

**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, MAY 2, 2007 AND THURSDAY, MAY 3, 2007.

The San Antonio City Council convened in a Work Session at 3:00 pm, Wednesday, May 2, 2007, Municipal Plaza Building with the following Councilmembers present: Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **ABSENT:** Flores and McNeil.

1. PRESENTATION BY THE MAYOR'S ADVISORY PANEL RECOMMENDING THE CREATION OF A NEW RIVER COMMISSION TO HELP PROTECT THE EXPERIENCE AND THE AMBIENCE OF THE RIVERWALK AREA.

Ms. Brenda Vickery Johnson, Chair of the Mayor's Panel on Proposed River Commission, presented the City Council with its findings and recommendations regarding the oversight of the River. The Commission explained that currently 13 boards oversee the River with none overseeing just the River. In order to create concise and consistent River policies, the Commission is proposing that the City Council create a River Commission. The main focus of the River Commission would be to develop a strategic plan that would preserve, protect, and enhance the history, heritage, and ambiance of the River Walk and the San Antonio River.

2. STAFF BRIEFING ON THE ROLE AND RESPONSIBILITIES OF THE HISTORIC AND DESIGN REVIEW COMMISSION (HDRC) AND CONSIDERATION OF OPTIONS FOR IMPROVEMENT OF THE CURRENT HISTORIC PRESERVATION PROCEDURES.

Mr. T.C. Broadnax, Assistant City Manager, briefed the City Council on the role and responsibilities of the HDRC as well as recommendations on improving current historic preservation procedures. A brief discussion ensued relating to the possibility of reducing the number of Board members.

There being no further business to come before the Council, the work session was adjourned at 4:45 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, May 3, 2007 at 9:00 am in the City Council Chambers.

The Invocation was delivered by Msgr. Frank Kurzaj, Pastor, Holy Name Catholic Church, Guest of Councilmember Roland Gutierrez, District 3.

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 present with the following present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

MINUTES

Councilmember Perez made a motion to approve the minutes of the April 12, 2007 Regular City Council Meeting. Councilmember Haass seconded the motion.

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

CEREMONIAL OATH OF OFFICE

Mayor Hardberger ceremonially administered the Oath of Office to Pete Gonzales, Jr., the newly appointed City Auditor.

POINTS OF PERSONAL PRIVILEGE

Councilmember Perez spoke on the 2007 Walk and Roll Rally that is schedule for Friday, May 4th at Hemisphere Park. He encouraged individuals to start using alternate modes of transportation such as walking, bicycling, car pooling, and mass transit.

Mr. Sid Martinez addressed the Council and stated that the use of alternate modes of transportation was important for health and air quality reasons. Mr. Martinez thanked the City, County, and other entities for their support.

Councilmember Perez recognized Linda Garza, a contestant that appeared on "Good Morning America" in the contest called "Dancing with the Moms." He encouraged individuals to vote for Ms. Garza who is from San Antonio.

CONSENT AGENDA: Items 9-37

Consent Agenda Items 16, 29, 33, 35E, 36, and 37 were pulled for Individual Consideration. Councilmember Haass made a motion to approve the remaining Consent Agenda Items. Councilmember Guajardo seconded the motion.

Mr. Jack Finger, P.O. Box 12048, addressed the City Council and spoke on Items 35, 21, and 17. As it relates to Item 35, he stated that Municipal Golf Association Board Members had not submitted Financial Disclosure Statements. For Item 21, Mr. Finger noted that the City was approving items relating to 1999 Bond Projects. He questioned how long it would take for the City to complete 2007 Bond Projects. As it relates to Item 17, he stated that the City was approving change orders with Bartlett Cocke, a company that was part of the BIH scandal.

The motion to approve the remaining Consent Items prevailed with the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

2007-05-03-0482

Item 9. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$723,781.00, INCLUDING: (A) JANITORIAL CHEMICAL MANAGEMENT SYSTEM DISINFECTANTS AND SUPPLIES; (B) LAWN MOWING SERVICE AT CITY PARKS; (C) PROPERTY AND EVIDENCE SOFTWARE SYSTEM FOR SAPD; (D) JANITORIAL SERVICE AT THE BOB ROSS CENTER; (E) DANGEROUS PREMISES ABATEMENT - LOT CLEARING AND SECURING OF STRUCTURES; AND (F) PHARMACEUTICAL PRODUCTS.

2007-05-03-0483

Item 10. AN ORDINANCE ACCEPTING THE OFFER FROM SIMPLEXGRINNELL LP TO PROVIDE TESTING, INSPECTION AND CERTIFICATION OF THE FIRE SUPPRESSION AND SPRINKLER SYSTEMS AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR A COST OF \$37,000.00.

2007-05-03-0484

Item 11. AN ORDINANCE ACCEPTING THE BID FROM HOTSHOT DELIVERY SYSTEMS, INC. TO PROVIDE THE DEPARTMENT OF COMMUNITY INITIATIVES WITH ONE HOT/COLD FOOD TRANSPORTATION UNIT FOR A COST OF \$48,223.00.

2007-05-03-0485

Item 12. AN ORDINANCE RATIFYING A CONTRACT WITH FREEMAN DECORATING TO PROVIDE THE CITY WITH THE RENTAL AND INSTALLATION OF EVENT/EXHIBIT EQUIPMENT FOR THE 2007 NCAA DIVISION I MEN'S SOUTH REGIONAL BASKETBALL TOURNAMENT FOR A COST OF \$47,951.25.

2007-05-03-0486

Item 13. AN ORDINANCE APPROVING AN AMENDMENT TO A CONTRACT WITH THE 3M COMPANY- SECURITY SYSTEMS DIVISION TO PROVIDE ADDITIONAL EQUIPMENT FOR A RADIO FREQUENCY IDENTIFICATION (RFID) INVENTORY CONTROL AND SECURITY SYSTEM FOR THE LIBRARY SYSTEM FOR A TOTAL COST OF \$45,107.00 FROM TAX EXEMPT LEASE PURCHASE FUNDS.

2007-05-03-0487

Item 14. AN ORDINANCE AUTHORIZING SCHEDULE A, NO. 3 TO THE 2006 MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP, IN THE TOTAL AMOUNT OF \$999,732.00, FOR THE ACQUISITION OF VARIOUS COMPONENTS OF THE RADIO FREQUENCY IDENTIFICATION ("RFID") SYSTEM FOR THE CITY'S LIBRARY DEPARTMENT AT A RATE OF 3.6078% FOR A 60 MONTH TERM, TO PAY THE COSTS OF THE TRANSACTION; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AND EFFECTIVE DATE.

2007-05-03-0488

Item 15. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$78,860.00 TO MCNEIL ROOFING AND SHEET METAL, INC., IN CONNECTION WITH THE ROOF MODIFICATIONS AT LANDA BRANCH LIBRARY PROJECT, AND APPROPRIATING FUNDS.

2007-05-03-0490

Item 17. AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 TO THE \$46,440,500.00 CONSTRUCTION CONTRACT WITH BARTLETT COCKE/WALBRIDGE FOR THE GARAGE FOUNDATIONS, STRUCTURE AND SYSTEMS AT SAN ANTONIO INTERNATIONAL AIRPORT, REDUCING THE ORIGINAL CONTRACT VALUE BY \$3,786,024.00, REVISING CONSTRUCTION DRAWINGS, MODIFYING CERTAIN CONTRACT LANGUAGE, AND APPROVING CHANGE ORDER NO. 2 FOR THE SAME CONTRACT, TO INCREASE TEMPORARY SIGNAGE ALLOWANCE BY THE AMOUNT OF \$100,000.00, AND AUTHORIZING THE PURCHASE OF ELECTRIC MESSAGE BOARDS FOR USE DURING CONSTRUCTION FOR AN AMOUNT NOT TO EXCEED \$65,994.80.

2007-05-03-0491

Item 18. AN ORDINANCE RATIFYING CHANGE ORDERS 26, 28, AND FINAL CHANGE ORDER 33 IN THE AMOUNT OF \$183,759.60 TO THE \$6,759,969.30 CONSTRUCTION CONTRACT WITH JERDON ENTERPRISE, L.P. FOR THE UTILITY RELOCATION PROJECT FOR TERMINAL B AT SAN ANTONIO INTERNATIONAL AIRPORT.

2007-05-03-0492

Item 19. AN ORDINANCE RATIFYING CHANGE ORDER NO. 9 IN THE AMOUNT OF \$21,633.05 TO THE \$1,283,836.67 CONSTRUCTION CONTRACT WITH JERDON ENTERPRISE, L.P. FOR ROADWAY AND ENTRANCE LANDSCAPING IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT.

2007-05-03-0493

Item 20. AN ORDINANCE APPROVING A \$70,516.40 EMERGENCY CONSTRUCTION CONTRACT WITH RUBIOLA CONSTRUCTION COMPANY FOR EMERGENCY CEILING REPAIRS TO THE SAN PEDRO PLAYHOUSE IN DISTRICT 1, PAID FOR FROM PARKS AND RECREATION DEPARTMENT'S GENERAL FUND.

2007-05-03-0494

Item 21. AN ORDINANCE AUTHORIZING PAYMENT OF \$123,324.45 TO THE ENVIRONMENTAL SERVICES DEPARTMENT TO PROVIDE A REEVALUATION OF THE CATEGORICAL EXCLUSION AND CONDUCT A PHASE II SUBSURFACE INVESTIGATION, IN CONNECTION WITH THE MISSION TRAILS, PACKAGES IV AND V PROJECT, LOCATED IN DISTRICTS 1, 3, AND 5, AN AUTHORIZED 1999 CERTIFICATES OF OBLIGATION STREET IMPROVEMENT BOND AND ISSUED CERTIFICATES OF OBLIGATION FUNDED PROJECT.

2007-05-03-0495

Item 22. AN ORDINANCE APPROVING CHANGE ORDER NO. 3 - FINAL IN THE DEDUCTIVE AMOUNT OF \$286,723.73 TO THE CONSTRUCTION CONTRACT WITH SAN ANTONIO CONSTRUCTORS, LTD. TO RECONCILE ACTUAL QUANTITIES USED, IN CONNECTION WITH THE 2005 STREET MAINTENANCE PROGRAM-ASPHALT RECYCLING AND OVERLAY PROJECT, LOCATED IN VARIOUS DISTRICTS.

2007-05-03-0496

Item 23. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS AND THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN REAL PROPERTY FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S GAS AND ELECTRIC SYSTEMS, IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED IN BEXAR AND MEDINA COUNTIES, TEXAS;

BEXAR: THE T. QUINTERA, ALSO KNOWN AS THE THOMAS QUINTERA, SURVEY NO. 300, ABSTRACT NO. 978, COUNTY BLOCK 4353 AND THE R. CARASCO, ALSO KNOWN AS THE ROBERT CARASCO, SURVEY NO. 101, ABSTRACT NO. 1195, COUNTY BLOCK 4376;

MEDINA: THE B. SANDOVAL, ALSO KNOWN AS THE BERIANA SANDOVAL, SURVEY NO. 40, ABSTRACT NO. 840, J. J. GONZALES, ALSO KNOWN AS THE JOSE JACINTO GONZALES, SURVEY NO. 255, ABSTRACT NO. 408, DALLAS GILLIS, ALSO KNOWN AS D. GILLIS, SURVEY NO. 42, ABSTRACT NO. 1689, T.W.N.G.R.R. CO. SURVEY NO. 41, ABSTRACT NO. 1346, AND THE I. & G.N.R.R. CO. SURVEY NO. 42 ¼, ABSTRACT 1297.

2007-05-03-0498

Item 25. AN ORDINANCE AUTHORIZING RENEWAL OF THE STATE OF COAHUILA TRADE OFFICE'S LEASE AT THE INTERNATIONAL CENTER ON S. ST. MARY'S STREET TOTALING \$104,799.00 IN EXPECTED LEASE REVENUE.

2007-05-03-0499

Item 26. AN ORDINANCE AUTHORIZING A 5-YEAR RENEWAL OF AN INTERNATIONAL CENTER LEASE TO UNIVERSITY OF LAS PALMAS DE GRAN CANARIA TOTALING \$114,768.40 IN EXPECTED LEASE REVENUE.

2007-05-03-0500

Item 27. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION FOR THE FY2007 ASSISTANCE TO FIREFIGHTERS GRANT IN THE AMOUNT OF \$932,947.25 FROM THE UNITED STATES FIRE ADMINISTRATION WITH A REQUIRED FEDERAL MATCHING REQUIREMENT OF 20% OR \$233,236.81 FOR A TOTAL AMOUNT OF \$1,166,184.06 FOR THE PURCHASE OF A FIRE ENGINEER TRAINING SIMULATOR, A DRIVING SIMULATOR, A TRI CAST CAMERA SYSTEM AND THE TRAINING OF FIRE PERSONNEL ON THIS EQUIPMENT.

2007-05-03-0501

Item 28. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE SUB-AWARD AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO IN THE AMOUNT OF \$28,991.00 WHICH WILL INCREASE THE TOTAL AMOUNT OF SUPPORT FROM \$121,396.00 TO \$150,387.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S PARTICIPATION IN THE CANCER PATIENT NAVIGATOR PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007.

2007-05-03-0503

Item 30. AN ORDINANCE AUTHORIZING THE SETTLEMENT OF A STATE LAWSUIT STYLED *PAULA MARTINEZ V. CITY OF SAN ANTONIO*, BEXAR COUNTY, TEXAS, CAUSE NO. 2006-CI-16784, FOR THE AMOUNT OF \$190,000.00.

2007-05-03-0504

Item 31. AN ORDINANCE SCHEDULING SPECIAL CITY COUNCIL MEETINGS IN MAY, JUNE AND AUGUST 2007 AND RESCHEDULING ALL COUNCIL RELATED MEETINGS DURING THE MONTH OF JULY 2007.

2007-05-03-0505

Item 32. AN ORDINANCE APPROVING AMENDMENTS TO THE BYLAWS OF THE COMMUNITY ACTION ADVISORY BOARD.

2007-05-03-0507

Item 34. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO ACCEPT FUNDS IN THE AMOUNT OF \$30,000.00 FROM THE UNIVERSITY OF TEXAS AT SAN ANTONIO, IN CONNECTION WITH THE INSTALLATION AND CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF UTSA BLVD. AND ROADRUNNER WAY, LOCATED IN DISTRICT 8.

Item 35. CONSIDERATION OF BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS:

- A. Appointing Nada Ismail Taha (District 8) to the Commission for Children and Families, effective immediately, for the remainder of an unexpired term of office to expire May 31, 2007.
- B. Appointing William White (District 3) to the Small Business Advocacy Committee, effective immediately, for the remainder of an unexpired term of office to expire May 31, 2007.
- C. Appointing Sophia Marie Ortiz and Adelita Cantu (At-Large) to the Head Start Policy Commission (Category: Higher Education - College Level), effective immediately, for the remainder of unexpired terms of office to expire November 1, 2007.

- D. Reappointing Joseph Tartell (Regular Member) and Appointing Richard "Nick" Lee (Alternate Member) to the Municipal Civil Service Commission, effective immediately, for the remainder of unexpired terms of office to expire March 12, 2009.
- F. Reappointing Gary Pape (Category: Aviation); John McConnell and Donna Schneider (Category: Neighborhood Association); Mark Tafolla (Category: Air Transportation Advisory Commission Representative); and appointing James Caudle (Category: Aviation); Raymond Kincaid (Category: Neighborhood Association); and Gloria Arriaga (Category: AACOG Representative) to the Noise Abatement Advisory Committee, effective immediately, for the remainder of unexpired terms of office to expire October 11, 2008.

[CONSENT ITEMS CONCLUDED]

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-05-03-0479

Item 5. AN ORDINANCE APPROVING A MANAGEMENT AGREEMENT WITH MUNICIPAL GOLF ASSOCIATION-SAN ANTONIO (MGA-SA), A TEXAS NON-PROFIT CORPORATION DEDICATED TO OPERATING AND PROMOTING CITY OF SAN ANTONIO MUNICIPAL GOLF FACILITIES, FOR THE OPERATION OF THE SIX CITY-OWNED GOLF COURSES AND SAN PEDRO DRIVING RANGE FOR A TEN (10) YEAR TERM, NON-PROFIT DUTIES AND CONSIDERATION TO THE CITY.

Mr. Pat DiGiovanni, Deputy City Manager, presented the City Council with a history of said item. He stated that concerns with the current style of operation include the City losing market share, having a financial deficit, lacking capital improvements, and personnel issues. Recommendations to resolve these issues include making capital improvements at each facility, implementing operating and marketing plans, and implementing a "hybrid" model of golf operations. Mr. DiGiovanni stated that the best method to achieve these goals would be to create a non-profit model of management. He noted the benefits of said model and detailed the plan of action to be taken by the Temporary Board of Directors.

Mr. DiGiovanni also stated that MGA-SA would assume management control of 6 Golf Courses over a three-year period beginning October 1, 2007.

Mr. Jim Roschek, Consultant for said Project, addressed the Council and provided some background information on said project. He stated that with said model of operation the City could expect professionally run Golf Courses that are financially stable, affordable, and accessible.

Mr. Jack Finger, P.O. Box 12048, addressed the City Council and spoke on Items 4 and 5. For Item 4, he welcomed Mr. Pete Gonzales, Jr. to the City. As it relates to Item 5, he noted that it was illegal for the City to extend a line of credit to the MGA-SA and questioned the method of repayment.

Mr. Tony Piazza, President and CEO of Golf San Antonio, addressed the Council and spoke on the benefits of the proposed Management Agreement.

Councilmember Guajardo sought clarification on the job status of Golf Course employees.

Mr. DiGiovanni stated that a total of 92 employees would be affected by the transition. He noted that the City was working with the employees to transfer them to similar jobs within the Parks and Recreation Department and/or other City Departments. To facilitate the transition, the City has provided employees with training opportunities such as resume writing and interviewing skills. Another option available to employees was to apply for a job with the non-profit organization.

Councilmember Herrera requested that Mr. Henry Sanchez be considered when future MGA-SA Board Appointments are made.

Councilmember Haass made a motion that language be included in the Management Agreement allowing for the City to remove any one of the Golf Courses listed if an Economic Development opportunity arises. Councilmember McNeil seconded the motion.

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

Councilmember Flores made a motion that the City Council approve the Green Fees. Councilmember Gutierrez seconded the motion.

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

Councilmember Perez made a motion to adopt the proposed Ordinance incorporating the motion made by Councilmember Haass. Councilmember Haass seconded the motion.

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

The City Clerk read the following Item:

Item 35E. Appointing Louis Terrazas, Ricardo Diego Villasenor, Holly Tothe, Henry Galindo, Lou Miller and George Ignacio Fernandez to the Municipal Golf Association – SA, effective immediately, for two-year terms of office to expire May 2, 2009.

Councilmember Perez made a motion to approve the above noted appointees to the Municipal Golf Association – SA. Councilmember McNeil seconded the motion.

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

POINTS OF PERSONAL PRIVILEGE

Councilmember Radle recognized Mr. Botello, a member of the Parks and Recreation Board, for his hard work and dedication in facilitating Item 24. Ms. Radle stated that the purchase of said building would enhance the surrounding area.

The City Clerk read the following Ordinance:

2007-05-03-0480

Item 6. An Ordinance amending Chapter 21 of the City Code by deleting Section 21-6(c) in its entirety and creating a new Article X entitled Graffiti, establishing definitions, violations, penalties, abatement and exceptions.

Mr. David Garza, Director of Neighborhood Services, provided a list of concerns that have resulted in the development of the proposed amendment. Such concerns include unabated graffiti leading to additional graffiti, encouraging vandalism and other criminal activity, and ultimately negatively impacting the quality of life for area residents. He noted that Neighborhood Services in collaboration with the Parks and Recreation Department initiated an educational program to raise awareness of graffiti. The program entails educating youth who attend recreational programs about graffiti.

Ms. Mari Garza Bird, San Antonio Hispanic Chamber of Commerce, addressed the Council and stated that the Chamber was in support of Staff's recommendations. She stated that graffiti was directly linked to increased criminal activity, vandalism, and urban blight; and reduces property values. She requested that the City increase funding for preventative and educational programs and to communicate with small business-owners options available to them relating to graffiti abatement.

Mr. Bud Little, President of Keep San Antonio Beautiful, addressed the Council and expressed his gratitude to the Council and City Staff for their support on said topic. He requested that the Council take action before the situation gets worse.

Councilmember Herrera made a motion to allocate the \$150 Administrative Fee towards the creation of a Graffiti Abatement Fund. Councilmember McNeil seconded the motion.

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

Councilmember Gutierrez made a motion to exempt owner-occupied residences, occupied-ongoing businesses, and utility companies (i.e. Time Warner, AT&T, CPS, etc...) and that utilities companies be exempt provided they each submit to the City Council within three months of passage a Graffiti Abatement Plan to address the needs of the community. Councilmember McNeil seconded the motion.

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

Councilmember Perez made a motion to adopt the proposed Ordinance incorporating the motions made by Councilmembers Herrera and Gutierrez. Councilmember Haass seconded the motion.

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

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Meeting at 12:45 pm to break for lunch and convene in Executive Session at 2:00 pm for the purposes of:

- A. Discuss legal issues related to Paula Martinez v. City of San Antonio, in the 150th Judicial District Court, Bexar County, Texas, Cause No. 2006-CI-16784, pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Deliberate certain personnel matters, pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.074 (personnel matters).
- C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the meeting at 2:45 pm and stated that the Council had given staff direction but had taken no official action.

The City Clerk read the following Ordinance:

2007-05-03-0481

Item 7. AN ORDINANCE REVISING THE JOINT CITY/COUNTY TAX PHASE-IN GUIDELINES TO MODIFY THE APPLICATION/AMENDMENT FEE STRUCTURE AND REMOVE CALL CENTER RESTRICTIONS.

Mr. Robert Peche, Director of Economic Development, provided the Council with some background information relating to said revisions. He stated that the proposed revisions to the Tax Phase-in guidelines were developed jointly by Staff and Economic Partners in order for the City to remain competitive in attracting and retaining jobs.

Ms. Leticia Vacek read 2 written testimonies from Mr. Faris Hodge, Jr., 140 Dora. As it relates to Item 7, Mr. Hodge stated that everyone should have to pay taxes equally. He questioned why businesses are exempt from paying taxes. As it relates to Item 16, Mr. Hodge stated that lowering taxes would not work since the City is paying high wages to Fire and Police while giving tax breaks to businesses.

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

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

The City Clerk read the following Caption:

Item 8. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith, Director of Intergovernmental Relations, reported on the following bills and their status: Eminent Domain, Fire and Police Pension and Health Care, County Magistration, Water, Graffiti, and the Meet and Confer Process. In addition, he provided the Council with a status report of various items not addressed in the power point presentation.

POINTS OF PERSONAL PRIVILEGE

Councilmember Gutierrez asked to have a moment of silence to honor Mr. Pete Torres, the first Hispanic Councilmember to be elected to the City Council without the support of the Good Government League. He served on Council for 4 years.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-05-03-0489

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$481,265.00 TO C.A. LANDRY PARTNERS, LIMITED, IN CONNECTION WITH THE UNIVERSIDAD NACIONAL AUTONOMA DE MEXICO WEATHERIZATION PROJECT, AN AUTHORIZED HOTEL MOTEL OCCUPANCY TAX REVENUE BOND FUNDED PROJECT, LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

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

Councilmember Haass directed City Staff to meet with UNAM Staff in order to address said facility's immediate construction needs.

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

The City Clerk read the following Ordinance:

2007-05-03-0502

Item 29. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS HEALTH AND HUMAN SERVICES COMMISSION, AND ACCEPTANCE UPON AWARD OF A GRANT IN AN AMOUNT UP TO \$815,144.05 IN ORDER TO SUPPORT THE 2007 SUMMER FOOD SERVICE PROGRAM FOR THE PERIOD JUNE 11, 2007 THROUGH AUGUST 3, 2007; AND AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS.

Councilmember Flores made a motion to adopt the proposed Ordinance. Councilmember McNeil seconded the motion.

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

The City Clerk read the following Ordinance:

2007-05-03-0506

Item 33. AN ORDINANCE ESTABLISHING A FUNDING POLICY TO ADDRESS THE INSTALLATION OF WARRANTED TRAFFIC SIGNALS WITHIN THE ANNUAL OPERATING BUDGET PROCESS.

Councilmember Perez made a motion to adopt the proposed Ordinance. Councilmember Wolff seconded the motion. Councilmember Wolff expressed his appreciation to the Council and City Staff for their assistance with said item.

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

The City Clerk read the following Item:

Item 36A. APPOINTING AND REAPPOINTING INDIVIDUALS FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE, TO THE RIVERWALK CAPITAL IMPROVEMENTS ADVISORY BOARD:

1) CATEGORY: RIVERBEND LESSEE (2 SLOTS, TERMS EXPIRING DECEMBER 19, 2007 AND DECEMBER 19, 2008)

- Bill Lyons
- William Grinnan

2) CATEGORY: DOWNTOWN RESIDENT/NOT A LESSEE (1 SLOT, TERM EXPIRING DECEMBER 19, 2007)

- Joan Korte

Councilmember Perez made motion to approve the listed appointees. Councilmember McNeil seconded the motion.

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

The City Clerk read the following Item:

Item 36B. APPOINTING ROBERT RESSMAN, JOE CANDIA, FRANK ANAYA, KENNETH WEAVER, DAN MARTINEZ, AND ALICIA CORREA TO THE CITIZEN ADVISORY ACTION BOARD (CAAB), EFFECTIVE IMMEDIATELY, FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE JANUARY 29, 2009.

Councilmember Radle made motion to approve the listed appointees. Councilmember Haass seconded the motion.

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

The City Clerk read the following Item:

Item 37. REAPPOINTING MARIAN MOFFAT, ROLLETTE SCHRECKENGHOST, MICHAEL DEAN, AND MARIA CRUZ TO SERVE AS ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE COMMENCING IMMEDIATELY, TO EXPIRE FEBRUARY 22, 2009.

Councilmember Radle made motion to approve the listed appointees. Councilmember Haass seconded the motion.

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

Item 38. **City Manager's Report**

City Manager Sheryl Sculley reported on the following items:

- 2nd Quarter Financial Report – Ms. Sculley reported on FY 07 General Fund Revenues and Expenditures, Community and Visitor Facilities Fund, Environmental Services Fund, Development and Planning Services Funds, as well as information relating to the FY 2008 Budget.

CONSENT ZONING

Councilmember Perez made a motion to approve the following rezoning cases noting that the Staff and Zoning Commission recommendation were to approve: Z-1 and Z-5. Councilmember McNeil seconded the motion.

2007-05-03-0509

Item Z-1. **ZONING CASE # Z2007155 (District 6):** An Ordinance changing the zoning district boundary from "R-6" (CD-Multi-Family Development) Residential Single Family District with a Conditional Use for a Multi-Family Development with a density not to exceed 8 units per acre to "C-2" Commercial District on 2.750 acres out of NCB 19400 and "RP" Resource Protection District on 2.351

acres out of NCB 19400, 10581 Potranco Road as requested by Brown, P.C., Applicant, for Diana McHazlett and Robert C. De La Rosa, 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: 5.101 ACRES OUT OF NCB 19400 TO WIT: FROM "R-6" (CD-MULTI-FAMILY DEVELOPMENT) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A MULTI-FAMILY DEVELOPMENT WITH A DENSITY NOT TO EXCEED 8 UNITS PER ACRE TO "C-2" COMMERCIAL DISTRICT ON 2.750 ACRES OUT OF NCB 19400 AND "RP" RESOURCE PROTECTION DISTRICT ON 2.351 ACRES OUT OF NCB 19400.

2007-05-03-0511

Item Z-5. **ZONING CASE # Z2007149 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2" Commercial District on Lot 4, Block 2, NCB 12336, 4454 Hunnicutt as requested by Bhupendrakumar M. Bhakta, Applicant, for Bhupendrakumar M. Bhakta, Owner. Staff and Zoning Commission recommends 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 4, BLOCK 2, NCB 12336 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

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

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

2007-05-03-0508

Item P-1. AN ORDINANCE ADOPTING THE GUADALUPE WESTSIDE COMMUNITY PLAN AS A COMPONENT OF THE MASTER PLAN OF THE CITY IN AN AREA BOUNDED BY COMMERCE STREET TO THE NORTH; ALAZAN CREEK TO THE EAST; HWY 90 AND FRIO CITY ROAD TO THE SOUTH; AND SW 19TH STREET TO THE WEST.

Mr. Emil Moncivais, Director of Planning, presented the proposed plan amendment.

Mr. Victor Azios, 118 N. Medina, addressed the Council and spoke in favor of said plan amendment. He thanked Council, City Staff, Avenida Guadalupe, and area residents for their guidance and support.

Mr. Oscar Ramirez, Executive Director of the Avenida Guadalupe Association, also addressed the Council in support of said plan amendment. He stated that the plan would stimulate economic development in the area.

Councilmember Radle made a motion to adopt the proposed ordinance. Councilmember Perez seconded the motion.

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

Item P-2. PLAN AMENDMENT # 07009 (District 7): An Ordinance amending the land use plan in the Huebner/Leon Creeks Community Plan, a component of the Master Plan of the City, by changing the use of a 9.74 acre tract of land located at 6165 and 6239 Eckhert Road from Medium Density Residential to High Density Residential land use. Staff and Planning Commission recommend Approval. **(Associated Zoning Case Z2007146).**

Item Z-2. ZONING CASE # Z2007146 (District 7): An Ordinance changing the zoning district boundary from "RE" Residential Estate District to "C-2" Commercial District on Lot 5, Block E, NCB 14657 and to "MF-33" Multi-Family District on Lot 8 and Lot 9, Block E, NCB 14657 6065, 6165 and 6239 Eckhert Road as requested by Brown, P.C., Applicant, for Salehi Family Ltd., Florencia G. Quiroga and Frances N. Barton, Owner(s). Staff and Zoning Commission recommends Approval pending plan amendment.

Ms. Nina Mendez-Nixon presented the proposed plan amendment and rezoning case.

Councilmember Guajardo moved to continue Items P-2 and Z-2 for 30 days. Councilmember Perez seconded the motion.

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

2007-05-03-0510

Item Z-3. ZONING CASE # Z2006100 (District 8): An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District, "R-6" ERZD Residential Single Family Edwards Recharge Zone District and "I-1" General Industrial District to "C-3" General Commercial District and "C-3" ERZD General Commercial Edwards Recharge Zone District on 164.036 acres out of NCB 14848, 15080 Tradesman Drive / 15103 Capital Port as requested by Brown, P.C., Applicant, for Tradesman, LLC, Owners. Staff and Zoning Commission recommends Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Hall moved to adopt Item Z-3 with deed restrictions (attached herein as Exhibit A). Councilmember Wolff seconded the motion.

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

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: 164.036 ACRES OUT OF NCB 14848 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY

DISTRICT, "R-6" ERZD RESIDENTIAL SINGLE FAMILY EDWARDS RECHARGE ZONE DISTRICT AND "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

Item Z-4. **ZONING CASE # Z2007116 CD (District 1):** An Ordinance changing the zoning district boundary from "MF-33" NCD-2 Multi Family Neighborhood Conservation District 2 to "MF-33" (CD-Office) NCD-2 Multi Family Neighborhood Conservation District 2 with Conditional Use for an Office on Lots 16 through 20, Block 13, NCB 6435, 402 West Gramercy Place as requested by Jaspro, Inc., Applicant, for Jaspro, Inc., Owner. Staff and Zoning Commission recommends Approval with conditions.

Mr. John Jacks presented the proposed rezoning case.

The following citizens appeared to speak:

Mr. Hector Cardenas, President of the Alta Vista Neighborhood Association, addressed the Council and spoke against said zoning change. He stated that the petitioner has not maintained the property, which has resulted in him being cited for numerous code compliance violations as well as the home depreciating in value. Mr. Cardenas stated that currently said property is covered in graffiti and has grass over 2 feet tall. He asked for the Council to vote against the zoning change.

Ms. Ellis Bless, 530 W. Mulberry, addressed the Council and spoke against said zoning change. She also stated that the current Master Plan for the area should be maintained specifically as it relates to residential areas. Ms. Bless stated that parking would be an issue if more commercial-use properties were allowed.

Mr. David Sonenschein, 1017 Ripley, addressed the Council and spoke on a petition that was circulated by the petitioner, Mr. Sepulveda. He stated that Mr. Sepulveda misled individuals in order to gather signatures. Examples include listing the wrong address on the petition and not properly disclosing ownership of the property. He requested that the Council maintain the current Master Plan and vote against the zoning change.

Mr. Jesse Sepulveda, property owner, addressed the Council and provided background information relating to said property. He stated that he intended to occupy the property and planned on making \$100,000 to \$150,000 in improvements as well as purchasing security and monitoring systems. Since he envisioned having 3 law offices at said property, he noted that he needed all 4,500 square feet of the building. He also provided letters from Code Compliance which noted that all violations have been addressed. Mr. Sepulveda requested that the Council vote in favor of the zoning change.

Mr. Baltazar Serna, attorney for Mr. Sepulveda, addressed the Council and clarified several concerns. He stated that Mr. Sepulveda planned on utilizing all 4,500 square feet on said property, not the 2,500 square feet being recommended by the Planning Commission. In addition, he stated that the back building would be maintained as an apartment complex. Mr. Serna also clarified that this was the first time that Mr. Sepulveda had sought a zoning change.

Ms. Ellis Bless, 530 W. Mulberry, addressed the Council and stated that Mr. Sepulveda originally informed the Neighborhood Association that he would be the sole practitioner at said property. However, Mr. Sepulveda plans on sharing the office with other attorneys. Ms. Bless stated that Mr.

Sepulveda misrepresented himself and the situation. She requested that the Council deny the zoning change.

Ms. Deirdre Hisler, 503 W. Lynwood, addressed the Council and stated that she does not support said zoning change even though she signed the petition that was circulated. She stated that after receiving information from the Neighborhood Association she changed her mind and withdrew her support.

Councilmember Flores stated that it was a challenge to maintain the historic nature of neighborhoods while trying to meet future needs of the community. Councilman Flores requested that the Petitioner and the Neighborhood Association meet and find a resolution.

Councilmember Flores moved to continue Item Z-4 for 1 week. Councilmember Gutierrez seconded the motion.

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

Mayor Hardberger recessed the meeting at 4:53 pm until 5:15 pm at which time Ceremonial Items was addressed.

CEREMONIAL ITEMS

Mayor Hardberger recognized Esteban Aguirre, Hector Villanueva, and Joe Mendez. He noted that these City employees helped save a young woman from an attempted abduction. While on route near W. Kings Hwy. and San Pedro, the workers were approached by the young woman who informed them that a man pulled beside her, exposed himself, and tried to grab her. The workers pursued him and eventually detained him until SAPD arrived.

Mayor Hardberger acknowledged the India Association which is hosting their Annual Festival of India in Maverick Plaza at La Villita on May 12, 2007 from 11:00 am to 4:30 pm. The festival showcases traditional Indian culture, cuisine, jewelry, and crafts.

Mayor Hardberger Ceremonially Swore-in Newly Appointed Board Members. The Mayor and Council congratulated all Board Members for their service to the City of San Antonio.

CITIZENS TO BE HEARD

The following citizens appeared to speak:

Ms. Helen Herrera, 406 Wilcox, addressed the Council relating to an electric meter being “pulled” by a City Plumbing Inspector without an investigation. She stated that she was informed that the meter was being “pulled” due to the home being declared sub-standard and uninhabitable. In addition, reports of illegal activity taking place at said residence were filed. Ms. Herrera stated that the illegal activity in question was prior to her working on said home and a permit for electrical and plumbing work was not required since the work was pre-existing. Lastly, she questioned the authority of the Plumbing Inspector to issue a “stop order” on an electric meter.

Mr. Frank Herrera, 406 Wilcox, also addressed the Council relating to the electrical meter being "pulled." He stated that as the rehabilitation consultant for H & H Construction he used current technology to thoroughly investigate whether a home was worthy to rehabilitate. Mr. Herrera stated that his request to return the electricity was denied even though the plumbing and electrical work was pre-existing. He stated that the Plumbing Inspector committed fraud by inspecting electrical work.

Ms. Mary Louise Thompson, 5822 Fermi, addressed the Council and spoke about the unconstitutionality of the National Day of Prayer. She stated that her rights were being denied since she did not believe in an imaginary being and that as an Atheist she was more honest than those who claim to believe in God.

Mr. Nazarite Ruben Flores Perez, 679 Hearne, addressed the Council and referenced an article that was published in the *Express-News* which noted that a Task Force was being created to address homeowners' concerns. He also spoke on life, liberty, and happiness.

Mr. Michael John of the River Walk Vendor's Association spoke about the proposed River Walk Commission. He stated that some individuals with the Paseo Del Rio should not be able to serve on the Commission since said organization has a discretionary contract with the City. As such, the Board Members would be regulating themselves which is a conflict of interest.

Mr. Antonio Diaz of the Texas Indigenous Council addressed the Council and stated that he has been calling the Mayor to set-up a meeting to discuss the Main Plaza Renovation Project. He stated that there was a lack of respect for the burial sites that exist in Main Plaza and Milam Park. Mr. Diaz suggested that the City erect a statute of an indigenous family in Main Plaza.

Mr. Mark Perez, 119 Hardeman, addressed the Council and presented an article that appeared in the *Express-News* regarding former Councilmember Raul Prado. He also spoke about the facility located at 4728 Goldfield which had been operating since 1983 without a certificate of occupancy or a permit to receive hazardous chemicals. He stated that even though said company no longer exists, toxic chemicals still remain at said site. Mr. Perez noted that Development Services has ignored his concerns.

Ms. Patsy Cheyney, 311 S. St. Mary's St., addressed the Council about the City not having a National Furniture Bank to accept used mattresses from hotels or homeowners. She requested that the City establish a National Furniture Bank.

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council about sign-in sheets not being available at a recent meeting to discuss FY 2007 Bond Projects. He also noted that Roland Gutierrez has signs all over District 3 even though he does not have an opponent in the May Election. He stated that Mayor Hardberger spent \$175,000 in support of proposed Bond Projects on the May 12th Ballot. Mr. Hodge requested that the City amend the political activity policy and that the Police Department no longer utilize tasers. Lastly, he sang "You are My Sunshine."

Mr. Luis Cintron, 432 Precious, addressed the Council with respect to KB Homes Inspectors not repairing his front door since issues were caused by "normal wear and tear." He stated that KB Homes Inspectors fixed a neighbors' faucet even though the issues were also considered "normal wear and tear." He requested that the City instruct KB Homes to fix his home or buy it back. Mr. Cintron showed a letter from HUD which stated KB Homes would be forced to repair the defects in his home.

Ms. Cynthia Beccera, San Luis, addressed the Council and requested the City demolish all the KB Homes in the Mirasol area due to the defects. She questioned why the City allowed individuals to reside in the homes despite the homes being contaminated with mold and lead. She stated contaminants have

caused individuals to become ill with asthma and possibly cancer. Ms. Becerra stated that her children were doing fine health wise until she moved into her home.

Ms. Jenny Villarreal, 4019 San Luis, addressed the Council and stated that she was transferred to Mirasol Homes from another SAHA Housing Project. She stated that her current living conditions were inhumane and questioned what the City was doing to protect the homeowners. Ms. Villarreal requested for the City to take action.

Ms. Sara Olivares, 458 Precious, addressed the Council and showed prescriptions that her doctor has given her and her children to take. She stated that she had requested SAHA to provide her with her housing records because she wanted to determine the cost for repairing her home. Ms. Olivares questioned why SAHA was requesting her to sign documents which would allow KB Homes to be charged to make repairs.

Ms. Myrna Calderon, Mirasol Resident, addressed the Council and stated that KB Homes committed fraud by re-selling homes knowing they were defective. She stated that her home has plumbing problems and that her children have become sick since moving into the home. Ms. Calderon requested that KB Homes buy back her home and for the Council to talk to KB Homes about their concerns.

Ms. Carol Zaragosa, 1607 NW 26th St., addressed the Council with regards to her KB Home being contaminated with mold. She referenced a notice that was circulated this week which stated that if mold can be smelled or seen, the occupants should move out of the home and seek remediation. However, residents were told last week that mold was not present in their homes. She stated that SAHA gave her a report on her home - one document was not signed, the lab report was missing, and a third document contained information for another home.

Ms. Stefana Adame-Battle, 448 Precious, addressed the Council and noted some of her observations on a recent KB Home tour of the Villa de Fortuna Subdivision. She stated that KB Homes was aware of the defective construction even before the Subdivision was built. Ms. Adame stated that so many dreams and hearts have been broken by KB Homes. Lastly, she stated that reports show her home is "reasonably safe" despite being contaminated with mold.

Ms. Henrietta De Hoyos, 1526 Villa Flores, stated that she has tried to get her home records for a year and a half. To date, SAHA has not been able to locate her records.

Ms. Janet Ahmad, 18 Silverhorn, addressed the Council and noted some of her observations on a recent KB Home tour. During the tour she met a mother of a child who recently had a brain tumor removed. Ms. Ahmad explained that the cancer was directly linked to the construction flaws in the home. She stated that she would continue to tour the homes in order to document construction flaws so that problems can be addressed.

Mr. Henry Alvarez, Executive Director of SAHA, presented the City Council with an update on the recent developments at SAHA. He stated that 15 air quality reports have been returned. Three homes require remediation and six homes need to be retested. Common concerns noted in the reports include air conditioning unit construction flaws and water intrusion from door and window hinges. Mr. Alvarez stated that SAHA is in the process of inspecting all homes. Another recent development is the creation of a Task Force to address Homeowner concerns.

Mr. Carlos Contreras with KB Homes addressed the Council and stated that KB Homes was pending the results of environmental tests it conducted. He stated that KB Homes planned on providing remediation

and/or any other type of assistance required to resolve homeowner concerns. In order to achieve this goal, he stated that KB Homes would be participating in the Task Force that was created.

ADJOURNMENT

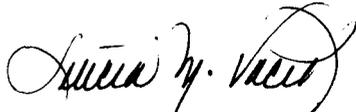
There being no further discussion, Mayor Pro Tem Herrera adjourned the meeting at 7:01 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R

Attest:



LETICIA M. VACEK
City Clerk