

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, DECEMBER 12, 2007 AND THURSDAY, DECEMBER 13, 2007.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, December 12, 2007, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Galvan, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **ABSENT:** Gutierrez, Cortez, and Herrera. City Clerk Leticia Vacek read a statement into the record on behalf of Councilmember Cortez stating that his absence from the B Session is due to annual US Air Force Active Duty Training.

1. UPDATE AND OVERVIEW OF CURRENT PROJECTS AT THE SAN ANTONIO AIRPORT SYSTEM FOLLOWED BY A RIBBON-CUTTING CEREMONY FOR THE NEW 5-STORY PARKING GARAGE:

- **PASSENGER SERVICE INITIATIVES**
- **EXPANSION PROGRAM AND CAPITAL IMPROVEMENTS**
- **TERMINAL DESIGN**
- **AIR SERVICE DEVELOPMENT INCENTIVE PROGRAM**

Sheryl Sculley announced that Mark Webb would make a presentation followed by a ribbon cutting of the new parking facility.

Mr. Webb recognized Airport Staff and various members of the Air Transportation Advisory Committee in attendance. He referenced several rocking chairs in the room, noting that they would be sold and strategically placed throughout the Airport with sponsor information. He reported that ExpressJet had phased-in eight new non-stop routes in 2007. He added that in September 2007, Mexicana Airlines had celebrated 50 years of service between San Antonio and Mexico City.

He provided an overview of the San Antonio/Mexico Strategic Marketing Plan, noting that there were currently three daily non-stop flights to Monterrey, Mexico. Mr. Webb added that a new non-stop service to Philadelphia would begin in March 2008. He explained that the Cell Phone Waiting Lot was being expanded due to the great response and that it was helping to reduce traffic. He noted that the Airport had received an award for their Concessions Program in Terminal One and that a New Airport Advertising Program had been recently initiated. He stated that the Transportation Security Administration (TSA) had implemented various passenger screening improvements and highlighted several parking enhancements which included the new parking garage.

In regard to the Expansion Program and Capital Improvements, Mr. Webb stated that the Capital Program was based on the Airport's Master Plan. He added that a New Master Plan process would begin soon. He highlighted various Capital Improvement Projects underway at both the International Airport and Stinson and presented maps which showed their proposed expansions. He provided an overview of projects currently under construction, noting the new 2,800 space Parking Garage. He stated that Terminal B would replace Terminal 2. He added that this was the first time the City had

utilized the Construction Manager at Risk (CMR) method of contracting. He mentioned that CMR project would begin in 2008 with an expected completion of 2010. He explained that the total budget from 2006-2015 for all projects was \$634,811,461. Mr. Webb listed the various funding sources noting that no General Funds were used for any of the Airport's Projects.

Mr. Webb provided an overview on the Air Service Development Incentive Program, noting that the current program was approved in May 2006. The program includes up to \$100,000 in advertising reimbursements for new non-stop direct flights and \$200,000 for new non-stop international service. He said that most US Airports offered incentives to airlines to support new service. He added that San Antonio currently had 40 non-stop routes being the highest amount in the City's history. Mr. Webb provided the Council with an Airport Cost Recovery for FY06 and 07 with Estimated New Visitor Impact, noting a \$10+ million Community Economic Impact. He stated that in October 2006, an Air Service Blue Ribbon Task Force consisting of representatives from the City and other organizations such as Zachry, USAA and Toyota, had been created to identify underserved markets, meet with appropriate air carriers, and provide support and leverage for acquiring and sustaining nonstop flights on targeted routes. He noted the revisions to the San Antonio Incentive Program including landing fee waivers for target routes, as well as Customs Fee Waivers for new non-stop international routes.

Lastly, Mr. Webb highlighted the Non-Airport Funded Strategic Targeted Routes Incentive Plan. He stated that proposed non-Airport funded incentives for negotiated bundled-targeted routes would provide start-up and operational support cost reimbursements for multiple flights to multiple destinations. The reimbursements negotiated for each route would be based on a financial analysis, with the support not to exceed 12 months. He added that FY 08 Hotel Occupancy Tax Funds in the amount of \$1,500,000 had been budgeted for this project.

Councilmember Galvan inquired whether any projects had been designed using "green" guidelines. Mr. Webb stated that the design of some of the projects was too far along but there were some projects that would include "green" initiatives. Councilmember Galvan asked for updates identifying any "green" projects. Councilmember Rodriguez asked about another possible Airport location if the current Airport outgrows its space. Mr. Webb stated that there were plans in place to utilize existing space so that relocation did not become necessary. Mayor Hardberger stated that more airport traffic did not necessarily translate to the need for a larger airfield. He added that many individuals appreciate the fact that they could get to the airport fairly easily and quickly from anywhere in San Antonio.

Mayor Hardberger recognized Former Councilmember Richard Perez, President of the Greater Chamber. Councilmember Perez acknowledged the Greater Chamber's support for all of the Airport Initiatives, highlighting the importance and success of the Air Service Development Incentive Plan.

At this time, the Council departed to the new parking garage for the ribbon cutting. There being no further discussion, Mayor Hardberger adjourned the meeting at 4:09 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, December 13, 2007 at 9:00 am in the City Council Chambers.

The Invocation was delivered by Dr. Gilbert Perez, Pastor, Temple of Praise Ministries, Guest of Councilmember Delicia Herrera, District 6.

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

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Gutierrez, Galvan, Herrera, Rodriguez, Cibrian, Wolff, Clamp, and Mayor Hardberger. **ABSENT:** Cortez. City Clerk Leticia M. Vacek read a statement into the record on behalf of Councilmember Cortez stating that his absence from the Regular Meeting was due to attending US Air Force Active Duty Training.

MINUTES

Councilmember Herrera made a motion to approve the Minutes for the November 1, 2007 City Council Meeting. Councilmember Cisneros seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Galvan recognized her mother who was celebrating her 81st Birthday and sang Happy Birthday to her.

Councilmember Gutierrez recognized Charlie Turner and his Development Team for their work on the Espada Project, Item #67 of the Council Agenda.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-12-13-1291

Item 4. AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE ENTITLED ANIMALS AND FOWL; PROVIDING FOR CRIMINAL PENALTIES; ADOPTING A REVISED FEE SCHEDULE WHICH AMENDS OR ESTABLISHES RELATED FEES; AND PROVIDING FOR PUBLICATION.

Deputy City Manager Pat DiGiovanni presented the proposed Chapter 5 revisions related to Animals. He stated that Objective 4.1 of the Animal Care Strategic Plan outlined steps to achieve a "No Kill" goal by 2012. He noted that another objective was to adopt best management practices such as Trap/Neuter/Return (TNR) for unowned and feral cats. He outlined additional objectives and stated that the ultimate goal was to continue to preserve the public health and safety of the community. Mr. DiGiovanni highlighted the work of the Ad Hoc Committee and the Animal Care Services Advisory Board, noting that they had met with numerous stakeholder groups and the local community. He added that the revisions had been broken out into seven articles and had been renamed for clarification and consistency.

Mr. DiGiovanni presented a slide which compared the current and proposed revisions to Chapter 5. He reported that Section 5-4 addressed the offenses for cruelty to animals and an increase in penalty fees. Article 4 dealt with dangerous animals and provided a definition of a "dangerous animal." Mr. DiGiovanni briefly discussed Section 5-76 related to vicious animals. Another revision referenced

requirements if a determination is made on a “vicious animal” owner. He stated that Article 5 was revised in regard to licensing and permits. A significant change was that an owner would be required to obtain an intact dog permit if they chose not to sterilize their dog. He outlined a new litter permit which would allow one litter per pet annually. He added that Section 5-109D included a new limit on the amount of dogs and cats per household but it allowed an individual to make a case for exceeding the limit.

Mr. DiGiovanni stated that Section 5-115 legalized TNR for private citizens. He mentioned that Article 7 addressed the issue of animal nuisances, noting that free roaming cats would no longer be considered a nuisance. Lastly, he referenced a new fee schedule and made mention of the \$200,000 donated by Councilmember Wolff to the San Antonio Area Foundation as matching funds for a Public Awareness Campaign.

Mr. Reggie Williams, President and CEO of the San Antonio Area Foundation, stated that the Foundation did not take a position on the proposed Chapter 5 revisions. He stated that regardless of the outcome, the Foundation would continue to help the City develop the capacity in the community for increased adoptions, spaying, neutering, and education. He added that they were committed to achieving the City’s goal of “no-kill” by 2012 and had affirmed this by contributing \$200,000.00 to the Public Awareness Campaign.

Mr. Nazirite Ruben Flores Perez addressed the Council in support of the proposed revisions. He recommended that pit bulls be eliminated and that this could be done with laws that banned them because they were dangerous.

Ms. Sherrie Shirky addressed the Council and stated that the proposed animal ordinance revisions were unconstitutional, unreasonable, unenforceable, unfunded, and predicated on a lie. She expressed her concerns with the lack of due process, selective enforcement, and broad or non-existent definitions. She added that the proposed fees discriminated against the economically disadvantage and punished responsible pet owners.

Ms. Lynnne Bunten addressed the Council and noted that domestic fowl was included within the ordinance. She stated that if this item was passed, the Council would be outlawing slaughterhouses since you could not kill a cow because it would be considered “cruelty to animals.” She added that the vicious animal section would create problems between neighbors. Lastly, she stated that a similar ordinance was passed in Spokane, Washington in July and it had already been declared unconstitutional.

Ms. Randy Frederikson addressed the Council and quoted remarks from Nathan Winniegrad, the founder of the “no-kill” advocacy center. She stated that there were a number people who failed to grasp the complexities involved in trying to reduce shelter impounds and death rates. Ms. Frederikson stated that the community could save approximately 90% of all impounded animals by educating the public.

Mr. Walter Hagen addressed the Council in opposition to this item. He expressed his concern with the word “permit” within the ordinance, stating that since everyone who paid it received it, when it should be considered a “fee.” Mr. Hagen stated that he had monitored this proposed Ordinance for 15 years, adding that the group had unsuccessfully tried to pass a similar Ordinance 13 years ago.

Ms. Rita Baraeutigan addressed the Council and spoke in favor of the proposed Chapter 5 revisions. She urged the Council to support the Ad Hoc Committee in moving forward to achieve the City's "No-Kill" goal by 2012.

Mr. Richard White addressed the Council and stated that he represented thousands of ferret owners in San Antonio. He mentioned that in April 1997, the City of San Antonio had amended Chapter 5 to provide necessary provisions for equal treatment for all dogs, cats and ferrets. He added that if this ordinance was approved, it would void all ferret provisions.

Mr. Ross Laughead addressed the Council requesting specific amendments to the proposed Chapter 5 revisions. He stated that his greatest concern was with Sections 576 and 577 relating to vicious animals. He noted that impoundment required a single affidavit from a potential hostile neighbor which could lead to possible abuse.

Ms. Lisa Chandler addressed the Council and stated that she had traveled to Denver to visit various animal shelters and met with their staff, veterinarians, and shelter managers. She noted that Denver had been successful in transforming their shelters into a progressive shelter. She stated that it was necessary that the City of San Antonio revise its antiquated Ordinances currently in existence.

Ms. Tina Neville addressed the Council and spoke against said item. She stated that the proposed revisions had several errors and loopholes and gave the example of a disgruntled neighbor who could potentially have a neighbor's dog removed from their home. She urged the Council to vote no to the proposed revisions.

Ms. Cathy Spalten spoke in opposition to the proposed Chapter 5 revisions. She stated that she lived alone in a rural area and had a dog for protection. She advocated for a "No-Kill" Shelter.

Mr. Jose Maggard spoke in opposition to the proposed Chapter 5 revisions. He stated that people died and fought for constitutional rights and that the proposed revisions took those rights away. He mentioned that he had not been informed about the proposed Chapter 5 revisions and had found out by accident through the internet. He urged the Council to vote against the ordinance.

Ms. Pamela Hernandez, Founder and President of Alamo City Breeds United, spoke in opposition to the Chapter 5 revisions. She stated that before San Antonio begins to punish responsible pet owners, they should consider the fact that Animal Care Services (ACS) received approximately 2,300 calls per week for stray dogs. She submitted 12 pages of petitions opposing the proposed Chapter 5 revisions.

Ms. Laura McKieran, Co-founder of Citizens for Pet Reform (CPR) and a member of the Animal Care Advisory Board, spoke in favor of the proposed Chapter 5 revisions. She stated that the proposed Chapter 5 revisions supported effective programs and services such as low-cost spay and neuter programs, and the TNR. She urged the Council to support the proposed Chapter 5 revisions.

Mr. John Bachman addressed the Council and spoke in support of the proposed revisions. He expressed concern with the revisions that related to vicious dog, excess animal permits, and pet store regulations. He stated that shelters, sanctuaries and commercial kennels were not covered in the proposed revisions and added that there should be regulations to control backyard breeders.

Ms. Sue Adolph spoke in opposition to the proposed Chapter 5 revisions. She stated that it was impossible for San Antonio to become a "No-Kill" city because animals get sick, could turn vicious, and the fact that some pet owners no longer wanted to care for their pets. She stated that she lived in California where they have similar Pet Ordinances, and they did not enforce the rules. Ms. Adolph stated that education was the key to animal overpopulation.

Ms. Tammy Haggerty, Alamo City Bully Breeds United, stated her proposed definition to the term "dangerous animal." She stated that a dog's breed should not be considered to determine whether or not the dog was dangerous.

Ms. Marcy Lynch with the Spay Neuter Assistance Program (SNAP) and Vice Chair of the Animal Care Services Advisory Board spoke in favor of the proposed Chapter 5 revisions. She stated that hundreds of animals were brought to the Animal Care Facility daily and most of them were killed. Ms. Lynch noted that this equated to approximately one ton of dead animal carcasses being sent to the landfill daily. She added that the proposed changes were not perfect but they were a good starting point.

Mr. John Bellett, Animal Care Services Advisory Board Chair, spoke in support of the item. He reported that the Advisory Board's belief is that the Chapter 5 revisions were reasonable and moderate. Additionally, that pet owners should be held accountable for their pet's behavior. He added that a community standard should be set for responsible pet ownership and animal care.

Joe Barfield expressed his support for the Chapter 5 revisions. He stated that it was time to bring the Animal Care Ordinance up-to-date and move toward becoming a "No-Kill" city. He added that it was necessary to address the recent dog attacks. Lastly, he expressed concern with Section 5-109 in regard to chickens, stating that reducing the number to only three was unnecessary.

Annette Keller stated she was in favor of this item but was concerned with the enforcement aspect. She stated that this was a good way to begin the educational process of responsible pet ownership.

Sydney Ostrum expressed his concern with Sections 5-147 and 5-148 which addressed dangerous/vicious animals. He stated that this was similar to Breed Specific Legislation which was illegal in the State of Texas.

Joel Haley stated that he served on the Ad Hoc Committee of the Advisory Board and had served as Chair of the State Bar Law Animal Section. He noted that his interest was controlling the overpopulation through spaying and neutering because that was the source of the problem. He added that this was a step in the right direction and supported the revisions.

Mrs. Vacek read written testimony from Debbie Bent who wrote that she was against the ordinance because it imposed pet restrictions and unreasonable limitations on pet owners. She added that pet health decisions should be made by pet owners and not by Local Government.

Councilmember Herrera asked about the word "reasonable" in Section 5-76 and how that was defined. Jeff Hale responded that it referred to an average individual walking down the street that would interact with or encounter an animal and whether that person would be in fear of that animal becoming loose. In response to a question about a frivolous phone call, Mr. Hale stated that anyone who filed a complaint would have to complete a sworn complaint and provide detailed information. That would begin the investigation process. He added that the ultimate goal would be to have a Hearing Board to make the

final determination. Councilmember Wolff inquired about a vicious animal's enclosure and how that factored into the process. Mr. Hale stated that this would be one of the things that would be investigated and discussed with the pet owner.

Mayor Hardberger recognized students, parents, and faculty from Brockley Elementary. He thanked them for attending today's meeting and encouraged them to stay as long as their schedules permitted. Councilmember Cisneros recognized the Whittier Middle School Band who would be performing during the Council Luncheon.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 11:30 a.m. to break for lunch and announced that at 1:30 pm the Council would convene in executive session to discuss the following items:

- A. Deliberations and discussion relating to security personnel or devices pursuant to Texas Government Code Sec. 551.076 (security).
- 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).

Mayor Hardberger reconvened the Regular Meeting at 1:55 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ITEMS FOR INDIVIDUAL CONSIDERATION

Discussion continued regarding Chapter 5 relating to Animals of the City Code. Councilmember Wolff asked Mr. Hale to address the issue of stray dog attacks as opposed to those that have an owner. Mr. Hale stated that in the past two months, all but one of the attacks was from animals that were owned. Councilmember Gutierrez inquired about Section 5-109 and whether or not it was less restrictive. Mr. Hale responded that there were requirements to possessing additional livestock and that it was based on the ability to provide adequate facilities and sanitation. Councilmember Galvan asked about including that animals have sufficient water daily within Section 515. Mr. Hale stated that this was addressed within Section 5-4 Subsection C. Councilmember Cibrian noted that Councilmember Wolff had allocated \$200,000 toward these efforts and challenged corporations throughout the community to do the same.

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

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

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

At this time, the Mayor addressed items 35 and 60.

The City Clerk read the following Ordinance:

2007-12-13-1321

Item 35. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION FROM MADISON & SMITH I, LLC OF APPROXIMATELY .858 ACRES OF LAND LOCATED AT THE INTERSECTION OF BABCOCK ROAD AND SPRING RAIN DRIVE IN CITY COUNCIL DISTRICT 8 AND APPROVING \$7,302.00 FROM PROPOSITION 3 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT SALES TAX INITIATIVE FUNDS TO BE USED FOR CLOSING COSTS.

Mayor Hardberger recognized former Councilmember Al Rhode. Councilmember Rhode expressed his love for the City of San Antonio and his pleasure in making this land donation. He wished Councilmember Gutierrez and Councilmember Wolff luck in their future endeavors.

Councilmember Cibrian thanked Councilmember Rhode for his donation and moved to adopt the proposed Ordinance. Councilmember Rodriguez seconded the motion.

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

The City Clerk read the following Ordinance:

2007-12-13-1349

Item 60. AN ORDINANCE SUPPORTING THE IMPLEMENTATION OF A STATE PILOT PROGRAM TO REGULATE BOARDING HOUSES.

David Garza stated that this item would declare support for the State Legislature Intent which recently passed through House Bill 1168. He noted that the Bill allows the Department of Aging and Disability Service to regulate boarding homes for three or more elderly and disabled persons unrelated to the owner. The Pilot Project will be implemented in August 2008.

Mayor Hardberger recognized former Councilmember Glen Hartman. Councilmember Hartman stated that he was in attendance to show his support for this legislation. He noted that this would be a huge accomplishment and that Texas would be the first to have this type of legislation. He added that senior citizens in the community are often neglected and the City should help protect them.

Councilmember McNeil thanked Councilmember Hartman for his leadership in the community and recognized Board Members of the Joint City/County Commission on Elderly Affairs. She asked Nick Monreal, Chairman of AACOG's Bexar County Assisted Living Task Force, to come forward and share a few words. Mr. Monreal stated that this was unprecedented and thanked the Council for supporting this item. Councilmember Rodriguez recognized Doris Griffin who worked on this item and represents Council District 1 on the Commission.

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

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-12-13-1292

Item 5. AN ORDINANCE EXPRESSING CITY COUNCIL POLICY DIRECTION REGARDING THE ALLOCATION OF RIVERWALK BARGE AND OTHER RIVERWALK REVENUE IN THE FY 2009 AND SUBSEQUENT CITY BUDGETS.

Peter Zanoni stated that this item was being brought forth due to a Council Consideration Request initiated by Councilmember Wolff. Mr. Zanoni explained that this item would dedicate San Antonio Riverbarge Revenues primarily toward Riverwalk Capital Improvements, Maintenance, and Operations through a newly established Riverwalk Fund. Current budgeted revenues and expenditures associated with the Riverwalk will be moved from the City's General Fund and Storm Water Fund to the Riverwalk Fund. Additionally, the Riverwalk Fund will be prioritized through the future Annual Budget Process.

Councilmember Galvan inquired about why this was necessary. Mr. Zanoni stated that this would give priority to the Riverwalk, the second most visited tourist attraction in the State of Texas. Councilmember Wolff stated that he had two reasons for initiating this item which included fiscal responsibility and on-going maintenance for the river.

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

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

The City Clerk read the following Ordinance:

2007-12-13-0025R

Item 6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO, ACTING AS THE SAN ANTONIO LOCAL REDEVELOPMENT AUTHORITY, AUTHORIZING FOR SUBMISSION TO THE U.S. ARMY AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REDEVELOPMENT PLANS FOR BOSWELL AND CALLAGHAN U.S. ARMY RESERVE CENTERS.

Robert Murdock stated that a Public Hearing had been held the previous week concerning redevelopment plans for the U.S. Army Reserve Centers. He noted that one unsolicited proposal had been received from Western Solutions for the Boswell Property and that staff was recommending that plan be approved. Additionally, staff recommended that the Callaghan Property be awarded to Southwest Research Institute.

Councilmember Herrera thanked Northside Independent School District (NISD) for their proposal for the Callaghan Property and noted that she was in the process of helping to identify property for their alternative school and bus depot. Councilmember Herrera moved to adopt the proposed Resolution. Councilmember Cisneros seconded the motion.

Dr. Folks, NISD, thanked the Council for their consideration of NISD for the Callaghan Property. He thanked Sheryl Sculley and Pat DiGiovanni for their efforts in looking for alternative sites for their alternative school and bus depot. He asked that due to the validity of both proposals received for the Callaghan Property, that the City Council not submit a recommendation to the U.S. Army for the property.

Katie Reed, NISD, expressed her disappointment with the selection of Southwest Research Institute for the Callaghan Property. She stated that there had been good negotiations and that alternative sites were being researched to address NISD's needs and she was thankful for that.

A letter from Walter D. Downing, Executive Vice President of Southwest Research Institute, to City Manager Sheryl Sculley was submitted for the record.

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

The City Clerk read the following Ordinance:

2007-12-13-1293

Item 7. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE DESIGNATING THE ROSILLO RANCH DEVELOPMENT PROJECT AREA LOCATED IN CITY COUNCIL DISTRICT 2, BOUNDED ON THE NORTH BY INTERSTATE 10, TO THE WEST BY MARTINDALE ARMY AIRFIELD, TO THE SOUTH BY FM 1346, AND TO THE EAST BY NORTH FOSTER ROAD AS A TAX INCREMENT REINVESTMENT ZONE; DESCRIBING ITS BOUNDARIES; CREATING ITS BOARD OF DIRECTORS; PROVIDING FOR ITS TERMINATION DATE; NAMING IT "REINVESTMENT ZONE NUMBER TWENTY-NINE, CITY OF SAN ANTONIO, TEXAS"; ESTABLISHING A TAX INCREMENT FUND; AND CONTAINING OTHER STATUTORILY REQUIRED PROVISIONS FOR THE DESIGNATION OF A TIRZ.

Jesus Garza stated that this ordinance would create Tax Increment Reinvestment Zone (TIRZ) #29 for the Rosillo Ranch Development located in Council District 2. He noted that projected construction would cover 698.58 acres which included approximately 655,000 square feet of commercial space and that the project was not located over the Edwards Aquifer Recharge Zone. He stated that the term of the zone was for 24.82 years and would increase the 2007 base value from \$3,401,895 to \$409,154,145 by the end of the term.

Mr. Garza added that the participating entities included the City of San Antonio with a maximum contribution of \$32,000,000 and Bexar County with a maximum \$8,385,542 contribution. He noted that the developer was required to make a \$12-14 million contribution to make the project feasible.

Mayor Hardberger declared the Public Hearing open regarding the Rosillo Ranch Development Project.

Glen Alan Graham stated that he did not have strong feelings about this particular development. He noted that if passed, it would create a Tax Increment Fund and that was a concern. He referenced the PGA Project and the Digital Billboard Ordinance, both of which he as well as many opposed.

There being no further discussion, Mayor Hardberger declared the Public Hearing closed.

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

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

CONSENT AGENDA: Items 8 – 71F

Consent Agenda Items 34, 35, 38, 42, 60, 62, 64, and 66 were pulled for Individual Consideration. Councilmember Cibrian moved to approve the remaining Consent Agenda Items. Councilmember Rodriguez seconded the motion. Motion carried by all present.

Nazirite Ruben Flores Perez spoke in reference to the Haven for Hope Campus, Item #31 adding that it was going to get rough.

Mrs. Vacek read written testimonies from Faris Hodge, Jr. in reference to Items 20 and 61. He wrote that there should be better ways to kill animals. He expressed his concern with City workers who had to lethally inject animals and the effects it could have on them. He also wrote that the Mayor and Council should be subject to drug tests, as well as the security guards hired from private companies.

2007-12-13-1294

Item 8. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2007-2008 FOR A COMBINED ESTIMATED COST OF \$5,260,000.00, INCLUDING: (A) LUBRICANTS; (B) TRAFFIC SIGNAL STEEL POLES; (C) PRINTER SUPPORT; (D) PURCHASE OF UNIFORMS; (E) WIRELESS AND CELLULAR CONSOLIDATED SERVICES FOR VOICE AND DATA; (F) CITRIX SOFTWARE SUPPORT; AND (G) SAP CONSOLIDATED MAINTENANCE AND SUPPORT.

2007-12-13-1295

Item 9. AN ORDINANCE ACCEPTING THE BIDS FROM SANTEX TRUCK CENTER, LTD., GRANDE TRUCK CENTER, TRUMP EQUIPMENT COMPANY, INC., TOMMIE VAUGHAN MOTORS, INC., AND GRANDE FORD TRUCK SALES, INC. TO PROVIDE THE CITY WITH MEDIUM AND HEAVY DUTY TRUCKS FOR A COST OF \$1,667,380.00, FROM THE EQUIPMENT RENEWAL REPLACEMENT FUND, AIRPORT OPERATIONS & MAINTENANCE FUND, AND SOLID WASTE OPERATING FUND.

2007-12-13-1296

Item 10. AN ORDINANCE ACCEPTING THE OFFER FROM MUNICIPAL EMERGENCY SERVICES, INC. TO PROVIDE SIXTEEN SELF-CONTAINED BREATHING APPARATUS FOR THE POLICE DEPARTMENT SWAT TEAM FOR A COST OF \$72,568.16, FUNDED BY THE 06 BUFFER ZONE PROTECTION PLAN GRANT.

2007-12-13-1297

Item 11. AN ORDINANCE RATIFYING AND AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH 3D INTERNATIONAL (3D/I) IN THE NET AMOUNT OF \$551,841.34, FOR ADDITIONAL DESIGN SERVICES FOR THE NEW TERMINAL EXPANSION PROJECT AT SAN

ANTONIO INTERNATIONAL AIRPORT; APPROPRIATING \$472,000.00 FOR CONTINGENCY; AND DELEGATING AUTHORITY TO THE AVIATION DIRECTOR TO ADMINISTRATIVELY EXECUTE AND PAY FOR ASR NO. 63 UPON FINAL NEGOTIATION FOR THE REDESIGN OF THE CENTRAL UTILITY PLANT UP TO \$472,000.00.

2007-12-13-1298

Item 12. AN ORDINANCE RATIFYING CHANGE ORDER NO. 8 FOR PLUMBING CODE ISSUES, NO. 11 FOR ADDITIONAL CONDUITS, NO. 12 FOR DRILLED PIERS, AND NO. 13 FOR FOUNDATION MODIFICATIONS, TO THE CONSTRUCTION CONTRACT WITH BARTLETT COCKE/WALBRIDGE J.V., IN THE AGGREGATE AMOUNT OF \$300,556.55, FROM FUNDS AUTHORIZED IN THE CONSTRUCTION CONTINGENCY BUDGET, FOR THE CONSTRUCTION OF PROJECT 10 – VOLUME 7 – GARAGE FOUNDATIONS, STRUCTURE AND SYSTEMS AT SAN ANTONIO INTERNATIONAL AIRPORT.

2007-12-13-1299

Item 13. AN ORDINANCE RATIFYING CHANGE ORDER NO. 14 TO REMEDY UTILITY CONFLICTS, NO. 15 TO INCREASE THE NUMBER OF DUCT BANKS, AND NO. 16 FOR PLUMBING CODE COMPLIANCE ISSUES, TO THE CONSTRUCTION CONTRACT WITH BARTLETT COCKE/WALBRIDGE J.V., IN THE AGGREGATE AMOUNT OF \$470,627.71, FROM FUNDS AUTHORIZED IN THE CONSTRUCTION CONTINGENCY BUDGET, FOR THE CONSTRUCTION OF PROJECT 10 – VOLUME 7 – GARAGE FOUNDATIONS, STRUCTURE AND SYSTEMS AT SAN ANTONIO INTERNATIONAL AIRPORT.

2007-12-13-1300

Item 14. AN ORDINANCE RATIFYING CHANGE ORDER NO. 47 FOR EXTENDED CALENDAR DAYS IN THE AMOUNT OF \$106,462.40 TO THE CONSTRUCTION CONTRACT WITH CONSTRUCTORS & ASSOCIATES FOR PROJECT 3 VOLUME 1, TERMINAL 2 TENANT RELOCATION AND SELECTIVE DEMOLITION AT THE SAN ANTONIO INTERNATIONAL AIRPORT; AND APPROPRIATING FUNDS.

2007-12-13-1301

Item 15. AN ORDINANCE ACCEPTING THE LOW QUALIFIED BID OF YANTIS COMPANY IN THE AMOUNT OF \$2,567,558.00 TO PROVIDE CONSTRUCTION SERVICES FOR THE RSAT AIRFIELD IMPROVEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING A CONTINGENCY AMOUNT FOR A TOTAL AUTHORIZATION OF \$2,824,314.00; AND APPROPRIATING FUNDS.

2007-12-13-1302

Item 16. AN ORDINANCE RATIFYING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DRASH/TERRACON CONSULTING ENGINEERS IN THE NET AMOUNT OF \$25,577.00 FOR ADDITIONAL ABATEMENT MONITORING SERVICES FOR THE TERMINAL 2 TENANT RELOCATION AND SELECTIVE DEMOLITION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT; AND APPROPRIATING FUNDS.

2007-12-13-1303

Item 17. AN ORDINANCE RATIFYING TWO AMENDMENTS TO A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH AND JERNIGAN (PBS&J) IN THE TOTAL AMOUNT OF \$82,842.92 FOR ADDITIONAL DESIGN AND INSPECTION SERVICES, TO

IMPROVE TAXIWAY LIGHTING AND SIGNAGE TO PREVENT AIRCRAFT ON TAXIWAYS FROM PREMATURELY ENTERING RUNWAYS AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2007-12-13-1304

Item 18. AN ORDINANCE APPROVING CHANGE ORDER NO. SAWS-01 IN THE AMOUNT OF \$98,806.05 TO THE CONSTRUCTION CONTRACT, WITH SAN ANTONIO CONSTRUCTORS, LTD IN CONNECTION WITH THE SEMLINGER – LORD TO RIGSBY PROJECT, LOCATED IN DISTRICT 2.

2007-12-13-1305

Item 19. AN ORDINANCE APPROVING A \$409,461.00 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED WITH CIVIL ENGINEERING CONSULTANTS, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH GOLIAD ROAD PHASE II, LASSES TO PECAN VALLEY PROJECT, LOCATED IN DISTRICT 3 AND APPROPRIATING FUNDS.

2007-12-13-1306

Item 20. AN ORDINANCE RATIFYING AND APPROVING CHANGE ORDER NO. 5 IN THE AMOUNT OF \$144,788.00 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH F.A. NUNNELLY COMPANY FOR ADJUSTMENTS NECESSARY FOR CURRENT STAFF OPERATIONAL NEEDS IN CONNECTION WITH THE ANIMAL CARE FACILITY PROJECT, LOCATED IN DISTRICT 6.

2007-12-13-1307

Item 21. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$317,500.00 TO R.E.C. INDUSTRIES, INC. IN CONNECTION WITH THE WESTSIDE YMCA STRUCTURAL REPAIRS PROJECT LOCATED IN CITY COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

2007-12-13-1308

Item 22. AN ORDINANCE APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$140,695.65 TO A \$737,155.00 CONTRACT WITH G G & G GENERAL CONSTRUCTION, INC. FOR CONSTRUCTION OF AN ADDITIONAL SPORTS FIELD AND REALIGNMENT OF AN EXISTING PLAYING FIELD IN CONNECTION WITH THE REGIONAL YOUTH SPORTS FACILITY IMPROVEMENTS PROJECT AT BROOKS PARK, AN AUTHORIZED 2003-2007 PARK BOND PROJECT IN DISTRICT 3.

2007-12-13-1309

Item 23. AN ORDINANCE APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$91,620.00 TO A \$384,490.00 CONTRACT WITH SHORTY, INC. DBA CHARLIE AND COMPANY FOR ADDITIONAL TOPSOIL IN CONNECTION WITH THE MCALLISTER PARK YOUTH SPORTS FIELDS PROJECT, AN AUTHORIZED 2003-2007 PARK BOND PROJECT IN DISTRICT 9.

2007-12-13-1310

Item 24. AN ORDINANCE APPROVING AN AMENDMENT TO A PROFESSIONAL PROGRAM MANAGEMENT SERVICES AGREEMENT, WITH LOCKWOOD, ANDREWS & NEWNAM, INC.

TO INCLUDE NEIGHBORHOOD ACCESS AND MOBILITY PROJECTS LOCATED CITY-WIDE AND AMENDING THE AGREEMENT TO CHANGE THE COMPENSATION PROVISIONS FROM HOURLY BASED TO TASK ORDER BASED.

2007-12-13-1311

Item 25. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$10,650,435.50 TO TEXAS STERLING CONSTRUCTION COMPANY; APPROVING A \$135,498.00 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH PAPE DAWSON ENGINEERS FOR ADDITIONAL PROFESSIONAL PROGRAM MANAGEMENT AND DESIGN SERVICES FOR A TOTAL PROJECT AMOUNT OF \$12,850,844.46 OF WHICH \$6,003,942.17 WILL BE REIMBURSED BY THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT); AND AUTHORIZING THE EXECUTION OF CONTRACTS WITH SAN ANTONIO WATER SYSTEM (SAWS) TOTALING \$1,882,093.80 AND CPS ENERGY TOTALING \$294,807.95 TO BE PAID TO THE CITY AS REQUIRED FOR LOCAL AGENCY MANAGED (LAM) PROJECTS IN CONNECTION WITH WOODLAWN-BANDERA TO MAIDEN, A 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND, CERTIFICATES OF OBLIGATION AND HUD108 FUNDED LOCAL AGENCY MANAGED (LAM) PROJECT LOCATED IN COUNCIL DISTRICT 7; AMENDING THE PROJECT BUDGET; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

2007-12-13-1312

Item 26. AN ORDINANCE APPROVING A \$496,737.25 AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH, & JERNIGAN INC. (PBS&J) FOR ADDITIONAL PROFESSIONAL PROGRAM MANAGEMENT AND DESIGN SERVICES IN CONNECTION WITH AUTHORIZED HUD 108 LOAN PROGRAM FUNDED CAPITAL IMPROVEMENT PROJECTS, INCLUDING THE ADDITION OF THE INDIAN CREEK CHANNEL IMPROVEMENTS PROJECT LOCATED IN COUNCIL DISTRICT 4; APPROPRIATING FUNDS; AND AUTHORIZING PAYMENT.

2007-12-13-1313

Item 27. AN ORDINANCE AUTHORIZING THE CITY'S GRANT OF A SANITARY SEWER EASEMENT NEAR THE INTERSECTION OF CULEBRA ROAD AND LOOP 1604, DISTRICT 6, TO HASSLOCHER ENTERPRISES, INC. FOR \$13,427.

2007-12-13-1314

Item 28. AN ORDINANCE AUTHORIZING VALERO CORPORATE SERVICES TO ASSIGN LEASE NO. 124129, DATED OCTOBER 27, 1997, AT SAN ANTONIO INTERNATIONAL AIRPORT, TO NUSTAR LOGISTICS, L.P.; AND AN AMENDMENT EXTENDING THE TERM FOR 10 YEARS TO EXPIRE ON OCTOBER 31, 2027 AND INCREASING THE ANNUAL RENT TO \$39,470.

2007-12-13-1315

Item 29. AN ORDINANCE AUTHORIZING THE CITY TO ACQUIRE FIVE (5) PARCELS OF REAL PROPERTY IN CONNECTION WITH THE FINTON AVENUE - DART TO IH-35 HUD 108 LOAN PROJECT, LOCATED IN COUNCIL DISTRICT 5; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

2007-12-13-1316

Item 30. AN ORDINANCE AUTHORIZING THE CITY TO ACQUIRE AT NOT MORE THAN FAIR MARKET VALUE AQUIFER PROTECTION-RELATED CONSERVATION EASEMENTS ON THREE TRACTS: (A) THE LOU FINGER TRACT IN MEDINA COUNTY CONSISTING OF APPROXIMATELY 352 ACRES, (B) THE JOE FINGER TRACT IN MEDINA COUNTY CONSISTING OF APPROXIMATELY 1,792 ACRES, AND (C) THE BOURQUIN TRACT IN MEDINA COUNTY CONSISTING OF APPROXIMATELY 609 ACRES AND AUTHORIZING CONTRACTUALLY REQUIRED PAYMENTS TO THE BEXAR LAND TRUST INCIDENT TO THE ABOVE-MENTIONED CONSERVATION EASEMENTS.

2007-12-13-1317

Item 31. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF ALL LEASEHOLD INTERESTS LOCATED IN NCB 198 AND NCB 219 ALSO KNOWN AS 727 N. SALADO AND 422 LEAL STREETS FOR A PUBLIC PURPOSE, IN CONNECTION WITH THE HAVEN FOR HOPE CAMPUS DEVELOPMENT PROJECT; AUTHORIZING THE CITY ATTORNEY TO ACQUIRE THE LEASEHOLD INTERESTS THROUGH NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY.

2007-12-13-1318

Item 32. AN ORDINANCE APPROVING THE RENEWAL OF THREE RIVER WALK PATIO LEASE AGREEMENTS BETWEEN THE CITY AND DICK'S LAST RESORT OF TEXAS, INC. D/B/A DICK'S LAST RESORT DOLORES DEL RIO RISTORANTE, AND JOE'S CRAB SHACK-TEXAS, INC. FOR USE OF PATIO SPACE ALONG THE RIVER WALK FOR FIVE YEAR TERMS AT A MONTHLY RATE OF \$2.03 PER SQUARE FOOT.

2007-12-13-1319

Item 33. AN ORDINANCE APPROVING A MONTH TO MONTH LEASE AGREEMENT WITH SUSAN CARLIN TO OPERATE A PORTRAIT STUDIO GALLERY IN BUILDING 14B, LOCATED WITHIN THE LA VILLITA HISTORIC DISTRICT AT 418 VILLITA STREET AT A MONTHLY RATE OF \$180.73.

2007-12-13-1322

Item 36. AN ORDINANCE APPROVING THE SUBMISSION OF A CALENDAR YEAR (CY) 2008 COMMUNITY SERVICES BLOCK GRANT (CSBG) PERFORMANCE STATEMENT, BUDGET AND PERSONNEL COMPLEMENT TO, AND AUTHORIZING ACCEPTANCE UP TO \$1,726,883.00 FROM, THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) AND EXECUTION OF ANY RELATED GRANT DOCUMENTS; AND APPROVING A CONTRACT WITH THE GUADALUPE COMMUNITY CENTER IN AN AMOUNT UP TO \$15,000.00, FOR VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM SERVICES IN CONNECTION WITH THE CSBG CY 2008 PROGRAM.

2007-12-13-1323

Item 37. AN ORDINANCE APPROVING (I) THE CONTINUATION OF, AND EXECUTION OF AN AGREEMENT WITH CPS ENERGY FOR, THE PROJECT WINTER ASSISTANCE RELIEF MOBILIZATION (WARM) PLAN FOR CALENDAR YEAR (CY) 2008; (II) THE IMPLEMENTATION OF THE RESIDENTIAL ENERGY ASSISTANCE PARTNERSHIP (REAP) UTILITY ASSISTANCE PROJECT FOR CY 2008; (III) ISSUANCE OF UTILITY ASSISTANCE CREDITS IN A PROJECTED AMOUNT OF \$400,000.00 FOR THE WARM PROJECT AND OF

\$945,000.00 FOR THE REAP PROJECT, AND ANY SUPPLEMENTAL CREDITS IF THEY BECOME AVAILABLE, FOR THE PERIOD JANUARY 1, 2008 THROUGH DECEMBER 31, 2008; AND (IV) EXECUTION OF SUBCONTRACTS WITH LOCAL NON-PROFIT AGENCIES FOR DISTRIBUTION OF CREDITS TO CPS ENERGY RATEPAYERS.

2007-12-13-1325

Item 39. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT AMENDMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES AMENDING THE CURRENT STATEMENT OF WORK FOR THE FAMILIES PREVENTING DIABETES PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT; RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING ACCEPTANCE OF FUNDS UPON AWARD UP TO \$80,000.00 TO RENEW THIS PROGRAM FOR THE PERIOD MARCH 30, 2008 THROUGH MARCH 29, 2009; AND AUTHORIZING THE EXECUTION OF NECESSARY DOCUMENTS.

2007-12-13-1326

Item 40. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL INCREASE FUNDING FROM \$97,600.00 TO \$200,200.00 FOR THE ONGOING BREAST AND CERVICAL CANCER SERVICES PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD JULY 1, 2007 THROUGH JUNE 30, 2008.

2007-12-13-1327

Item 41. AN ORDINANCE AUTHORIZING THE CITY OF SAN ANTONIO TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE SAN ANTONIO RIVER FOUNDATION RELATING TO DONOR ACKNOWLEDGEMENT OPPORTUNITIES ALONG THE SAN ANTONIO RIVER IMPROVEMENTS PROJECT AND AUTHORIZING MODIFICATIONS TO THE CITY CODE OF SAN ANTONIO, TEXAS, TO REFLECT THE GUIDELINES IN THE MEMORANDUM OF UNDERSTANDING.

2007-12-13-1329

Item 43A. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD FOOD AND BEVERAGE CONCESSION AGREEMENT WITH R&J INTERNATIONAL COMPANY FOR THE OPERATION OF A DUNKIN DONUTS CONCEPT FOR A TERM OF 7 YEARS WITH GUARANTEED ANNUAL RENTALS OF AT LEAST \$50,000.00.

2007-12-13-1330

Item 43B. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD RETAIL CONCESSION AGREEMENT WITH MELSHIRE DFW, L.P. FOR THE OPERATION OF A NATALIE'S CANDY BAR STORE FOR A TERM OF 5 YEARS WITH GUARANTEED ANNUAL RENTALS OF AT LEAST \$40,000.00.

2007-12-13-1331

Item 43C. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A STANDARD RETAIL CONCESSION AGREEMENT WITH BROOKSTONE STORES SAT, LLC FOR A TERM OF 5 YEARS WITH GUARANTEED ANNUAL RENTALS OF AT LEAST \$60,000.00.

2007-12-13-1332

Item 44. AN ORDINANCE AMENDING THE SAN ANTONIO INTERNATIONAL AIRPORT AIR SERVICE DEVELOPMENT INCENTIVE PROGRAM TO PROVIDE FOR AN INCREASE IN THE ADVERTISING REIMBURSEMENT AMOUNTS TO ELIGIBLE AIRLINES; LIMITED LANDING FEE WAIVERS; ADVERTISING REIMBURSEMENTS TO NEW CARRIERS ENTERING THE SAN ANTONIO MARKET; LIMITED INSPECTION SERVICE FEE WAIVERS; AND LIMITED ADVERTISING REIMBURSEMENTS SERVICE TO MONTERREY, MEXICO.

2007-12-13-1333

Item 45. AN ORDINANCE AUTHORIZING A ONE-YEAR SUBSCRIPTION CONTRACT WITH MEGADATA CORPORATION FOR DATA SERVICES TO AUDIT AND INVOICE AIRLINES FOR SAN ANTONIO INTERNATIONAL AIRPORT LANDING FEES, PROVIDING FOR TWO ONE-YEAR RENEWALS; AND APPROPRIATING \$66,180.00, INCLUDING \$15,000.00 FOR ONE-TIME SET-UP FEES AND \$51,180.00 FOR THE INITIAL ONE-YEAR SUBSCRIPTION.

2007-12-13-1334

Item 46. AN ORDINANCE ACKNOWLEDGING THE RECEIPT OF LETTERS OF RESIGNATION FROM COUNCILMAN ROLAND GUTIERREZ, DISTRICT 3, AND COUNCILMAN KEVIN WOLFF, DISTRICT 9; CALLING FOR APPLICATIONS FOR NEW COUNCILMEMBERS TO SERVE REMAINDER OF THE UNEXPIRED TERMS; AND SETTING DATES TO INTERVIEW QUALIFIED APPLICANTS AND TO VOTE ON REPLACEMENT COUNCILMEMBERS.

2007-12-13-1335

Item 47. AN ORDINANCE AUTHORIZING EXECUTION OF A CONTRACT WITH THE CULTURAL POLICY INSTITUTE OF THE UNIVERSITY OF TEXAS AT SAN ANTONIO TO DEVELOP AND CONDUCT A COMMUNITY SURVEY PERTAINING TO CITY SERVICES FOR A COST OF \$50,000.

2007-12-13-1336

Item 48. AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT WITH THE BEXAR COUNTY BOARD OF TRUSTEES FOR MENTAL HEALTH AND MENTAL RETARDATION SERVICES D/B/A THE CENTER FOR HEALTH CARE SERVICES, IN THE AMOUNT OF \$830,000.00 FOR PUBLIC SAFETY TRIAGE, DETOXIFICATION, AND OUTPATIENT TREATMENT SERVICES FOR THE PERIOD FROM FEBRUARY 1, 2008 THROUGH SEPTEMBER 30, 2008.

2007-12-13-1337

Item 49. AN ORDINANCE AUTHORIZING AGREEMENTS WITH EDUCATION SERVICE CENTER-REGION 20, THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT AND OTHER ENTITIES TO PROVIDE LITERACY, ADULT EDUCATION, AND WORKFORCE DEVELOPMENT RELATED SERVICES AT THE CITY'S COMMUNITY FAMILY RESOURCE AND LEARNING CENTERS THROUGH NOVEMBER 30, 2012.

2007-12-13-1338

Item 50. AN ORDINANCE AUTHORIZING CONTRACT AMENDMENTS WITH ALAMO PUBLIC TELECOMMUNICATIONS COUNCIL (DBA KLRN), FAMILY SERVICE ASSOCIATION OF SAN ANTONIO, INC., POSITIVE BEGINNINGS, INC. AND ALAMO COMMUNITY COLLEGE DISTRICT (ACCD) IN THE AMOUNT OF \$10,000.00, \$60,000.00, \$27,100.32 AND \$24,000.00,

RESPECTIVELY, FOR CONTINUING EDUCATION OPPORTUNITIES FOR CHILD CARE PROFESSIONALS FOR THE PERIOD FROM OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008.

2007-12-13-1339

Item 51A. AN ORDINANCE APPROVING THE PROJECT AGUA PLAN FOR CALENDAR YEAR 2008 TO PROVIDE UP TO \$100,000.00 IN UTILITY ASSISTANCE CREDITS FOR ELIGIBLE SAN ANTONIO WATER SYSTEM (SAWS) RATEPAYERS, EXECUTION OF A CONTRACT WITH SAWS AND AGREEMENTS WITH DELEGATE AGENCIES TO IMPLEMENT THE PLAN.

2007-12-13-1340

Item 51B. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$120,341.00 AND SUPPLEMENTAL FUNDS, SHOULD THEY BECOME AVAILABLE, FROM THE SAN ANTONIO WATER SYSTEM (SAWS) TO ADMINISTER THE AFFORDABILITY DISCOUNT PROGRAM (ADP) FOR CALENDAR YEAR 2008 AND AGREEMENTS WITH DELEGATE AGENCIES TO IMPLEMENT THE ADP; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

2007-12-13-1341

Item 52. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES WITH MARMON MOK, L.L.P., INCREASING FEES IN AN AMOUNT NOT TO EXCEED \$685,000.00; AND RE-APPROPRIATING \$169,166.36 IN 2004 FINAL FOUR STATE SALES TAX REFUND FUNDS AND APPROPRIATING \$102,357.55 IN 2005 CERTIFICATES OF OBLIGATION--ALAMODOME.

2007-12-13-1342

Item 53. AN ORDINANCE AUTHORIZING A FIVE (5) YEAR WIRELESS INFRASTRUCTURE MANAGEMENT AGREEMENT WITH CONCOURSE COMMUNICATIONS GROUP, L.L.C., FOR THE INSTALLATION, OPERATION, MAINTENANCE, MARKETING AND MANAGEMENT OF A NEUTRAL-HOST, MULTI-USE DISTRIBUTED ANTENNA SYSTEM AT THE ALAMODOME.

2007-12-13-1343

Item 54. AN ORDINANCE AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ALAMO EVENTS, INC. FOR EVENT HOSTING OBLIGATIONS RELATED TO THE 2007 DR. PEPPER BIG 12 CHAMPIONSHIP FOR AN AMOUNT UP TO \$125,000.00.

2007-12-13-1344

Item 55. AN ORDINANCE AMENDING THE AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE LAW FIRM OF DENTON, NAVARRO, ROCHA, AND BERNAL, A PROFESSIONAL CORPORATION, FOR CONTINUED LEGAL SUPPORT OF THE CITY SOUTH MANAGEMENT AUTHORITY, AND AUTHORIZING ADDITIONAL PAYMENT UP TO \$30,000.00 FOR THESE SERVICES.

2007-12-13-1345

Item 56. AN ORDINANCE AUTHORIZING ADJUSTMENTS AND ADDITIONS TO THE SAN ANTONIO WATER SYSTEM (SAWS) MISCELLANEOUS CHARGES IN FOUR SPECIAL SERVICES FEE CATEGORIES AND AMENDING CHAPTER 34 OF THE SAN ANTONIO CITY CODE.

2007-12-13-1346

Item 57. AN ORDINANCE AUTHORIZING SCHEDULE G TO THE 2005 MASTER EQUIPMENT LEASE/PURCHASE AGREEMENT WITH BANC OF AMERICA PUBLIC CAPITAL CORP IN THE TOTAL AMOUNT OF \$841,065.00 FOR THE ACQUISITION OF VARIOUS COMPONENTS OF THE RADIO FREQUENCY IDENTIFICATION ("RFID") THEFT DETECTION SYSTEM FOR THE LIBRARY DEPARTMENT.

2007-12-13-1347

Item 58. AN ORDINANCE AUTHORIZING A SIX-MONTH EXTENSION OF THE EMERGENCY MEDICAL CONTROL AND TRAINING AGREEMENT WITH THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO FOR MEDICAL DIRECTOR SERVICES AND EMERGENCY MEDICAL TECHNICIAN PROFESSIONAL TRAINING IN THE AMOUNT OF \$607,778.50.

2007-12-13-1348

Item 59. AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION OF THE CONTRACT WITH ZEPHYR ENVIRONMENTAL CORPORATION TO PROVIDE ENVIRONMENTAL ENGINEERING SERVICES TO THE PUBLIC CENTER FOR ENVIRONMENTAL HEALTH OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR AN AMOUNT NOT TO EXCEED \$65,000.00 THROUGH DECEMBER 22, 2008.

2007-12-13-1350

Item 61. AN ORDINANCE AUTHORIZING A FOUR MONTH EXTENSION OF THE CONTRACT WITH CONCENTRA HEALTH SERVICES, INC. TO PROVIDE DRUG AND ALCOHOL TESTING SERVICES IN CONNECTION WITH THE CITY'S PRE-EMPLOYMENT AND TRANSPORTATION WORKER DRUG TESTING PROGRAM FOR THE PERIOD BEGINNING JANUARY 1, 2008 AND ENDING APRIL 30, 2008.

2007-12-13-1352

Item 63. AN ORDINANCE ACCEPTING A DONATION OF \$600,000.00 IN KRONKOSKY CHARITABLE FOUNDATION FUNDS FROM THE SAN ANTONIO PARKS FOUNDATION AND APPROVING USE OF THOSE FUNDS FOR PARK MATERIALS AND IN-HOUSE DESIGN AND CONSTRUCTION WORK PERFORMED BY THE PARKS AND RECREATION STAFF TO CONSTRUCT PLAYSCAPES AT SIX CITY PARKS.

2007-12-13-1354

Item 65. AN ORDINANCE APPROVING AN AMENDMENT TO THE LICENSE AGREEMENT WITH THE SAN ANTONIO GOLF ASSOCIATION (SAGA), DOING BUSINESS AS "GOLF SAN ANTONIO" (GSA), FOR OPERATION OF THE BRACKENRIDGE PARK DRIVING RANGE AND ASSIGNING THE CITY'S LANDLORD INTERESTS IN THE AGREEMENT TO THE MUNICIPAL GOLF ASSOCIATION-SAN ANTONIO (MGA-SA).

2007-12-13-1356

Item 68. AN ORDINANCE AUTHORIZING THE EXECUTION OF A FUNDING AGREEMENT WITH THE SONTERRA PROPERTY OWNERS ASSOCIATION IN THE AMOUNT OF \$100,000.00 TO SUPPORT PUBLIC ROADWAY IMPROVEMENTS AT THE ENTRANCE OF THE MIDLANDS SUBDIVISION.

2007-12-13-0026R

Item 67. A RESOLUTION EXPRESSING THE CITY'S CONDITIONAL CONSENT FOR THE CREATION BY BEXAR COUNTY OF UP TO THREE PUBLIC IMPROVEMENT DISTRICTS FOR THE ESPADA PROJECT, LOCATED IN THE LIMITED PURPOSE AREA OF CITY COUNCIL DISTRICT 3.

2007-12-13-1357

Item 69. AN ORDINANCE RE-ALLOCATING \$200,000 IN CITY COUNCIL DISTRICT 9 ONE-TIME FUNDS FOR ANIMAL CARE PURPOSES TO INCLUDE EDUCATION / AWARENESS AND CAPITAL CAMPAIGN CHALLENGE-MATCHES AND AUTHORIZING NEGOTIATION AND EXECUTION OF FUNDING AGREEMENT(S) WITH CITY PARTNERS TO ACCOMPLISH THOSE PURPOSES.

Item 70. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE NOMINEES, FOR TERMS TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. REAPPOINTING JELYNNE L. BURLEY (DISTRICT 10 - CATEGORY: CITY MANAGER'S DESIGNEE) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 7, 2009.
- B. REAPPOINTING MICHAEL ALEX NAVA (DISTRICT 10) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2009.
- C. REAPPOINTING WALTER AGUE, BENNIE COLE, JERRY FUENTES, TERRELL MCCOMBS, MAXINE SALAIS, ALBERT CARRISALEZ, J. CHRISTOPHER CORSO, BRENDA V. JOHNSON, PABLO RUBIO, AND DAVID VILLYARD (AT-LARGE) TO THE JOINT CITY/COUNTY CITIZENS BOND OVERSIGHT COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE SEPTEMBER 30, 2009.

2007-12-13-1358

- D. APPOINTING GABRIEL IOANE WILTZ TO THE TAX INCREMENT REINVESTMENT ZONE #19 BOARD OF DIRECTORS (HALLIE HEIGHTS) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 9, 2008, AND WAIVING THE TIF MANUAL AT-LARGE APPOINTMENT PROCESS FOR THIS APPOINTMENT.

2007-12-13-1359

- E. APPOINTING GABRIEL IOANE WILTZ AND TERRY M. HAUSMAN TO THE TAX INCREMENT REINVESTMENT ZONE #21 BOARD OF DIRECTORS (HEATHER'S COVE) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 16, 2008, AND WAIVING THE TIF MANUAL AT-LARGE APPOINTMENT PROCESS FOR THIS APPOINTMENT.

2007-12-13-1360

- F. REAPPOINTING KIRKLAN WARREN KING AND APPOINTING BARTELO NOEL SANCHEZ TO THE TAX INCREMENT REINVESTMENT ZONE #16 BOARD OF DIRECTORS (BROOKS CITY BASE) FOR THE REMAINDER OF UNEXPIRED TERMS

OF OFFICE TO EXPIRE DECEMBER 9, 2008, AND WAIVING THE TIF MANUAL AT-LARGE APPOINTMENT PROCESS FOR THIS APPOINTMENT.

- G. REAPPOINTING ROBERT MAYHEW AND RONALD P. MARTIN (REGULAR MEMBERS) AND APPOINTING ALENA GUTIERREZ-BERLANGA AND ABELARDO TORRES (ALTERNATE MEMBERS) TO THE MUNICIPAL CIVIL SERVICE COMMISSION FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE JUNE 6, 2009.
- H. APPOINTING JOE C. SOULES, JR. (DISTRICT 10) TO THE PARKS AND RECREATION BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- I. APPOINTING JAVIER FLORES (DISTRICT 6 - CATEGORY: PATRON OF THE ARTS) TO THE ARTS AND CULTURAL ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

Item 71. CONSIDERATION OF APPOINTMENTS TO THE HISTORIC AND DESIGN REVIEW COMMISSION, FOR TERMS OF OFFICE TO COMMENCE IMMEDIATELY UPON APPOINTMENT.

- A. APPOINTING CRUZ ORTIZ (DISTRICT 2) TO FILL THE PUBLIC ART CATEGORY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2009.
- B. REAPPOINTING VICTOR SALAS (DISTRICT 3) TO FILL THE OTHER (HISTORIC PRESERVATION) CATEGORY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2009.
- C. REAPPOINTING DAVID BEYER (DISTRICT 6) TO FILL THE LANDSCAPE ARCHITECTURE CATEGORY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2009.
- D. APPOINTING EDWARD D. GARZA (DISTRICT 7) TO FILL THE PLANNING CATEGORY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2008.
- E. REAPPOINTING ED CABEL (DISTRICT 9) TO FILL THE OTHER (BUSINESS) CATEGORY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2009.
- F. REAPPOINTING TERRY PALMER (MAYOR) TO FILL THE ARCHITECTURE CATEGORY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 31, 2009.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2007-12-13-1355

Item 66. AN ORDINANCE APPROVING A TOTAL OF \$500,000.00 TO INCLUDE \$465,000.00 FOR AMENDMENT TWO TO THE JAPANESE TEA GARDEN FUNDING AGREEMENT WITH THE SAN ANTONIO PARKS FOUNDATION TO PAY FOR RESTORATION OF THE WATERFALL AND POND AND FOR A NEW RECIRCULATING SYSTEM TO MAINTAIN A SAFE HABITAT FOR KOI FISH AND AQUATIC PLANT LIFE, AND APPROVING \$35,000.00 FOR PARK MATERIALS AND IN-HOUSE CONSTRUCTION WORK PERFORMED BY THE PARKS AND RECREATION STAFF ALL PART OF AN APPROVED 2007-2012 PARK BOND FUNDED PROJECT.

Mayor Hardberger recognized former Mayor Lila Cockrell. Mayor Cockrell stated that the ponds and waterfalls at the Japanese Tea Gardens had been restored and that the project was nearing completion. She expressed excitement with the grand re-opening scheduled for March 2008. She thanked Councilmember Wolff who had identified additional funds for this project.

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

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

2007-12-13-1320

Item 34. AN ORDINANCE APPROVING THE ASSIGNMENT OF A FARMERS MARKET LEASE AGREEMENT FROM MR. EMETERIO DE MIGUEL D/B/A "THE LI'T DOVE" TO MR. JORGE CHAVEZ D/B/A "YESI'S THE LI'T DOVE", FOR THE USE OF APPROXIMATELY 672 SQUARE FEET IN FARMERS MARKET AREA NUMBER IL-18.

Councilmember Cisneros recused herself on said item and noted that she submitted the required documents.

Councilmember Cibrian inquired about the terms of the agreement. Paula Stallcup stated that this was a lease assignment and would operate through the existing term through August 31, 2009.

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

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

2007-12-13-1324

Item 38. AN ORDINANCE AUTHORIZING ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$145,000.00, AND SUPPLEMENTAL FUNDS IF THEY BECOME AVAILABLE, FROM THE ANNIE E. CASEY FOUNDATION (AECF) FOR THE SUPPORT OF THE CENTER FOR WORKING FAMILIES AND MAKING CONNECTIONS - SAN ANTONIO INITIATIVE FOR THE

PERIOD FROM NOVEMBER 1, 2007 THROUGH SEPTEMBER 30, 2008; AUTHORIZING EXECUTION OF GRANT RELATED DOCUMENTS.

Dennis Campa stated that Community Initiatives had partnered with the Annie E. Casey Foundation for over eight years. He explained that this funding was being used for two projects - \$70,000 toward the Volunteer Income Tax Assistance (VITA) Program and \$75,000 for a "Centers for Working Families" Project within the learning centers.

Councilmember Herrera asked for clarification on how the dollars would be utilized. Mr. Campa outlined the VITA Program and highlighted various locations which would assist with income tax preparation. Additionally, the "Centers for Working Families" Initiative would incorporate three efforts – Work and Earnings, Asset Building, and Access to Public Benefits. Councilmember Herrera expressed her concern with initiating programs that may not be able to sustain themselves in the future. Additionally, she stated that there may be a duplication of services, noting that other community agencies could possibly administer these types of programs. She added that 50 job placements was an extremely low number. Mr. Campa stated that it was an estimate and this was a conservative number. He noted that he was confident that the Annie E. Casey Foundation would continue their funding past their initial 10-year commitment.

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

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

2007-12-13-1328

Item 42. AN ORDINANCE REVISING CHAPTER 37 OF THE CITY CODE OF SAN ANTONIO, TEXAS BY PROVIDING FOR LIMITED DELEGATION OF CONTRACTING AUTHORITY BELOW THE LEVEL OF DIRECTOR, DELEGATING TO DIRECTORS THE AUTHORITY TO ENTER INTO AGREEMENTS ALLOWING THE CITY TO INSPECT PROPERTY IT MAY ACQUIRE AND PROVIDING FOR A FEE WHEN THE CITY PERMITS A TENANT TO ASSIGN A LEASE UNDER WHICH THE CITY IS LANDLORD.

Councilmember Herrera asked for clarification on what this ordinance would authorize. Mike Frisbie stated that it would allow the City Manager or Deputy City Manager to delegate the responsibility for signing legal documents to a specified designee. Additionally, it would allow designees the authority to sign Right of Entries and other due diligence on properties the City is interested in acquiring without having to go back to Council for approval. Lastly, it authorizes a specific dollar amount enforceable by the City Attorney's Office to Asset Management to support their permitting and license agreements.

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

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

2007-12-13-1351

Item 62. AN ORDINANCE APPROVING AN AGREEMENT WITH THE FREE TRADE ALLIANCE SAN ANTONIO FOR UP TO \$200,000 FOR THE PERIOD OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008; AND PROVIDING FOR RENEWAL, SUBJECT TO APPROPRIATION, FOR UP TO TWO YEARS.

Beth Costello stated that prior to 2007, the City had appropriated \$150,000 annually to the Free Trade Alliance but had since raised the appropriation to \$200,000. Councilmember Cibrian asked if the \$25,000 had been allocated specifically for the China Initiative. Ms. Costello stated that this had been done last year but was not included in this item.

Councilmember Cibrian moved to adopt the proposed Ordinance with the condition that \$25,000 is allocated to the China Initiative and \$175,000 is to be used by the Free Trade Alliance for other purposes as outlined in the contract. Councilmember Clamp seconded the motion.

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

2007-12-13-1353

Item 64. AN ORDINANCE APPROVING A FUNDING AGREEMENT WITH THE SAN ANTONIO GOLF ASSOCIATION (SAGA) DOING BUSINESS AS "GOLF SAN ANTONIO" FOR THE CONSTRUCTION OF A GOLF LEARNING CENTER AT THE POLO FIELD DRIVING RANGE IN DISTRICT 9, IN AN AMOUNT UP TO \$250,000.00.

Councilmember Wolff highlighted the efforts of the San Antonio Golf Association (SAGA). He asked Tony Piazza, President/CEO of Golf San Antonio, to speak about the Golf Learning Center. Mr. Piazza stated that a significant amount of money was being invested in a 6,600 square foot learning center that would serve over 2,500 youth. He recognized Mary Caraker, the Director of "First Tee" and thanked the Mayor and Council for their support.

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

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

CITY MANAGER'S REPORT

Ms. Sheryl Sculley wished the Mayor, Council and all City Employees a Happy Holiday Season.

CONSENT ZONING

Councilmember Wolff made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had signed up to speak on items Z-1, Z-2, Z-3, and Z-4. Councilmember Clamp seconded the motion.

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

Item Z-1. ZONING CASE # Z2007299 (District 2): An Ordinance changing the zoning district boundary from "C-2" Commercial District to PUD "R-6" Planned Unit Development Residential Single-Family District on 4.281 acres out of NCB 8694, 6400 Block of North Vandiver Road as requested by Cooper Boddy, Applicant for Edgar K. and Maxine M. Markwardt, Owners. Staff and Zoning Commission recommend Approval.

2007-12-13-1361

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: 4.281 ACRES OUT OF NCB 8694 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO PUD "R-6" PLANNED UNIT DEVELOPMENT RESIDENTIAL SINGLE-FAMILY DISTRICT.

Item Z-2. ZONING CASE # Z2008026 (District 3): An Ordinance changing the zoning district boundary from "MR" Military Reserve District to "C-3" General Commercial District on 48.67 acres out of NCB 10879, Brooks City-Base, Research Plaza as requested by VHS San Antonio Partners, LLC, DBA Baptist Health System, Applicants for Brooks Development Authority. Staff and Zoning Commission recommend Approval.

2007-12-13-1362

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: 48.67 ACRES OUT OF NCB 10879 TO WIT: FROM "MR" MILITARY RESERVE DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

Item Z-3. ZONING CASE # Z2008023 (District 5): An Ordinance changing the zoning district boundary from "R-5" Residential Single-Family District to "C-1" Light Commercial District on Lot 1, Lot 2, Lot 3 and Lot 4, NCB 6937, 3116 Nogalitos Street, as requested by Starboard Investments, Ltd., Applicants for Buna W. McKinnon, Owners. Staff and Zoning Commission recommend Approval.

2007-12-13-1363

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1, LOT 2, LOT 3 AND LOT 4, NCB 6937 TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

Item Z-4. ZONING CASE # Z2008013 (District 8): An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-3NA" General Commercial District, Nonalcoholic Sales to "C-3" General Commercial District on Lot 2, Block 2, NCB 17443, 11500 IH 10 West as requested by J and M Investments Group, LLC, Applicants for Vantage Way San Antonio, LP, Owner. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 2, BLOCK 2, NCB 17443 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES TO "C-3" GENERAL COMMERCIAL DISTRICT.

[ZONING CONSENT ITEMS CONCLUDED]

CEREMONIAL ITEMS

Mayor Hardberger presented plaques to Councilmember Roland Gutierrez, District 3 and Councilmember Kevin Wolff, District 9 for their invaluable service, commitment and contributions to the City of San Antonio. It was noted that they were resigning from the City Council to pursue State and County Public Office, respectively.

Mayor Hardberger presented Huebner Elementary and Hidden Forest Elementary Schools certificates as the recipients of the 2007 No Child Left Behind-Blue Ribbon School Award. This national title honors public and private K-12 grade schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement. Huebner and Hidden Forest are District 9 schools and were the only institutions in San Antonio to win this national award.

St. John's Lutheran Church was recognized for their upcoming 150th Anniversary on December 26, 2007. St. John's is located in the La Villita Historic District and is a registered Texas Historic Landmark. St. John's, known as the Rooster Church, was instrumental in establishing San Antonio's Meals on Wheels Program, which began in kitchen of St. John's Church.

CITIZENS TO BE HEARD

Mr. Greg Tilton spoke about roosters and stated that he had been in contact with Councilmember Cisneros' staff for six months, but had only received a call back that morning. He noted that he had time dated recordings of the roosters and that he had left messages of roosters crowing on the Councilwoman's voicemail.

Mr. Mark Perez stated that he was waiting on a response from the City on code regulation. He claimed that when he reported one company as operating without proper documentation, City workers did not know how to proceed so he had to get assistance elsewhere.

Mr. Faris Hodge Jr. sang a song to Councilmembers Wolff and Gutierrez and thanked them for their service to the City. He stated that the downtown carnival needed to be moved to the Alamodome, the Hayes Bridge needed to be torn down, citizens should be on the Firefighters' and Police Officers' Civil Service Commission, and that interviews for the new Councilmembers should be held at 6:30 pm.

Ms. Catrina Jacobo stated that although it had been reported to Council that 95% of Mirasol homeowners were satisfied with current dealings, that information was false. She added that the Task Force was an attempt for KB Homes and SAHA to look like they were trying to rectify the situation.

She stated that work being done to the houses had come to a stand-still. Since her air-conditioner was leaking, it has caused her ceiling to mold and her family to become ill.

Ms. Petra Maldonado requested that a group independent from KB Homes and appointed by Council be established to represent the Mirasol Homeowners. She stated that her home also had mold and was causing her to be ill.

Mr. George Alejos stated that he had almost missed a Quality of Life Meeting and spoke with Henry Alvarez to see if he was going to be in attendance. Mr. Alvarez told him that he was not and that he was not aware of the meeting. When Mr. Alejos arrived at the meeting, Mr. Alvarez was there along with ten members of his staff. Mr. Alejos reported that at the meeting, they were told that 95% of the Mirasol Residents were happy and KB Homes was commended for their work. He stated that he intended to take the residents complaints to the FBI, Inspector General, and the Real Estate Commission.

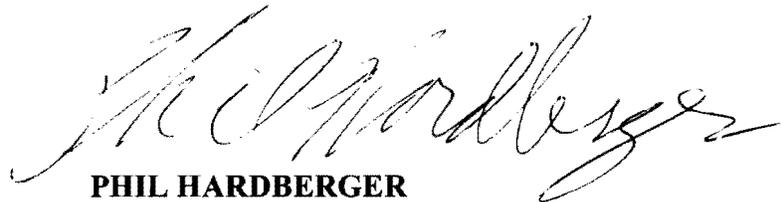
Mr. Guadalupe Lopez reiterated what Mr. Alejos had reported about the Quality of Life Meeting. He stated that the people on the Task Force who were appointed to represent the Mirasol Homeowners were no longer working for them because SAHA and KB Homes had bought them out. He claimed that the representatives were living in hotels with all expenses paid, movers were hired to relocate them, and they were given Section 8 Living. Mr. Lopez submitted a petition to have Ms. Barrios and Mr. Zaragoza removed from the Task Force.

Ms. Janet Ahmad stated that it had been a year since the Mirasol Homeowners had gone to the State Capitol with their problems and things had yet to improve. Ms. Ahmad showed a picture of a baby on a breathing machine, noting that the baby used to live in a Mirasol Home. She stated that new residents were moving into the houses and they were not being informed of the issues because it was not being disclosed.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:52 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk