

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

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 30, 2008 AND THURSDAY, MAY 1, 2008.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **April 30, 2008**, Municipal Plaza Building with the following Council members present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. STAFF PRESENTATION, DISCUSSION, AND POSSIBLE CITY COUNCIL ACTION REGARDING THE FY 2008 FINANCIAL UPDATE (SIX PLUS SIX FINANCIAL REPORT AND MID-YEAR BUDGET ADJUSTMENT) AND MATERIALS INCLUDED WITHIN THE FY 2009 BUDGET DEVELOPMENT STRATEGY (FIVE YEAR FINANCIAL FORECAST AND BALLOT FOR POLICY DIRECTION).

Ms. Sheryl Sculley, City Manager, provided background information on the budget process and noted the downturn in the economy. She stated that the City was within budget and that the budget was balanced. She recommended several mid-year budget adjustments in order to ensure continued balance.

Mr. Peter Zaroni, Management and Budget Director, presented the FY 2008 Financial Update, FY 2008 Mid-Year Budget Adjustment, Five-Year Financial Forecast, and the Ballot of City Services. He stated that FY 2008 estimated revenues and expenditures were on target. Ms. Sculley added that the estimated favorable variance in CPS Revenue was much less than in previous years. Councilmember Ramos requested the past ten-year history of the amount of revenues and variances from CPS.

Mr. Zaroni outlined the eight departments and the affected five funds that would need a mid-year budget adjustment and noted that the expenditure adjustments would be made with revenues that were above the estimates. In the Five-Year Forecast, he reported a \$13.67 million shortfall for FY 2009. For FY 2010, a shortfall of \$59.18 million is projected. He noted that the City would still be able to meet its goal of an increase to reserves by 10% for FY 2009.

Mayor Hardberger stated if the reserves were cut, then there would also be a reduction in the interest earned on the reserves.

Mr. Zaroni presented the Ballot Summary with two steps to be completed by City Council Members: 1) Rating Services, Revenues and Fiscal Policies; and 2) Rank Major City Services. The ballot should be submitted by Friday, May 9, 2008, and the results will be presented during the City Council Budget Worksession Tuesday, May 13, 2008.

Councilmember Rodriguez asked how the Budget Office reallocated funds for the mid-year adjustments. Mr. Zaroni replied that the Three Plus Nine and Six Plus Six Financial Reports were utilized to make the adjustments. Councilmember Cibrian requested additional information on the CPS Budget and revenues.

Councilmember Cortez asked about the impact of the NCAA Final Four and what caused the deficit in Development Services. Mr. Zanoni replied that in regard to the Final Four, the sales tax revenue would be received two months after it was collected. Ms. Sculley added that the downturn in the economy had caused fewer permits to be requested causing less revenue for Development Services. Councilmember Cortez asked when the City would use the reserve funds to offset deficits in services. Ms. Sculley replied that she would prefer to look at adjustments to spending before accessing reserve funds. Councilmember McNeil concurred that the reserves should not be utilized.

Councilmember Clamp stated that the City needed to continue to use financial discipline when making budget decisions. Councilmember Cisneros requested a breakdown of the interest on the reserve funds and the amount that is transferred into the General Fund. She also asked for the cost of the newly created Office of Environmental Policy. Ms. Sculley stated that 95% of the positions were transferred from existing departments and the additional funding was from bonds and not from the General Fund.

Councilmember Galvan asked about plans for improvements of the Henry B. Gonzalez Convention Center. Ms. Sculley noted that a feasibility study had been done and recommendations would be provided to the Council based on the results.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:00 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 1, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Reverend Ken Hicks, Life Group Pastor, Community Bible Church, guest of Councilmember Louis Rowe, District 9.

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, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

### **MINUTES**

Councilmember Herrera made a motion to approve the Minutes for the April 3, 2008 City Council Meeting. Councilmember Clamp seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

#### **2008-05-01-0024R**

Item 4. A RESOLUTION CONSENTING TO THE CREATION BY THE MEDINA COUNTY COMMISSIONERS COURT OF THE MEDINA COUNTY WATER CONTROL IMPROVEMENT

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LV/lvs

DISTRICT NO. 1, ALSO KNOWN AS KINGS GATE WCID, SITUATED WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SAN ANTONIO, TWO MILES EAST OF MEDINA LAKE, ALONG FM 1283 IN MEDINA COUNTY, ENCOMPASSING APPROXIMATELY 850 ACRES; AND AUTHORIZING THE EXECUTION OF A CONSENT AGREEMENT WITH THE PROPERTY OWNER, HILLS OF LAKE MEDINA, LP.

Trish Wallace, Planning and Community Development Department, provided background information on said item stating that on June 24, 2007, Hills of Lake Medina LP, submitted a request to the City for its consent to the creation of Medina County Water Control and Improvement District (WCID) No. 1. She noted that a WCID was being sought to facilitate financing for the construction of a water production and distribution system to provide for drainage improvements. Additionally, the District would have statutory authority to issue bonds to finance the construction of the improvements.

Ms. Wallace presented a map of the area and outlined the San Antonio Water System (SAWS) Utility Service Agreement. She noted that in December, 2007, the SAWS Board approved a Utility Service Agreement that would provide for the creation of a SAWS-Owned Satellite System. In return, the Owners would construct all on and off-site utility infrastructure as required by SAWS, and dedicate, grant and convey that infrastructure through the WCID to SAWS, lien free, upon completion of construction. Lastly, Ms. Wallace noted that staff recommended approval of said item.

Ms. Annalisa Peace, Representative of the Greater Edwards Aquifer Alliance, addressed the Council in support of said item. She stated that the project was a good one but asked if the Water Availability Studies were done to ensure that there was enough water in the future for the subdivision. She complimented SAWS and the Engineers who worked on the project, noting that it was a low-density subdivision.

Mr. Glen Alan Graham addressed the Council and stated that he noticed that this development was similar to one that the Council denied two weeks ago. He noted that said project was low-density whereas the other project was high-density and thanked the Council for their vote to deny that project. He stated he was not opposed to said item but asked the Council to continue to look at all issues. He urged the Council to reconsider their favorable vote on digital billboards when the item comes back before the Council for renewal.

Mr. Jack M. Finger addressed the Council in support of said item. He thanked them for allowing only 15% impervious cover and asked that 15% be the standard for all zoning cases.

Councilmember Cibrian moved to adopt the proposed Resolution. Councilmember Rowe seconded the motion.

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

#### **POINT OF PERSONAL PRIVILEGE**

Councilmember Galvan recognized Hill Country Bakery on Item 23. She noted that Hill Country Bakery was locally owned and operated and thanked them for their work in the community and for being great neighborhood partners with the schools.

Councilmember Rowe thanked staff for their work on Item 8. He expressed pleasure that staff was looking at innovative ways to save money and noted that said item would save the City about \$140,000 a year.

**CONSENT AGENDA: Items 5 –28G**

Consent Agenda Items 11, 12, 15, 20, 22, and 24 were pulled for Individual Consideration. Councilmember Cibrian moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Mr. Glen Alan Graham addressed the Council regarding Item 21. He asked that the Council use the meetings held on the fifth Thursday of the month and the upcoming Budget Worksessions to ask questions, become informed of all issues, and do what is best for the citizens of San Antonio.

Mr. Jack M. Finger addressed the Council in opposition to Item 23 because the funds were a grant and would not have to be repaid. Regarding Items 14 and 17, he expressed concern that various Councilmembers had received campaign contributions from lobbyists.

Mrs. Vacek read three written testimonies from Mr. Faris Hodge, Jr. Related to Item 7, Mr. Hodge wrote in opposition to ticketing cell phone users in school zones noting that 99% of people use cell phones. Relative to Item 11, Mr. Hodge wrote that the Alamodome should be named after him. He added that people should receive flowers while they were still alive to smell them, and that it was important to recognize individuals for their community achievements before they passed on. In reference to Item 19, Mr. Hodge wrote that the ordinance requiring drivers to have insurance was a good one because it saved insured drivers money, but took valuable time away from Police Officers who could be responding to serious crimes.

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

**2008-05-01-0334**

Item 5. 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 \$773,000.00, INCLUDING: (A) JANITORIAL SERVICES FOR THE RECREATION CENTERS; (B) C-FOLD AND MULTI-FOLD PAPER TOWELS; (C) MATERIALS & LABOR TO MAINTAIN CIRCULATION & FILTRATION MECHANICAL SYSTEM OF MUNICIPAL SWIMMING POOLS; (D) FOOD SERVICE SUPPLIES FOR SENIOR SERVICES DIVISION; (E) RECREATIONAL SPORTS EQUIPMENT; AND (F) IA PRO & BLUE TEAM SOFTWARE AND SUPPORT.

**2008-05-01-0335**

Item 6. AN ORDINANCE ACCEPTING THE BID FROM ACE SURGICAL SUPPLY CO. TO PROVIDE THE CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES DEPARTMENT WITH AN ESCALATOR CLEANING MACHINE FOR A TOTAL COST OF \$60,125.00, FROM THE COMMUNITY & VISITOR FACILITIES FUND.

**2008-05-01-0336**

Item 7. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A CONTRACT WITH THE STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) TO PROVIDE THE CITY OF SAN ANTONIO WITH DATA STORAGE DISK ARRAYS, FOR A TOTAL COST OF \$574,000.00.

**2008-05-01-0337**

Item 8. AN ORDINANCE AUTHORIZING A CONTRACT WITH THE STATE OF TEXAS DEPARTMENT INFORMATION RESOURCES (DIR) TO PROVIDE THE CITY OF SAN ANTONIO WITH NETWORK APPLIANCES EQUIPMENT, FOR A TOTAL COST OF \$595,207.00.

**2008-05-01-0338**

Item 9. AN ORDINANCE APPROVING A \$42,890.00 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED WITH LOCKWOOD, ANDREWS & NEWNAM, INC. FOR ADDITIONAL ENGINEERING SERVICES IN CONNECTION WITH THE SALADO CREEK HIKE AND BIKE PHASE II PROJECT LOCATED IN DISTRICT 2, AND APPROPRIATING FUNDS.

**2008-05-01-0339**

Item 10. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$7,221,242.00 TO E-Z BELL CONSTRUCTION LTD. AND APPROVING A DEVELOPMENT AGREEMENT WITH THE MEDICAL CENTER ALLIANCE TO DESIGN IMPROVEMENTS AND PURCHASE RIGHT OF WAY, IN CONNECTION WITH THE MEDICAL CENTER INTERSECTION IMPROVEMENTS PHASE IV, PHASE V AND PART I PROJECT, AN AUTHORIZED 2007-2012 BOND PROGRAM AND CERTIFICATE OF OBLIGATION PROJECT LOCATED IN DISTRICT 8, AND APPROPRIATING \$8,458,741.30, OF WHICH \$288,611.04 WILL BE FUNDED BY SAN ANTONIO WATER SYSTEM AND \$68,746.00 WILL BE FUNDED BY CPS ENERGY.

**2008-05-01-0342**

Item 13. AN ORDINANCE APPROVING A LEASE AGREEMENT WITH W. W. TICHENOR & CO., INC., D.B.A. STARGAZER AVIATION FOR 9,298 SQUARE FEET OF HANGAR SPACE AND 10,198 SQUARE FEET OF GROUND SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT FOR MONTHLY RENT TOTALING \$855.32.

**2008-05-01-0343**

Item 14. AN ORDINANCE AUTHORIZING THE ASSIGNMENT FROM MICHAEL A. AND BARBARA FANUZZI, DBA PRIME TIME LTD. TO HH AVIATION, LLC OF A LEASE CONSISTING OF 27,099 SQUARE FEET OF GROUND SPACE AND A 6,018 SQUARE FOOT BUILDING AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

**2008-05-01-0345**

Item 16. AN ORDINANCE AUTHORIZING A CONCESSION AGREEMENT WITH NEVER TOO LATE BUSINESS AND TRAVEL CENTER, LLC FOR A TERM OF APPROXIMATELY SIX YEARS FOR OPERATIONS IN TERMINAL ONE OF THE SAN ANTONIO INTERNATIONAL AIRPORT WITH TOTAL PROJECTED TERM REVENUES OF \$118,000.00.

**2008-05-01-0346**

Item 17. AN ORDINANCE AUTHORIZING A 5-YEAR RENEWAL OF THE NIX HOSPITAL'S LEASE OF PARKING SPACES AT THE HOUSTON STREET GARAGE, BEGINNING AT \$77.00 A MONTH FOR ABOVE-GROUND SPACES AND \$88.00 A MONTH FOR BASEMENT SPACES AND INCREASING OVER THE TERM.

**2008-05-01-0347**

Item 18. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING ACCEPTANCE OF FUNDS UPON AWARD, NOT TO EXCEED \$1,907,091.00, FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR A HIGH INTENSITY DRUG TRAFFICKING AREA GRANT; ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

**2008-05-01-0348**

Item 19. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS, UPON AWARD, NOT TO EXCEED \$1,100,000.00 FROM THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) FOR THE GRANT YEAR SEPTEMBER 1, 2008, TO AUGUST 31, 2009; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR COUNTY SHERIFF'S OFFICE TO FUND TWO DEPUTIES; APPROVING A CASH MATCH NOT TO EXCEED \$590,455.00 AND AN IN-KIND MATCH OF \$1,399,146.00; AND ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

**2008-05-01-0350**

Item 21. AN ORDINANCE SCHEDULING SPECIAL CITY COUNCIL MEETINGS IN MAY, AUGUST, AND SEPTEMBER 2008 AND RESCHEDULING ALL COUNCIL-RELATED MEETINGS DURING THE MONTH OF JULY 2008.

**2008-05-01-0351**

Item 23. AN ORDINANCE AUTHORIZING THE TRANSFER OF \$522,612.00 FROM THE GENERAL FUND TO THE ECONOMIC DEVELOPMENT INCENTIVE FUND (EDIF); AND AUTHORIZING AN ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT IN THE AMOUNT OF \$400,000.00 WITH HILL COUNTRY BAKERY LOCATED IN COUNCIL DISTRICT 5.

**2008-05-01-0354**

Item 25. AN ORDINANCE AUTHORIZING A CONTRACT WITH GONZABA MEDICAL GROUP IN AN ESTIMATED ANNUAL AMOUNT OF \$556,370.00 TO PROVIDE ADMINISTRATION AND MANAGEMENT OF THE CITY'S OCCUPATIONAL HEALTH AND WELLNESS CENTER.

**2008-05-01-0355**

Item 26. AN ORDINANCE AMENDING THE FY 2008 ANNUAL OPERATING BUDGET TO ADJUST APPROPRIATION LEVELS IN CERTAIN FUNDS BASED UPON MID-YEAR EXPENDITURE ESTIMATES.

**2008-05-01-0356**

Item 27. AN ORDINANCE ADOPTING SELF-MONITORING STANDARDS FOR THE PARKS AND RECREATION DEPARTMENT'S RECREATION PROGRAMS IN ORDER TO COMPLY WITH TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES REGULATIONS.

Item 28. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

- A. Reappointing Benjamin F. Youngblood (District 8) to the Ethics Review Board for the remainder of an unexpired term of office to expire April 25, 2009.
- B. Reappointing Mary Rogers (District 7) and Andrew M. Ozuna (District 8) to the Board of Adjustment for the remainder of unexpired terms of office to expire May 31, 2009.
- C. Reappointing Gerald P. Irwin (District 8) to the Joint City/County Commission on Elderly Affairs for the remainder of an unexpired term of office to expire September 28, 2009.
- D. Appointing Eliza Aguirre Hernandez (District 7) to Keep San Antonio Beautiful, Inc. for the remainder of an unexpired term of office to expire December 22, 2009.
- E. Reappointing Juan A. Landa (District 7 - Category: Trustee) to the San Antonio Local Development Company, Inc. (d/b/a South Texas Business Fund) for the remainder of an unexpired term of office to expire May 9, 2010.
- F. Reappointing Loyce Ince (District 9) to the San Antonio Public Library Board of Trustees for the remainder of an unexpired term of office to expire September 30, 2009.

**2008-05-01-0357**

- G. An Ordinance appointing Councilmember Lourdes Galvan to the Board of Directors of the San Antonio Housing Trust Finance Corporation (SAHTFC) for the remainder of an unexpired term of office to expire May 31, 2009.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2008-05-01-0340**

Item 11. AN ORDINANCE APPROPRIATING FUNDS IN THE AMOUNT OF \$432,000.00 FOR ALAMODOME RENOVATIONS AND ENHANCEMENTS FOR MEETING ROOMS, LIGHTING AND OTHER MINOR INTERIOR IMPROVEMENTS.

Mr. Michael Sawaya, Director of Convention, Sports, and Entertainment Facilities Department, stated that said item appropriated \$432,000 for improvements completed at the Alamodome prior to the NCAA Final Four. Improvements included the replacement of an existing air wall in the meeting rooms and cable tiedown lighting that enhanced the exterior of the building. Councilmember Cibrian requested a comprehensive report on Alamodome Expenditures for Maintenance and Planned Future Improvements.

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

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

Councilmember Cisneros excused herself from the Council Chamber at this time.

The City Clerk read the following Ordinance:

**2008-05-01-0341**

Item 12. AN ORDINANCE APPROPRIATING \$18,535.22 FOR COMPLETION OF THE INGRAM HILLS PARK PAVILION PROJECT, LOCATED IN DISTRICT 7, INCLUDING CONSTRUCTION OF A PAVILION AND HANDICAP ACCESSIBLE WALKWAY.

Councilmember Rodriguez requested clarification of said item. Mr. Malcolm Matthews stated that said item was the second and last phase of the project. He noted that the first phase included new trails and benches in the park and that the second phase would provide for the construction of a new pavilion and additional park features. He added that work would be completed in July, 2008.

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

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

The City Clerk read the following Ordinance:

**2008-05-01-0344**

Item 15. AN ORDINANCE AUTHORIZING A CONCESSION AGREEMENT WITH TASTE INC. DBA VINO VOLO AT SAN ANTONIO INTERNATIONAL AIRPORT FOR A TERM OF APPROXIMATELY SEVEN YEARS AND FOUR MONTHS STARTING MAY 1, 2008 WITH GUARANTEED ANNUAL RENTALS OF \$70,000.00.

Councilmember Rowe recused himself on said item by excusing himself from the Council Chambers as he noted that he submitted the recusal forms for Item 15 to the City Clerk.

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

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

The City Clerk read the following Ordinance:

**2008-05-01-0349**

Item 20. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS, UPON AWARD, NOT TO EXCEED \$800,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE DWI/SPEED ENFORCEMENT SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) FOR THE GRANT

PERIOD OCTOBER 1, 2008, TO SEPTEMBER 30, 2009; AND AUTHORIZING AN IN-KIND MATCH OF \$258,619.00 AND A CASH MATCH OF \$16,215.00.

Councilmember Cortez asked for a status of the grant. Deputy Chief Mike Burns stated that the San Antonio Police Department (SAPD) was currently utilizing grant funds received last year. Said item would fund the program beginning October 1, 2008 through September 30, 2009. He noted that the program allowed for 5-10 additional officers to work overtime during peak periods to address the issues of DWI. He added that this was the eighth year of applying for the grant and that the program had positive effects.

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

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

The City Clerk read the following Ordinance:

**DENIED**

Item 22. AN ORDINANCE APPROVING LICENSE AGREEMENTS WITH BIDDERS FOR THEIR USE OF CITY KITCHENS TO PROVIDE MEAL SAMPLES AS PART OF THE EVALUATION PROCESS OF THE COMPREHENSIVE NUTRITION PROJECT BEST VALUE BID.

Councilmember Rodriguez asked for information on said process. Mr. Dennis Campa stated that the Purchasing Department had issued a Best Value Bid for the Comprehensive Nutrition Project. He noted that said item had been placed on the agenda in anticipation of receiving bids from companies who did not have a presence in San Antonio. He added that since the bids received were from San Antonio Companies, said agreements were not necessary.

Councilmember Rodriguez moved to deny the proposed Ordinance. Councilmember Cibrian seconded the motion.

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

The City Clerk read the following Ordinance:

Item 24. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE EMERGENCY OPERATIONS CENTER:

**2008-05-01-0352**

- A. AN ORDINANCE APPROVING AN OPERATIONS AND MAINTENANCE AGREEMENT WITH BEXAR COUNTY FOR THE ANNUAL FUNDING OF OPERATION AND MAINTENANCE EXPENSES OF THE EMERGENCY OPERATIONS CENTER.

**2008-05-01-0353**

- B. AN ORDINANCE AUTHORIZING EOC PROJECT CLOSEOUT AND APPROPRIATING FUNDS FOR EOC TECHNOLOGY AND FACILITY IMPROVEMENTS IN ACCORDANCE WITH THE EOC FUNDING AGREEMENT.

Councilmember Cortez asked for specifics of said item and how the City would partner with Bexar County. District Fire Chief Nim Kidd stated that said item was a continuation of the 2003 Bond Program and would authorize the City to recover a percentage of the operating costs. He noted that the recoupment fees included 20% of operations and maintenance to include office supplies, electricity, and other utility costs.

Councilmember Cortez moved to adopt the proposed Ordinances for items 24A and 24B. Councilmember Ramos seconded the motion.

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

**CITY MANAGER'S REPORT**

Ms. Sheryl Sculley reported on the following:

- The Aviation Department used Earth Day to launch a Passenger Recycling Program. There are now 12 recycle bins in the terminal facilities – six in Terminal One and six in Terminal Two. The bins are available both pre and post-security and are specifically designed for heavy usage. The bins were designed to blend in with the aesthetics at the Airport.
- The Texas Association of Local Health Officials recently recognized Charles Pruski, Assistant Director of the Health Department. Mr. Pruski was selected to receive the 2008 Janet Emmerson Public Service Award for his nearly 35-year commitment to service and contributions to local public health efforts. It is the highest accolade given by the Association at the local level.
- A reminder was made to all regarding the City Council Budget Worksession that will be held on Tuesday, May 13, 2008 to prioritize and prepare policies and goals for the FY 2009 Budget. The public was encouraged to contact the Budget Office for questions and comments.

**EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 10:36 am to convene in Executive Session for the purposes of:

- A. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (real property).
- B. Discuss legal issues related to *Continental Homes of Texas, L.P. v. City of San Antonio*, No. 04-07-00038-CV, pursuant to 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 Cibrian 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 registered to speak: Z-1, Z-2, Z-5, Z-6, Z-7 and Z-8. Councilmember Herrera seconded the motion.

Mr. Jack M. Finger referenced Item Z-3 and expressed concern with the used car lot that was being proposed, noting that the Ingram Hills Neighborhood Association was also in opposition. He stated that he was also against Item Z-4 because the area did not need Multi-Family Condominiums. Lastly, on Item Z-8, he stated that the City was willing to take immediate action because it affected Toyota but citizens had to wait much longer to get responses to their requests.

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

#### **2008-05-01-0358**

Item Z-1. **ZONING CASE # Z2008107 (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "O-1" Office District on 2.731 acres out of NCB 17673, 9700 Block of Westover Hills Boulevard as requested by GAC Management Co., Ltd., Applicant for GAC Management Co., Ltd., 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: 2.731 ACRES OUT OF NCB 17673 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

#### **2008-05-01-0359**

Item Z-2. **ZONING CASE # Z2008039 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 2 and a 0.109 acre tract of land out of Lot 1, Block 1, NCB 18308, 7900 Block of Tezel Road as requested by Phil Garay, Applicant for Adalberto Hernandez, 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 AND A 0.109 ACRE TRACT OF LAND OUT OF LOT 1, BLOCK 1, NCB 18308 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

#### **2008-05-01-0361**

Item Z-5. **ZONING CASE # Z2008108 (District 8):** An Ordinance changing the zoning district boundary from "R-20 GC-1" Residential Single Family Gateway Corridor Overlay District-1 to "C-2 GC-1" Commercial Gateway Corridor Overlay District-1 on Parcel 38A, NCB 34760, 6890 Heuermann

Road as requested by Kaufman & Associates, Inc. Applicant for Brass Heuermann 10, L. P., 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: PARCEL 38A, NCB 34760 TO WIT: FROM "R-20 GC-1" RESIDENTIAL SINGLE FAMILY GATEWAY CORRIDOR OVERLAY DISTRICT TO "C-2 GC-1" COMMERCIAL GATEWAY CORRIDOR OVERLAY DISTRICT.

**2008-05-01-0362**

Item Z-6. **ZONING CASE # Z2008111 (District 2):** An Ordinance changing the zoning district boundary from "I-1 EP-1" General Industrial District, Facility Parking/Traffic Control Overlay District-1 and "I-2 EP-1" Heavy Industrial District, Facility Parking/Traffic Control Overlay District-1 to "MF-33 EP-1" Multi-Family District, Facility Parking/Traffic Control Overlay District-1 on Lot 1, Block 1, NCB 12839; Lot 1, Block 2, NCB 12840; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, Block 18, NCB 1224; 0.387 acres out of NCB 1224; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 19, NCB 1223; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16, Block 20, NCB 1222; Lots 9, 10, 11, 12, 13, 14, 15 and 16, Block 14, NCB 1210; Lots 9, 10, 11, 12, 13, 14, 15 and 16, Block 13, NCB 1211; Lots 9, 10, 11, 12, 13, 14, 15 and 16, Block 12, NCB 1213, in an area generally bound by IH-35 North to the north, Locke to the west and the Union Pacific railroad right-of-way to the east and south, as requested by Brown, P. C. Attorneys at Law, Applicants for San Antonio Housing Authority, 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 1, BLOCK 1, NCB 12839; LOT 1, BLOCK 2, NCB 12840; LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 13, BLOCK 18, NCB 1224; 0.387 ACRES OUT OF NCB 1224; LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16, BLOCK 19, NCB 1223; LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16, BLOCK 20, NCB 1222; LOTS 9, TO WIT: FROM "I-1 EP-1" GENERAL INDUSTRIAL DISTRICT, FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT-1 AND "I-2 EP-1" HEAVY INDUSTRIAL DISTRICT, FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT-1 TO "MF-33 EP-1" MULTI-FAMILY DISTRICT, FACILITY PARKING/TRAFFIC CONTROL OVERLAY DISTRICT-1.

**2008-05-01-0363**

Item Z-7. **ZONING CASE # Z2008092 S (District 4):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "R-6 S" Residential Single-Family District with a Specific Use Authorization for a Manufactured Home on Lot 3, NCB 15628, 5431 Hillburn Drive as requested by Oscar and Donna M. Sandoval, Applicants for Oscar and Donna M. Sandoval, Owners. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 3, NCB 15628 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-6 S" RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A

MANUFACTURED HOME PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

**2008-05-01-0364**

Item Z-8. **ZONING CASE # Z2008119 (District 4):** An Ordinance changing the zoning district boundary from "R-20" Residential Single-Family District to "RP" Resource Protection District on 0.77 acre tract of land out of CB 4191, 3000 Block of West Jett Road as requested by City of San Antonio, Development Services Department, Applicant for Suleman Sayani, 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: 0.77 ACRE TRACT OF LAND OUT OF CB 4191 TO WIT: FROM "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RP" RESOURCE PROTECTION DISTRICT.

**[ZONING CONSENT ITEMS CONCLUDED]**

**ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

**CONTINUED**

Item Z-3. **ZONING CASE # Z2008113 CD (District 7):** An Ordinance changing the zoning district boundary from "R-20 NCD-3" Residential Single Family Ingram Hills Neighborhood Conservation District-3 to "C-2 NCD-3 CD" (CD-Auto Sales) Commercial Ingram Hills Neighborhood Conservation District-3 with a Conditional Use for Auto Sales on a 0.542 acre tract out of Block E, NCB 11538, 2259 Bandera Road as requested by Jerry Arredondo, Applicant for Carp, Vasile and Sabou, Ioan, Owners. Staff recommends approval with conditions. Zoning Commission recommends denial.

Councilmember Rodriguez moved to continue said item for two weeks. Councilmember Herrera seconded the motion.

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

**2008-05-01-0360**

Item Z-4. **ZONING CASE # Z2008115 CD ( District 7):** An Ordinance changing the zoning district boundary from "R-20 NCD-3" Residential Single-Family, Ingram Hills Neighborhood Conservation District to "R-20 NCD-3" (CD - Multi-Family Dwellings) Residential Single-Family, Ingram Hills Neighborhood Conservation District with a Conditional Use for Multi-Family Dwellings not exceeding 10 units per acre or a total of 33 units on 3.321 acres out of NCB 11538, 2279 East Bandera Road as requested by Earl & Associates, P. C., Applicant for John B. Rademacher, Owner. Staff recommends denial. Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 3.321 ACRES OUT OF NCB 11538 TO WIT: FROM "R-20 NCD-3" RESIDENTIAL SINGLE-FAMILY,

INGRAM HILLS NEIGHBORHOOD CONSERVATION DISTRICT TO "R-20 NCD-3" (CD - MULTI-FAMILY DWELLINGS) RESIDENTIAL SINGLE-FAMILY, INGRAM HILLS NEIGHBORHOOD CONSERVATION DISTRICT WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT EXCEEDING 10 UNITS PER ACRE OR A TOTAL OF 33 UNITS PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Joan Price with the Ingram Hills Neighborhood Association addressed the Council and stated that she has been a resident of the area for 42 years. She noted that the Association was in support of the condominium project due to the fact that they would be for sale and not for rent. She added that they were pleased that this project would be built.

Ms. Margaret Hak stated that this was a positive thing for their neighborhood and welcomed the condominium project because the developer was willing to work with the Neighborhood Association.

Mr. Habib Erkan entered deed restrictions into the record for said item and stated he was in favor of the rezoning.

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

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

At this time, Mayor Hardberger recessed the meeting at 2:25 pm and noted that the Council would reconvene at 5:15 pm for Ceremonials.

### **CEREMONIAL ITEMS**

Mayor Hardberger presented a Citation to James T. Guerra, who attends Oak Meadow Elementary School for winning the 55th Annual San Antonio Express-News Regional Spelling Bee. James not only emerged as the champion, but also won a trophy, a copy of Merriam-Webster's Collegiate Dictionary, a \$100 savings bond, a one-year subscription to Encyclopedia Britannica, and an all expense-paid trip to Washington, D.C. where he will compete in the National Spelling Bee.

Mayor Hardberger presented a Proclamation to the Bexar County Metropolitan Planning Organization for the 12<sup>th</sup> Annual "Walk & Roll to Work Day" which will be held on May 2, 2008. Commuters were encouraged to improve their health, create a cleaner environment, save on gas and reduce traffic congestion by parking their cars and walking, busing, wheeling or pedaling their way to work. It was noted that City and County employees who participate in the Walk & Roll Rally would be treated to refreshments, opportunities to sign up for local run/walk or bike events, health and fitness exhibits and door prize drawings.

Mayor Hardberger presented a Proclamation to the San Antonio Water System (SAWS) in celebration of National Drinking Water Week May 4-10, 2008, to create community awareness on the benefits of water. It was noted that a safe and reliable water supply creates jobs, attracts industry and investment, and provides for the health and welfare of citizens in ways ranging from disease prevention to fire

suppression. Additionally, National Drinking Water Week offers a unique opportunity for water professionals and the communities they serve to join together to recognize the vital role water plays in our daily lives.

### **CITIZENS TO BE HEARD**

Mr. Nazirite Ruben Flores Perez expressed disappointment that people were not warned about the dangers of fluoridated water. He stated that the water and fluoride stayed in our bodies and caused people to develop bone cancer. He also spoke of the Book of Revelations from the Bible.

Mr. Mark Perez expressed concern that his Open Records Requests were still outstanding and that he had never received responses after meeting with City Staff. He stated that there were businesses operating without permits or Certificates of Occupancy and that staff should target those entities. He added that businesses were obtaining permits without being first inspected.

Mr. Raymond Zavala stated that he was in favor of the new sports complex in San Antonio but was against paying a fee to use the facility. He spoke against allowing police officers to trespass when issuing tickets and "cruising" while on duty. He stated that patches to holes in streets were not a sufficient fix.

Mr. Faris Hodge, Jr. stated that he was against the cell phone ban in school zones and that 99% of people use cell phones. He encouraged Councilmember Cibrian to run for Mayor in 2009 and expressed concern with the City Auditor's resignation, the Assistant Police Chief Gonzalez's demotion, and the lack of response to his Open Records Requests. Lastly, he expressed concern with the overuse of force by Police Officers.

Mr. Tom Smith, Director of Public Citizens Texas Office, noted that his organization was a consumer group comprised of 400 members. He spoke against the construction of a nuclear energy plant by stating that the company did not have prior experience and there were better ways to meet our energy needs. He noted that estimates for the construction of the plant had increased by \$2 billion and that estimates for identical plants in other areas of the country doubled CPS's estimate. He stated that it would be more advantageous and less costly to retrofit homes and enact stricter building codes. Mr. Smith asked that the Council conduct studies on energy efficiency and renewables and look at the hazards of a nuclear power plant rather than rely on CPS Data.

Raymond White, a Mirasol Youth Resident, asked for Council support and stated that he was concerned for the health of all Mirasol Residents.

Ms. Catrina Jacobo expressed her appreciation for the new SAHA Board, but noted there were still problems with the Task Force. She stated that there was trash throughout the neighborhood including hot water heaters, overflow from trash bins, and abandoned vehicles. She added that the contractors were irresponsible because they took breaks on her property and used her water and electricity. She noted that security guards had been hired to protect materials but they were harassing residents. Lastly, she thanked Councilmember Galvan for her continued support.

Mr. Guadalupe Lopez stated that at the SAHA Meeting, it had been reported that the repair work to Mirasol Homes would be completed by August 2008. He added that his home, as well as others, had

been treated for termites and most likely suffered structural damage. Since it was not visible, it had not been investigated or corrected.

Ms. Henrietta DeHoyos stated that she had been evicted from her home and had not received the paperwork she had been requesting. She noted that Mr. Ramiro Cavazos was doing a great job and gave the rest of her time to Ms. Julie Iris Oldham. Ms. Oldham stated that Mr. Gordon Hartman should not be representing the people and that the City Auditor had been driven away. She noted that she was not allowed to attend the Bob Ross Center anymore and requested the cost of the vehicles of all City Officials, their staff, and friends.

Ms. Cynthia Yenman stated that she had been forced to move out of her Mirasol Home and was now being forced to move back into her home. She added that many of her belongings were either missing or damaged during the move. She stated that the decontamination of her belongings was not guaranteed so she was hesitant to live there.

Ms. Janet Ahmad stated that the Task Force was only supposed to last eight weeks, but it had been in existence for over a year. She asked that Council help get the Mirasol Residents into transitional housing and gave the rest of her time to Ms. Sandra Ybarra. Ms. Ybarra stated that she had been moved to another KB Home and that her baby was doing better.

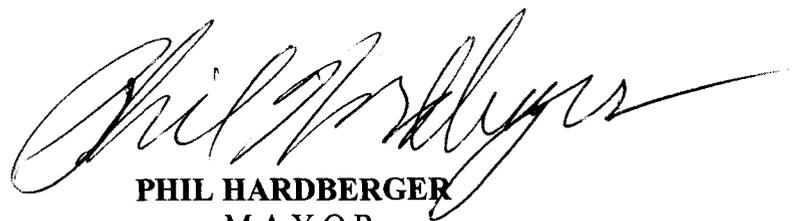
Ms. Annabelle Tiemann invited everyone to the Human Rights Torch Relay. She noted that the torch would be traveling the world through six continents and 150 cities to raise awareness for injustice in China. She stated that we did not need to boycott the Olympics, but public officials needed to speak out against the Chinese Communist Party.

Ms. Patricia Brady noted that when Beijing was awarded the Olympics in 2001, they had promised the Olympic Committee that they would adhere to Olympic Charter and improve their human rights record. She stated that the opposite has occurred and that criticism was for the Chinese Government, not the people.

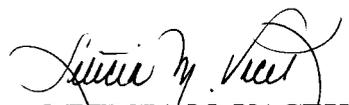
**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:55 pm.

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

  
**PHIL HARDBERGER**  
MAYOR

Attest:

  
**LETICIA M. VACEK**  
City Clerk