

**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, OCTOBER 3, 2007 AND THURSDAY, OCTOBER 4, 2007**

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

**1. UPDATE ON THE PROGRESS OF RECOMMENDED ACTIONS BY THE 2005  
BASE REALIGNMENT AND CLOSURE (BRAC) COMMISSION.**

A presentation was made by several members of the US Military on BRAC. Bob Murdock, Director of the Office of Military Affairs, provided a brief introduction. He stated that the BRAC recommendations were announced on November 9, 2005 and that the purpose of today's presentation was to provide an update on the changes. He introduced Major General Erv Lessel who provided information on BRAC, and presented the impact to San Antonio which includes Randolph Air Force Base (AFB), Lackland AFB, Brooks City-Base, and Fort Sam Houston. He noted that all actions pertaining to BRAC must be completed by September 15, 2011. Major General Lessel stated that the military's economic impact totaled \$5.2 billion per year and that BRAC Construction alone would total over \$2 billion. He mentioned that the Joint Base Initiative would consolidate the management functions of Randolph AFB, Lackland AFB and Fort Sam Houston. He recommended enhanced communication, integration of project management and cooperation between the military and the community for a successful transition.

Colonel Wendy Martinson provided an overview on the Fort Sam Houston and Camp Bullis Transformation. She stated that installation management functions would move from Fort Sam Houston to Randolph AFB and Lackland AFB. She noted that the Garrison Shopping Center Development would include a 695-Room *Staybridge Suites*, a \$53 million renovation of the Post Exchange (PX), a new fitness center, and a \$13 million Commissary Renovation. Additionally, she stated that Fort Sam Houston had partnered with the City of San Antonio and the Texas Department of Transportation (TX DOT) on widening Walters Street. She stated that seven medical readiness training courses would be relocated from Sheppard AFB to Camp Bullis, and that the Expeditionary Medical Support would be relocated from Brooks City-Base.

Commanding General Russell Czerw presented on the Medical Education and Training Campus (METC). He stated that at Fort Sam Houston, medical enlisted training would consolidate the AMEDD Center and School-Fort Sam Houston, the Navy Corps School-Great Lakes, IL, the Navy School of Health Science-San Diego, CA, the Navy School of Health Science-Portsmouth, VA, and the 882<sup>nd</sup> Training Group-Sheppard AFB, TX. It was noted that they are major learning institutions and the consolidation would create the world's largest Medical Education and

Training Institution. General Czerw noted that construction for the facility would total \$560 million and that it would be located at Camp Bullis.

Major General Thomas Travis spoke in reference to the San Antonio Military Medical Center (SAMMC). He noted that the law required realignment of Lackland AFB by relocating the inpatient medical function of the 59<sup>th</sup> Medical Wing (Wilford Hall Medical Center) to the Brooke Army Medical Center (BAMC). He stated that the BRAC vision was that the SAMMC would incorporate a North and South campus, delivering the highest quality, cost effective healthcare in world-class facilities yet still provide wartime readiness support and training for military healthcare professionals. Major General Travis noted that SAMMC would continue to train about half of all medical personnel for the Army and Air Force. He stated that WHMC would not be closing; it would become the Department of Defense's largest ambulatory outpatient clinic.

Mr. Eric Stevens, Director of the 311 Human Systems Wing discussed BRAC issues pertaining to Brooks City-Base. He noted that in terms of personnel, 775 individuals would be relocated in the local area, 914 individuals would be moved out of state, and 227 positions would be disestablished.

Councilmember McNeil expressed her support and stressed the importance of the Military working closely with the City of San Antonio. The Mayor and Councilmembers thanked the military personnel for their work on this process and stated they were pleased that San Antonio had such a vital military presence.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:40 p.m.

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

The Invocation was delivered by Dr. Louis H. Zbinden, Minister Emeritus, First Presbyterian Church, Guest of Mayor Phil Hardberger.

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

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

## **MINUTES**

Councilmember McNeil made a motion to approve the Minutes for the September 4, 5 & 7, 2007 Budget Work Sessions, September 5, 2007 Budget Public Hearing and September 6, 2007 City Council Meeting. Councilmember Galvan seconded the motion.

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

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-10-04-1037**

Item 4. AN ORDINANCE ACTING IN RESPONSE TO A PETITION FOR RECOGNITION RECEIVED ON BEHALF OF THE NON-SAN ANTONIO POLICE DEPARTMENT PEACE OFFICERS ON SEPTEMBER 4, 2007 IN ACCORDANCE WITH THE PROVISIONS OF THE MEET AND CONFER STATUTE, AS SET FORTH IN TEXAS LOCAL GOVERNMENT CODE, CHAPTER 142, SUBCHAPTER B.

Ms. Sharon De La Garza presented the item with the following three options:

- 1) Grant recognition of the association and determine by majority vote that the City may meet and confer with non-SAPD peace officers, or
- 2) Defer granting recognition of the association and order an election to determine if the City can meet and confer with non-SAPD peace officers (voter election must be held during the next regularly scheduled municipal official election-May 2009), or
- 3) Order a certification election among covered employees to validate that the association represents a majority of the covered employees.

The following citizens appeared to speak:

Mr. Daniel Segundo with the San Antonio Park Police Officers Association spoke in favor of the meet and confer option. He stated that Park Police Officers respond to many of the same types of calls as SAPD officers and are put in dangerous situations. He expressed his concern with the low compensation.

Mr. Joe Cloud with the San Antonio Airport Police Officers Association spoke in support of the meet and confer option. He noted that he had worked for SAPD for 33 years and had recently begun working with the Airport Police Department. He expressed his concern with low compensation.

Mr. John Haning, President of the San Antonio Park Police Officers Association, spoke in favor of the meet and confer option. He stated that he had worked closely with Senator Van De Putte and State Representative Menendez to get the related bill passed.

Mr. Travis Thornton, President of the San Antonio Airport Police Officers Association, spoke in support of the meet and confer option. He stated that Airport Police Officers are very unique and should have the means to advocate their needs. He provided some examples of the situations they encounter and expressed his concern with the low compensation.

Mr. Bill Drain, Full Circle Solutions, spoke in support of the meet and confer option. He stated he had worked closely in coordinating special events with the Park Police for over 20 years and felt that they deserved this opportunity due to their hard work and professionalism.

Mr. Jack M. Finger, P.O. Box 12048, spoke against this item. He stated that Airport Police and Park Police knew what they were getting into when they applied for their positions. He expressed his concern with the contents of this new law.

Leticia M. Vacek, City Clerk, read written testimony from Mr. Faris Hodge Jr. He stated that the Police were taking advantage of city employees. He expressed his concern with the fact that Police receive a 3% pay raise and non-union employees get either a 2% raise.

Councilmember Herrera moved to approve Option 1 being to grant recognition of the association by majority vote that the City may meet and confer with non-SAPD peace officers. Councilmember Clamp seconded the motion.

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

**CONSENT AGENDA: Items 5-32R**

Consent Agenda Items 10, 20 and 23 were pulled for Individual Consideration. Councilmember Gutierrez moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

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

**2007-10-04-1038**

Item 5. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2007-2008 FOR A COMBINED ESTIMATED COST OF \$2,730,887.00, INCLUDING: (A) CLOSED CAPTIONING SERVICES; (B) CURBSIDE RECYCLING CONTAINERS; (C) FLOOR CARE PRODUCTS; (D) GARTNER ONLINE INFORMATION TECHNOLOGY RESOURCES SUBSCRIPTION SERVICES; (E) SUN AND SUN RELATED SOFTWARE AND HARDWARE MAINTENANCE AND SUPPORT; (F) CARPET, CARPET TILE, CARPET CUSHION AND INSTALLATION; (G) REFERENCE MATERIALS; (H) AUDIO BOOKS; (I) SPANISH LANGUAGE BOOKS AND MEDIA; (J) HOST COMPUTER OPERATION SYSTEM SOFTWARE MAINTENANCE; AND (K) GARBAGE DISPOSAL SERVICE.

**2007-10-04-1039**

Item 6. AN ORDINANCE ACCEPTING THE BID FROM TEXAS BUS SALES, INC. TO PROVIDE THE DEPARTMENT OF COMMUNITY INITIATIVES WITH TWO SHUTTLE

BUSES FOR A COST OF \$89,000.00 FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

**2007-10-04-1040**

Item 7. AN ORDINANCE ACCEPTING THE BID FROM NILFISK ADVANCE, INC. TO PROVIDE THE PUBLIC WORKS DEPARTMENT WITH A SWEEPER-SCRUBBER FOR A COST OF \$44,937.00 FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

**2007-10-04-1041**

Item 8. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH HAGEMEYER, NORTH AMERICA, INC., TO PROVIDE THE FIRE DEPARTMENT WITH UPGRADES AND EXPANSION TO THE INCIDENT COMMAND TRAINING SYSTEM FOR A TOTAL COST OF \$96,898.80 TO BE FUNDED BY 2006 URBAN AREA SECURITY INITIATIVE (UASI) GRANT FUNDS.

**2007-10-04-1042**

Item 9. AN ORDINANCE ACCEPTING A CONTRACT WITH NAKNAN, INC., TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT (ITSD) WITH THREE SUN FIRE X4600 M2 SERVERS FOR A TOTAL COST OF \$50,007.70.

**2007-10-04-1044**

Item 11. AN ORDINANCE APPROVING A CONTRACT WITH FORT DEARBORN LIFE INSURANCE COMPANY, AT AN ESTIMATED ANNUAL AMOUNT OF \$1.5 MILLION, TO PROVIDE GROUP BASIC TERM LIFE, ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D), AND VOLUNTARY TERM LIFE INSURANCE COVERAGE UNDER THE CITY' SELF-FUNDED HEALTH BENEFITS PROGRAM, FOR A TERM OF FIVE (5) YEARS, WITH OPTIONS TO EXTEND.

**2007-10-04-1045**

Item 12. AN ORDINANCE APPROVING CONTRACTS WITH SAFEGUARD HEALTH PLAN, INC., IN AN ESTIMATED TOTAL ANNUAL AMOUNT OF \$666,000, TO PROVIDE THIRD PARTY ADMINISTRATION OF THE CITY'S SELF-FUNDED DENTAL PREFERRED PROVIDER ORGANIZATION (PPO) PLAN AND TO PROVIDE A FULLY INSURED DENTAL HEALTH MAINTENANCE ORGANIZATION (DHMO) PLAN UNDER THE CITY'S SELF-FUNDED HEALTH BENEFITS PROGRAM, EACH FOR A TERM OF 5 YEARS, WITH OPTIONS TO EXTEND.

**2007-10-04-1046**

Item 13. AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE CONTRACT WITH HAY GROUP IN AN AMOUNT NOT TO EXCEED \$200,000 FOR ADDITIONAL CONSULTING SERVICES PERFORMED AND REQUIRED DURING THE FINAL TERM OF THIS CONTRACT.

**2007-10-04-1047**

Item 14. AN ORDINANCE APPROVING A PROFESSIONAL SERVICES CONTRACT WITH BEATY PALMER ARCHITECTS, INC. IN THE AMOUNT OF \$233,700.00, FOR

SERVICES ASSOCIATED WITH THE SAN ANTONIO RIVER WALK CAPITAL IMPROVEMENTS MASTER PLAN LOCATED IN DISTRICT 1.

**2007-10-04-1048**

Item 15. AN ORDINANCE APPROVING CHANGE ORDER PW- 06 FINAL IN THE AMOUNT OF \$94,033.81 TO THE CONSTRUCTION CONTRACT WITH VALEMAS, INC. TO RECONCILE ACTUAL QUANTITIES USED IN CONNECTION WITH THE AVE MARIA DRAINAGE PROJECT, LOCATED IN DISTRICT 1.

**2007-10-04-1049**

Item 16. AN ORDINANCE APPROVING SAWS CHANGE ORDER NO. 01 IN THE NET DEDUCTIVE AMOUNT OF \$98,892.53 TO THE CONSTRUCTION CONTRACT WITH COLLECTIVE CONTRACTING, INC. IN CONNECTION WITH THE HACKBERRY: STEVES TO SOUTHCROSS AND LINDA LOU: PRESA TO HACKBERRY PROJECTS, LOCATED IN DISTRICT 3.

**2007-10-04-1050**

Item 17. AN ORDINANCE APPROVING TWO UTILITY REIMBURSEMENT AGREEMENTS, APPROPRIATING FUNDS, AND AUTHORIZING PAYMENTS OF \$19,488.97 TO GRANDE COMMUNICATIONS NETWORKS, INC. AND \$53,812.14 TO TIME WARNER CABLE FOR THE UNDERGROUND UTILITY CONVERSION OF THE FLORIDA STREET-IH37 TO ST. MARY'S PROJECTS, LOCATED IN DISTRICT 1.

**2007-10-04-1051**

Item 18. AN ORDINANCE APPROVING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$21,139.00 WITH VICKERY AND ASSOCIATES FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE PRUE ROAD EXTENSION: PRUE TO HUEBNER PROJECT LOCATED IN DISTRICT 8, AND APPROPRIATING FUNDS.

**2007-10-04-1052**

Item 19. AN ORDINANCE APPROVING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$142,160.00 WITH LOCKWOOD, ANDREWS AND NEWNAM, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE MEDICAL AT FREDERICKSBURG PROJECT, LOCATED IN DISTRICT 8, AND APPROPRIATING FUNDS.

**2007-10-04-1054**

Item 21. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND AUTHORIZING THE ACCEPTANCE OF A GRANT FOR THE ALAMO AREA COUNCIL OF GOVERNMENTS (AACOG) IN THE AMOUNT OF \$275,250.00 FOR THE CONTINUATION OF THE SUPPORTIVE SERVICES FOR THE ELDERLY PROJECT (SSEP) FOR TRANSPORTATION SERVICES FROM OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008; APPROVING A PERSONNEL COMPLEMENT; AUTHORIZING ALLOCATION OF CARRY FORWARD FUNDS AND ACCEPTANCE OF SUPPLEMENTAL FUNDS, IF AWARDED DURING THE CONTRACT PERIOD.

**2007-10-04-1055**

Item 22. AN ORDINANCE AUTHORIZING THE SUBMISSION OF GRANT APPLICATIONS TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA), AND ACCEPTANCE UPON AWARD, OF A \$1,000,000.00 REVOLVING LOAN FUND GRANT FOR A FIVE (5) YEAR PERIOD, A \$200,000.00 HAZARDOUS ASSESSMENT GRANT AND A \$200,000.00 PETROLEUM ASSESSMENT GRANT, EACH FOR A THREE (3) YEAR PERIOD, TO CONTINUE ASSISTANCE THROUGH A REVOLVING LOAN FUND AND ENVIRONMENTAL SITE ASSESSMENTS AS PART OF THE CITY'S BROWNFIELDS REDEVELOPMENT PROGRAM.

**2007-10-04-1057**

Item 24. AN ORDINANCE AUTHORIZING THE AMENDMENT OF A STAND-BY PROFESSIONAL SERVICES AGREEMENT WITH BEATY PALMER ARCHITECTS, INC. (PREVIOUSLY BEATY AND PARTNERS, ARCHITECTS, INC.), IN THE AMOUNT OF \$287,000 FOR ADDITIONAL STAND-BY ARCHITECTURAL SERVICES IN CONNECTION WITH THE CONVENTION CENTER EXTERIOR IMPROVEMENTS PROJECT, LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

**2007-10-04-1058**

Item 25. AN ORDINANCE RESCHEDULING CITY COUNCIL MEETINGS IN NOVEMBER AND DECEMBER 2007 AND JANUARY 2008.

**2007-10-04-1059**

Item 26. AN ORDINANCE APPROVING A HOUSING ASSISTANCE PAYMENT CONTRACT WITH THE SAN ANTONIO HOUSING AUTHORITY AND AUTHORIZING ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$354,900.48 FOR THE CONTINUATION OF THE RENTAL SUBSIDY PROGRAM FOR SINGLE ROOM OCCUPANCY UNITS AT THE DWYER AVENUE CENTER FOR THE PERIOD ENDING SEPTEMBER 16, 2008.

**2007-10-04-1060**

Item 27. AN ORDINANCE APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH THE CE GROUP TO PROVIDE COORDINATING, PROMOTIONAL AND PRODUCTION SERVICES FOR THE CULTURAL ARTS CELEBRATION EVENT SCHEDULED FOR MARCH 2008.

**2007-10-04-1061**

Item 28. AN ORDINANCE APPROVING THE SECOND AMENDMENT OF THE 2005 MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANK OF AMERICA PUBLIC CAPITAL CORP, TO PROVIDE THAT ALL REMAINING FUNDS MAY BE DRAWN DURING ITS CURRENT TERM, AND AUTHORIZING FUNDING IN THE AMOUNT OF \$1,328,510.00 TO PURCHASE 415 ELECTRIC GOLF CARS FOR GOLF OPERATIONS.

**2007-10-04-1062**

Item 29. AN ORDINANCE APPROVING THE ADMINISTRATIVE SERVICES BUDGET OF THE SAN ANTONIO HOUSING TRUST FOUNDATION, INC. IN THE AMOUNT OF \$355,225.00 FOR STAFFING AND ADMINISTRATION OF THE CITY OF SAN ANTONIO HOUSING TRUST FOR FISCAL YEAR 2007-2008; APPROVING A CONTRACT FOR SERVICES TO BEGIN OCTOBER 1, 2007 AND EXPIRE ON SEPTEMBER 30, 2008; APPROVING A PERSONNEL COMPLEMENT AND AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS.

**2007-10-04-1063**

Item 30. AN ORDINANCE APPROVING A CONTRACT WITH SAN ANTONIO FOR GROWTH ON THE EASTSIDE, INC. (SAGE) TO PROVIDE CONSULTING SERVICES FOR AN AMOUNT NOT TO EXCEED \$44,120.00 FROM SAGE IN CONNECTION WITH IMPLEMENTATION OF ITS NEIGHBORHOOD COMMERCIAL REVITALIZATION PLANS AND ECONOMIC DEVELOPMENT ACTIVITIES IN DISTRICT 2 BEGINNING OCTOBER 6, 2007 AND ENDING ON SEPTEMBER 30, 2008, AND PROVIDING FOR A ONE-YEAR RENEWAL OPTION.

**2007-10-04-1064**

Item 31. AN ORDINANCE AMENDING TWO INDEFINITE DELIVERY PROFESSIONAL SERVICES AGREEMENTS, EACH IN THE AMOUNT OF \$500,000.00, WITH PAPE-DAWSON ENGINEERS, INC. AND POST, BUCKLEY, SCHUH & JERNIGAN, INC., FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH CITY-WIDE TRAFFIC ENGINEERING PROJECTS.

Item 32. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE NOMINEES, FOR TERMS TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. REAPPOINTING SONIA M. RODRIGUEZ (MAYOR) TO THE MAYOR'S COMMISSION ON THE STATUS OF WOMEN FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.
- B. APPOINTING FELIX MEDINA ALVAREZ (DISTRICT 1 – COMMUNITY REPRESENTATIVE CATEGORY) AND DIXIE WATKINS, III (MAYOR – EXTRATERRITORIAL JURISDICTION CATEGORY) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE OCTOBER 25, 2008 AND OCTOBER 25, 2009, RESPECTIVELY.
- C. APPOINTING RICK SENKBEIL (DISTRICT 6 – HOMEBUILDER REPRESENTATIVE CATEGORY) TO THE PLUMBING APPEALS AND ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MARCH 30, 2008.

- D. REAPPOINTING CATALINA (KATY) GARZA (MAYOR) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- E. REAPPOINTING SUSAN I. BUDGE (MAYOR – ARTS EDUCATION CATEGORY) AND APPOINTING GEORGE J. TAMEZ (DISTRICT 5 – PATRON OF THE ARTS) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.
- F. REAPPOINTING JERRY SMITH (MAYOR – GENERAL CONTRACTOR CATEGORY) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2008.
- G. APPOINTING LT. COLONEL JERRY GONZALES (RET) (MAYOR) TO THE CITY COMMISSION ON VETERANS AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- H. REAPPOINTING PATRICIA GARCIA (MAYOR) TO THE COMMISSION FOR CHILDREN AND FAMILIES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- I. REAPPOINTING DELLA A. GUIDRY (MAYORAL REPRESENTATIVE CATEGORY) TO THE CONVENTION AND VISITORS COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- J. REAPPOINTING EMILY D. THUSS (MAYOR – PROVIDER OF HANDICAPPED SERVICES CATEGORY) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- K. APPOINTING KEITH SCHULZ (MAYOR – JOURNEYMAN ELECTRICAL/UNION REP CATEGORY) TO THE ELECTRICAL SUPERVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2009.
- L. APPOINTING STERLING NEUMAN (MAYOR) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2009.
- M. REAPPOINTING HOWARD W. PEAK (MAYOR) TO THE LINEAR CREEKWAY PARKS ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2009.

**2007-10-04-1065**

- N. AN ORDINANCE REAPPOINTING MARK TREVINO (MAYOR) AND APPOINTING RAY KNOX (DISTRICT 9) TO THE PARKS AND RECREATION BOARD FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009 AND WAIVING THE RESIDENCY REQUIREMENT OF CHAPTER 2, ARTICLE IX, SECTION 2-529 (c) OF THE CITY CODE FOR THE DISTRICT 9 APPOINTMENT.
- O. REAPPOINTING SUNDRA "KAYE" LENOX (MAYOR) TO THE SAN ANTONIO COMMISSION ON LITERACY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- P. REAPPOINTING TYLER NORRIS AND TAYLOR PATMON (MAYOR), AND APPOINTING AMANDA MARTINEZ (DISTRICT 6) AND CAROLINE BROWN (DISTRICT 10) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.
- Q. APPOINTING WILLIAM SKIP MERTEN (DISTRICT 9) TO THE SAN ANTONIO HOUSING TRUST BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 30, 2009.
- R. APPOINTING GEORGE J. TAMEZ (DISTRICT 5) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE REMINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 15, 2008.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2007-10-04-1043**

Item 10. AN ORDINANCE APPROVING A CONTRACT WITH UNITED HEALTHCARE INSURANCE COMPANY, IN AN ESTIMATED ANNUAL AMOUNT OF \$20.6 MILLION, TO PROVIDE THIRD PARTY ADMINISTRATION (TPA) FOR THE CITY'S SELF-FUNDED MEDICAL PLANS, FLEXIBLE SPENDING ACCOUNT (FSA) ADMINISTRATION, PREFERRED PROVIDER ORGANIZATION (PPO), TOTAL HEALTH MANAGEMENT AND PRESCRIPTION BENEFIT MANAGEMENT (PBM) SERVICES, FOR A TERM OF FIVE (5) YEARS, WITH OPTIONS TO EXTEND.

Councilmember Wolff inquired as to why the City was entering into a five-year contract and what the financial impact would be. Ed Belmares stated that the five-year contract is an effort to

attract qualified respondents. He noted that there had been a total of three Third Party Administrators over the past six years and the City was looking for stability. Lastly, he stated that there would be a fixed cost per employee for the five-year period.

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

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

**2007-10-04-1053**

Item 20. AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GIFT OF APPROXIMATELY 1.691 ACRES, IN CONNECTION WITH THE HAYS STREET BRIDGE REHABILITATION PROJECT, DISTRICT 2, FROM BUDCO., LTD.

Councilmember McNeil stated that there was a revision to the deed for the land donation from BudCo. She read the revision for the record which stated, "If the property is used by the guarantee as a park, guarantee must make the park Berkley B. and Vincent M. Dawson Park until December 31, 2027. This does not allow guarantor for an entry to re-entry but the guarantor may seek to enjoin a breach in the court of competent jurisdiction."

Leticia M. Vacek, City Clerk, read written testimony from Mr. Faris Hodge Jr. which stated that the Hays Street Bridge should be torn down.

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

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

**2007-10-04-1056**

Item 23. AN ORDINANCE SELECTING PINNACLE CNG SYSTEMS, LLC FOR NEGOTIATION AND EXECUTION OF A DESIGN-BUILD/OPERATION AND MAINTENANCE AGREEMENT, IN AN AMOUNT NOT TO EXCEED \$1,300,000.00 FOR PROFESSIONAL SERVICES, CONSTRUCTION, OPERATION, AND MAINTENANCE OF A COMPRESSED NATURAL GAS REFUELING FACILITY IN CONNECTION WITH THE COMPRESSED NATURAL GAS REFUELING PROJECT, AND APPROPRIATING FUNDS.

Councilmember Gutierrez had previously requested that a best and final offer be made on said item.

Mr. Reagan Knoll with Clean Energy stated that Clean Energy had submitted a lower base price and that based on the other submittals, Clean Energy should be declared the winner of the bid. He stated that they had followed the rules throughout the process and expressed his belief that Clean Energy was the most qualified firm to meet the City's CNG Station fueling needs.

Mr. Frank Burney representing Clean Energy thanked the Mayor and Council for the opportunity to submit a best and final offer. He noted that Clean Energy had strong minority participation, as well as a bid that was almost a 10% savings compared to Pinnacle CNG Systems' bid.

Mr. Gary Douglas, Vice-President and General Counsel for Pinnacle CNG Systems, stated that they had not changed their bid. He expressed his concern with the fact that their bid price had been given to everyone prior to the second round. He explained that Pinnacle CNG Systems was the best choice based on their responsiveness and reputation.

Mr. Drew Diggins of Pinnacle CNG Systems stated that Pinnacle CNG Systems was a Texas-based company headquartered in Midland. Mr. Diggins outlined reasons for Pinnacle CNG Systems being the best qualified company for this bid which included having in-house technicians and a two-minute response time on a compressor outage. He expressed concern that the process had been compromised being that Pinnacle CNG Systems' bid had been revealed to the other bidders.

Mr. Jim Alsup with Pinnacle CNG Systems stated that the Council should accept Pinnacle CNG Systems' bid based on the staff recommendation. He stated that Pinnacle CNG Systems had submitted their best bid and questioned the process of said information being provided to the other bidders. He urged Council to accept Pinnacle CNG Systems' bid.

Councilmember Gutierrez moved to accept the bid of Clean Energy in the amount of \$979,944.00. Councilmember Rodriguez seconded the motion. Councilmember Wolff made a friendly amendment to the motion that the amount submitted by Clean Energy would not exceed the amount of the bid submitted and announced today. The friendly amendment was accepted by Councilmembers Gutierrez and Rodriguez.

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

### **CITY MANAGER'S REPORT**

Ms. Sheryl Sculley extended condolences to the families of Detective Mario Moreno and Parks and Recreation Department Employee Salvador Escobedo on their loss.

Ms. Sculley informed the Council of the current work being performed on the Torch of Friendship which was designed by the artist Sebastian. She noted that it is being refurbished and repainted this month.

Ms. Sculley stated that Graffiti Wipeout Day had been a huge success with nearly 3,000 volunteers and more than 400,000 square feet of graffiti abated. She noted that District One had the most volunteers and congratulated Councilmember Cisneros. She thanked all of the volunteers and staff who had participated in this event.

Ms. Sculley provided information regarding the recent pit bull attack on two nine-year-old girls. She stated that the Animal Care Services Advisory Board was working on revisions to the current ordinance.

Ms. Sculley outlined current efforts regarding Tropical Storm Erin. She mentioned that a disaster declaration had been made and that FEMA had set rules on how community residents could apply for federal funds. She noted that these efforts were being coordinated through the Office of Emergency Management.

### **POINT OF PERSONAL PRIVILEGE**

Mayor Hardberger recognized students from Northwest Vista College who were in attendance.

Councilmember Cortez discussed his recent experience riding with a Solid Waste crew from the City of San Antonio's Environmental Services Department. He stated it was an honor to ride with the employees as they took pride in their work. He thanked the employees he rode with, as well as Steve Haney and Rose Ryan who coordinated the ride along.

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Meeting at 11:00 am to convene in Executive Session for the purposes of addressing items B and C and to break for lunch:

- A. Discuss legal issues related to City Council vacancies pursuant to Texas Government Code Section 551.071 (consultation with attorney). NOT ADDRESSED
- B. Deliberations and discussion relating to the purchase, exchange, lease or value of real property and related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- C. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Section 551.086 (competitive matters) and Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 2:10 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

### **CONSENT ZONING**

Councilmember Cortez made a motion to approve the following rezoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had signed up to speak: Z-4, Z-8, Z-9, Z-10 and P-2. Councilmember Cisneros seconded the motion.

**2007-10-04-1067**

Item Z-4. **ZONING CASE # Z2007275 (District 7):** An Ordinance changing the zoning district boundary from "R-4" Single-Family Residential District to "C-2" Commercial District on Lots 1, 2 and the South 50 feet of Lot 3, Block 42, NCB 11585, 1742 E. Bandera Road as requested by Brown, P. C., Applicant for Woodlawn Hills Church of Christ, Owner. Staff and Zoning Commission recommend Approval.

**2007-10-04-1071**

Item Z-8. **ZONING CASE # Z2007273 (District 1):** An Ordinance changing the zoning district boundary from "C-2" H Commercial Historic District and "O-2" H Office Historic District to "IDZ" H Infill Development Zone Historic District with uses permitted in "C-2" Commercial District and "MF-25" Multi-Family District on Lot 12 and Lot 13 and the West 45 feet of 14, Block 3, NCB 3001, 2310 San Pedro Avenue, as requested by 1992 Trust Partnership, Applicant for Riddick Family 1992 Trusts, Owners. Staff and Zoning Commission recommend Approval.

**2007-10-04-1072**

Item P-2. **PLAN AMENDMENT # 07023 (District 3):** An Ordinance amending the land use plan in the Highlands Community Plan Community Plan, a component of the Master Plan of the City, by changing the use of a one acre tract of land located at 851 Hot Wells from Low Density Residential to Medium Density Residential land use. Staff and Planning Commission recommend Approval. **(Associated Zoning Case Z2007175)**

**2007-10-04-1073**

Item Z-9. **ZONING CASE # Z2007175 (District 3):** An Ordinance changing the zoning district boundary from R-4" Single Family Residential District to "RM-4" Residential Mixed District on Lot 13, Block 5, NCB 10937, 851 Hot Wells Boulevard as requested by Keith Howe, Applicant for K&R Howe Corporation C/O C & C Realty, Owners. Staff and Zoning Commission recommend Approval pending Plan Amendment.

**2007-10-04-1074**

Item Z-10. **ZONING CASE # Z2007274 (District 4):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2 NA P" Commercial Pedestrian District, Nonalcoholic Sales on Lot 328 and East 61.02 feet of Lot 329, NCB 7852, 762 West Mayfield, as requested by Stefan T. Gabor, Applicant for Stefan T. and Aurlia Gabor, Owners. Staff and Zoning Commission recommend Approval.

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

**[ZONING CONSENT ITEMS CONCLUDED]**

**ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

**CONTINUED 30 DAYS**

Item Z-1. **ZONING CASE # Z2007225 (District 6):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "MF-33" Multi-Family District on 20.72

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acres out of NCB 17640, 5000 Block of Rogers Road as requested by Kaufman and Associates, Inc., Applicant for 160 Culebra Ltd., a Texas Limited Partnership, Owner. Staff and Zoning Commission recommend Approval.

Councilmember Herrera moved to continue said item. Councilmember Cibrian seconded the motion.

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

**2007-10-04-1066**

Item Z-2. **ZONING CASE # Z2007263 (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on 11.995 acres out of NCB 14915, 3360 West Loop 1604 North, as requested by Kaufman & Associates, Inc., Applicants for Lanford Partners, Ltd., Owners. Staff and Zoning Commission recommend Approval.

Chris Looney presented the proposed rezoning case.

Mr. Jack M. Finger addressed the Council and spoke against three rezoning cases. He stated that 33% of the notices sent to residents affected were returned in opposition. For items P-1 and Z-3, 25% of the notices were returned in opposition. Mr. Finger also spoke against Z-11, stating that District 5 would become a used car lot.

Councilmember Cortez moved to approve the zoning case. Councilmember Clamp seconded the motion.

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

**CONTINUED 30 DAYS**

Item P-1. **PLAN AMENDMENT # 07016 (District 7):** An Ordinance amending the land use plan in the Northwest Community Plan Community Plan, a component of the Master Plan of the City, by changing the use of a 2.20 acre tract of land located at 8900 Guilbeau Road from Low Density Residential to Medium Density Residential land use. Staff and Planning Commission recommend Approval. (**Associated Zoning Case # Z2007198**)

Councilmember Herrera moved to continue said item. Councilmember Cibrian seconded the motion.

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

**CONTINUED 30 DAYS**

Item Z-3. **ZONING CASE # Z2007198 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to PUD "MF-25" Planned Unit Development Multi-Family District with a density limit of 14 units per acre on P-123A, NCB 18553 (2.20 acres), 8900 Guilbeau Road, as requested by Brown, P.C., Applicant for Bernardo and Roci Artola, Owners. Staff and Zoning Commission recommend Denial.

Councilmember Herrera moved to continue said item. Councilmember Cibrian seconded the motion.

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

**2007-10-04-1068**

Item Z-5. **ZONING CASE # Z2007206 (District 9):** An Ordinance changing the zoning district boundary from "MF-33" ERZD Multi-Family Edwards Recharge Zone District, "C-2" ERZD Commercial Edwards Recharge Zone District and "C-3" ERZD General Commercial Edwards Recharge Zone District to PUD "R-4" ERZD Planned Unit Development Residential Single Family Edwards Recharge Zone District on 14.882 acres out of NCB 18217, 21000 Block of Encino Commons, as requested by Ruben Pena, Applicant for Alfa Developers, Ltd., Owners. Staff and Zoning Commission recommend Approval.

Chris Looney presented the proposed rezoning case.

Ms. Elyzabeth Earnley, 1809 Blanco, addressed the Council and requested that the impervious cover be amended from 36% to 30% to be in compliance with the water quality ordinance. Ms. Earnley then stated that the rules were put in place to protect the water, but cannot if they are not enforced.

Councilmember Rodriguez moved to approve the zoning case. Councilmember Clamp seconded the motion.

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

**2007-10-04-1069**

Item Z-6. **ZONING CASE # Z2007251 CD (District 1):** An Ordinance changing the zoning district boundary from "R-6" Single Family Residential District to "R-6" (CD- Multi-Family Dwellings) Single Family Residential District with a Conditional Use for Multi-Family Dwellings not exceeding 13 units per acre on Lot 25, NCB 6539, 734 E. Ashby Place as requested by Jose A. Alfaro, Applicant for Jose A. and Gricelda Alfaro, Owners. Staff and Zoning Commission recommend Approval.

Chris Looney presented the proposed rezoning case.

Mr. Jose Alfaro, 16911 Hidden Oaks Woods, informed the Council of his intentions for the property. Mr. Alfaro's plan includes an architecturally harmonious single family residence for his son and a two-story garage duplex. He stated he had met with the neighborhood association and they support his intentions.

Ms. Angie Ruiz, 502 E. Evergreen Street and President of the Tobin Hill Residents Association, spoke in favor of the zoning change. She stated that the association's main concern was that the development matched the neighborhood visually. She addressed Mr. Alfaro's impressive energy efficiency program.

Councilmember Cisneros moved to approve the zoning case. Councilmember Cibrian seconded the motion.

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

**2007-10-04-1070**

Item Z-7. **ZONING CASE # Z2007262 (District 1):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District, "MF-33" Multi-Family District, "O-2" Office District, "C-2" Commercial District, and "C-3" General Commercial District to "R-4" H Residential Single Family Historic District, "MF-33" H Multi-Family Historic District, "O-2" H Office Historic District, "C-2" H Commercial Historic on Lots 34-70, Block 15, NCB 9003; Lots 56-107, Block 2, NCB 9004; All of Block 3, NCB 9005; Lot 1-39, Block 14, NCB 9006; Lots 8-49 and Lot 100, Block 4, NCB 9008; Lots 48-93 and the east 20.5 feet of Lot 94, Block 6, NCB 9012; All of Block 7, NCB 9013; All of Block 8, NCB 9016 and All of Block 9, save and except Lots 6A, 7A, 8A, 9A, 10A, & 11A, NCB 9017; 101 through 292 Lovera Boulevard; 201 through 281 Hermine Boulevard; 201 through 291 W. Mariposa; 201 through 291 W. Wildwood; 226 through 293 W. Hermosa; 4950, 5000, 5018, 5322, 5326, 5330, 5402 and 5410 San Pedro Avenue as requested by City of San Antonio, Historic Preservation Officer for Multiple Owners. Staff and Zoning Commission recommend Approval.

Chris Looney presented the proposed rezoning case.

Ms. Laura Martinez, 110 Hermine, stated that she had recently moved back into the area and was in favor of the zoning changes.

Ms. Kathy Robertson, 110 Hermine, stated that she was also in favor of the zoning change.

Ms. Pat Edwards, 232 W. Hermosa, noted that she and her husband had lived in their home for fifteen years. She stated that the architecture was unusual to San Antonio and should be preserved. Ms. Edwards stated her belief that the weight of opinion should be with the homeowners.

Ms. Anne Slater, 148 Thorain, stated that the neighborhood did not have the required signatures for the historic designation by the deadline, but they now had them.

Ms. Christine Drennan, 253 El Monte, Olmos Park Terrace Neighborhood Association, stated that she had gathered support from the association as requested by the City. Her tally concluded that seven were in support, twenty-seven were against, and fourteen were unavailable. Ms. Drennan stated that she was in favor of the rezoning and that since the map changed while they were working on the rezoning, many people had changed their votes.

Ms. Rebecca Luther, 227 Hermine, stated that she was in favor of the historic designation. She noted the importance of preserving the neighborhood before having to ask Council for help to save it.

Ms. Betty Eckert, 233 W. Wildwood, addressed the Council in favor of historic designation. Ms. Eckert stated that very few neighborhoods qualify for historic designation and since the City recognized them as eligible, they should seize the opportunity.

Ms. Angie Ruiz, 502 E. Evergreen Street, stated that she was in favor of the rezoning because it would help protect the architecture. She noted that people who live in a historic district do receive a tax exemption.

Ms. Alicia Velez, 338 Dora, stated that she was in favor of the rezoning. Ms. Guadalupe Garcia, 127 Alto Avenue, stated that she was also in favor of the rezoning. Ms. Celia Blanco, 168 W. Wildwood, stated that she supported historic designation.

Ms. Mary Achee, 260 El Monte, stated her opposition to the rezoning. She noted that the homes were originally built for the everyday working man and the new designation would make them unaffordable.

Ms. Estella Tyson, 155 W. Mandalay, stated that she had lived in the area for thirty-nine years. She expressed her concern that the process was unfair and that the people who lived in the homes did not believe they were historic.

Mr. Jerry Tyson, 155 W. Mandalay, noted that he was against the rezoning and stated his belief that the process was unfair.

Ms. Norma Martinez Rogers, 105 Hermine, stated that she was in favor of the rezoning because she grew up in the neighborhood and would like to see it preserved. She stated that the process was not kept a secret and that those affected had been invited to participate.

Mayor Hardberger stated that there were fifty written testimonies, twenty-five for and twenty-five against. He then asked the City Clerk to read five of each.

Leticia M. Vacek, City Clerk, read the following written testimonies in favor of the zone change:

David Trevino stated he was in favor of the zoning change. Mr. Trevino wrote that he wanted the neighborhood preserved. He purchased his home because he liked the neighborhood and architecture.

Marianna Ornelas, Charles Dove, and Martin Rios, wrote on behalf of the Dellview Neighborhood Association and the Northwest Los Angeles Heights Association. They expressed the need to keep the integrity of the neighborhood and preserve its history.

Laura Martinez expressed the need to maintain the integrity of the neighborhood and noted her support for the zoning change.

Ms. Susan Scales wrote that she loved her house, the neighborhood, and the architecture of the neighborhood. She stated her desire for it to be preserved and thus was in favor of the zoning change.

Lastly, Debbie Huerta, also in favor of the rezoning, wrote that was necessary to preserve the historical neighborhood.

Leticia M. Vacek, City Clerk, read the following written testimonies in opposition to the rezoning:

Chris Cate wrote that he was against the rezoning.

Theresa Connolly also expressed opposition to the rezoning and stated that there was already too much government intrusion in her life.

Ms. Sheila Melissa Pepper expressed her opposition to the rezoning.

Arthur Herrera wrote that the people who voted in favor of the proposed designation were misinformed. Mr. Herrera added that he did not want to divide the neighborhood.

Lastly, in opposition to the rezoning, Patricia Wasson stated that she is a handicapped senior citizen on a fixed income and the rezoning would make it more difficult for her to fix problems around her home or as needed.

Councilmember Cisneros moved to approve the zoning case. Councilmember Clamp seconded the motion.

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

**DENIED**

Item Z-11. **ZONING CASE # Z2007144 CD (District 5):** An Ordinance changing the zoning district from "C-2" Commercial District to "C-2" (CD-Auto and Vehicle Sales) Commercial District with a Conditional Use for Auto and Vehicle Sales on a 0.41 acre tract of land out of

Tract A, Block 2, NCB 11306, 1201 Cupples Road as requested by H.B.G. DBA Garcia Wholesale Motors, Applicant for Jose Ruiz Gonzalez, Owner. Staff recommends Denial. Zoning Commission recommends Approval with Conditions.

Chris Looney presented the proposed rezoning case.

Mr. Henry Garcia, 3300 S.W. Military Drive, informed the Council of his plans for the property. He stated he would open a car dealership and he believed it would help the community. Mr. Garcia noted that the property was full of trash, but that if the rezoning was approved, he would keep it clean.

Mr. William Valez Thompson, 1215 W. Kirk Place, spoke against the rezoning. He acknowledged that there used to be a bar on the property but he did not think a car dealership would be much of an improvement.

Councilmember Galvan moved to deny the zoning case. Councilmember Clamp seconded the motion.

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

**[ZONING ITEMS CONCLUDED]**

**CEREMONIAL ITEMS**

Mayor Hardberger officially welcomed *Los MacArturos*, Latino recipients of the MacArthur Fellowship, the “Genius Grant.” The *MacArturos* come from fields as diverse as politics, labor, performance, literacy, and health, among other areas. The MacArthur Fellows program awards 5-year, unrestricted fellowships to individuals across all ages and fields who show exceptional merit and promise of continued creative work.

Mayor Hardberger presented a Proclamation to Father David Garcia in recognition of the 17<sup>th</sup> Annual San Fernando Health and Safety Fair. The event will take place on Saturday, October 6, 2007. More than 50 physicians, dentists, and nearly 300 health care professionals and over 150 volunteers will join together to offer a variety of screenings including cholesterol, blood pressure, vision, dental, dermatology, podiatry, prostate and diabetes. The Health Fair will take place on the grounds of San Fernando Cathedral from 8:00 am – 1:00 pm, and all services are provided free of charge.

Mayor Hardberger presented a Proclamation to the Lone Star Chapter in San Antonio of the National Multiple Sclerosis Society in recognition of the Valero MS 150 Bike Ride. The Event will take place October 20-21, 2007. This fundraising event is dedicated to ending the devastating effects of Multiple Sclerosis (MS), the number one disabler of adults. Last year, more than 3,000 riders participated in the 2-day cycling adventure from San Antonio to Corpus Christi.

Mayor Hardberger presented a Citation to Board Members and Superintendent of the Northside Independent School District for being named a finalist for the 2007 Broad Prize in Urban Education. This is the largest education prize in the country and the award established by the Eli and Edythe Broad Foundation, honors large urban school districts that demonstrate the greatest overall performance and improvement in student achievement. The money goes directly to graduating high school seniors for college scholarships. Only 100 school districts in the country were eligible for the prize, and five finalists were chosen. This year's top winner was the New York City Department of Education, who will receive \$500,000 in scholarships. One of the four remaining finalists was Northside ISD which will receive \$125,000 in scholarships.

### **CITIZENS TO BE HEARD**

Mayor Pro Tem Cibrian presided over the Citizens to be Heard portion of the meeting.

Ms. Flo Reyes, 2617 Westover View, played an audio clip of her daughter Debra explaining her recent pit-bull attack. Ms. Reyes noted that Debra had over one hundred stitches on her face and legs. She discussed other pit-bull attacks and stated the need for harsher laws and punishments.

Mr. Roy Reyes, 2617 Westover View, spoke of the pit-bull attack on his daughter Debra and of other similar attacks throughout the country. He stated the need to be proactive rather than reactive when creating policy.

Mr. Mark Perez, 119 Hardeman, expressed his sympathy for the Reyes Family. He stated that he was present to address environmental issues. He mentioned that his family had lost a set of twins due to infection that he believed occurred due to chemical contamination that he took home from his place of employment. He stated that the company did not have a permit for operation and he would like to be contacted by a City representative to discuss in further detail.

Mr. Nazirite Ruben Flores Perez, 629 Hearne, spoke against the breeding of pit-bulls. He quoted scripture regarding the breeding of animals.

Ms. Julie Iris Oldham, 4523 Allegheny Drive, expressed her concern that KB Homes had been given a permit to build homes over a land fill. She spoke of a potential pit-bull attack which happened near her home and was upset that she had to wait for 3-1-1 to respond to her call.

Ms. Catrina Jacobo, 147 Villa Arboles, stated concerns with her Mirasol Home. She addressed the buyback and repair fund stating that when divided up, each home was only entitled to approximately \$4,000, but that amount did not cover repairs.

Mr. Faris Hodge Jr., 140 Dora, addressed the Council and sang a song. He requested that the Alamodome be renamed the Faris Hodge Jr. Dome. He expressed his concerns with the police department and requested information about 3-1-1 positions and why they were advertised but would not be filled until January 2008.

Mr. Randy Zaragoza, 1607 NW 26<sup>th</sup> Street, spoke of the health problems inflicted upon Mirasol homeowners. He stated that he was having a meeting at his home with the Task Force to review the problems in his home. He invited everyone to attend.

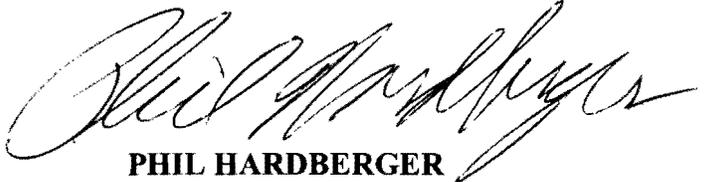
Mr. Guadalupe Lopez, 1523 NW 26<sup>th</sup> Street, showed pictures of his Mirasol Home. He stated that he was a member of the local carpenter's union and he knew how to build a house. He expressed his concern regarding the task force and asked the City Council to remedy the situation.

Ms. Petra Maldonado, 1527 NW 26<sup>th</sup> Street, stated that she had lost her faith in government. She urged the Council to help her with her Mirasol Home.

**ADJOURNMENT**

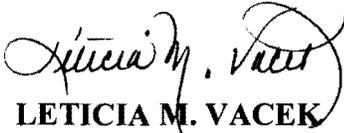
There being no further business to discuss, Mayor Pro Tem Cibrian adjourned the meeting at 7:00 pm.

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



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk