the top of the list for repairs, but if a neighbors' home is repaired before closing, then those homes move to the top of the list for repair.

Ms. Janet Ahmad spoke on behalf of Ms. Patricia Cabrera. Ms. Ahmad stated that Ms. Cabrera was moved to a hotel and forgotten about. She was evicted three months ago because the papers were sent to her home rather than to the hotel. Ms. Ahmad stated that it was unfair for Ms. Cabrera and her children to be homeless when she had spent \$28,000 in five years on a program that was supposed to help her.

Ms. Jessica Cantu spoke about issues with her Mirasol Home. She expressed concern with current practices and urged Council to assist them.

Ms. Henrietta DeHoyos noted that the Task Force had never contacted her about her Section 8 home or cash accumulation. She stated that HUD had given SAHA \$48.3 million to fund the Mirasol Project and she would like to know where that money went.

Ms. Janet Ahmad stated that the Mirasol Residents could not find other housing because they did not qualify due to mortgage issues. She stated that since the builders wrote their own laws, they controlled what SAHA was able to do to rectify the situation. She thanked the Council for appointing the new SAHA Board Members and noted that Ms. Sandra Ybarra had been moved out of her home.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:02 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk