

**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, THURSDAY, SEPTEMBER 4, 2008.**

The San Antonio City Council convened in a Regular Meeting on Thursday, **September 4, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Rabbi Aryeh Scheinberg, Rodfei Sholom Synagogue, Guest of Councilmember Diane Cibrian, District 8.

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

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

**MINUTES**

Councilmember Galvan made a motion to approve the Minutes for the June 19, 2008 City Council Meeting. Councilmember Ramos 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.

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following:

Item 4. PUBLIC HEARING ON THE DISANNEXATION OF THREE TRACTS OF LAND CONTAINING A TOTAL OF APPROXIMATELY 62 ACRES KNOWN AS THE ESPADA COMMERCIAL TRACTS, LOCATED IN COUNCIL DISTRICT 3.

Mr. Jesus Garza stated that said item was a request made by Terramark, Communities, Inc. for disannexation of three tracts totaling approximately 62 acres. He noted that the purpose for disannexation was to include the land disannexed property in one of three proposed Public Improvement Districts (PID) for commercial development. He reported that the total project area consisted of approximately 1,800 acres of residential and commercial development and supported the vision for development of City South.

Mr. Garza outlined the tracts and provided a map of the area. He stated that terms for an agreement for services in lieu of annexation for the Espada Development included: 1) Consent to voluntary annexation; 2) Extension and compliance with Municipal Building Codes; 3) Payment of all development fees; 4) Donation of approximately 100 acres for future park land and/or conservation easement; 5) Agree to

City Inspections for street, drainage, fire flows, and hydrant spacing; and 6) No vested rights prior to the execution of the agreement.

Mr. Garza highlighted PID Requirements imposed by the County that included the establishment of a Road Maintenance Fund and compliance with Government Accounting Standard Board (GASB) reporting values for general infrastructure assets. He mentioned that no action was necessary at this time.

Jack M. Finger addressed the Council regarding Items 4 and 5. He expressed concern with the disannexation because there had been numerous issues addressed prior to the area being annexed and was now being disannexed at the request of a developer. He noted displeasure with the fact that re-annexation could not occur for another 14 years and that the City would not make much of a profit. He noted his opposition to Item 5 because of the 21% increase in total assessed value for downtown properties.

Ms. Vacek read written testimony from Faris Hodge Jr. on Item 5. He wrote that four machines should be purchased to wash downtown sidewalks seven days a week including weekends and holidays. He added that 100 new trash cans should be purchased for the Downtown Area and that trash bags be replaced each day. He noted that the San Antonio Riverwalk did not have enough trash cans and requested that an additional 25 Park Police Officers be hired to patrol the Riverwalk.

Councilmember Ramos expressed her appreciation to all who worked on said item and expressed support for the disannexation.

The City Clerk read the following caption:

**2008-09-04-0742**

Item 5. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE APPROVING THE LEVY OF A SPECIAL ASSESSMENT FOR THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT; LEVYING AN ASSESSMENT RATE FOR FISCAL YEAR 2009 AT \$0.11 (A REDUCTION FROM \$0.12) PER \$100.00 VALUE OF REAL PROPERTY IN THE PID; AND APPROVING THE FISCAL YEAR 2009 SERVICES AND ASSESSMENT PLAN FOR THE PID.

Ms. Paula Stallcup presented said item and noted that the Downtown PID was created in 1999 for a five-year period and was reauthorized in 2004 for an additional five-year term. The purpose of the PID is to supplement services in the Downtown Area and to enhance the overall appearance, aesthetics and quality of Downtown San Antonio. She stated that the City contracted with Centro San Antonio Management Corporation (Centro SA) to provide PID Services and that the PID would expire next year.

Ms. Stallcup provided a map of the PID Service Area and outlined the Proposed FY 2009 Service and Assessment Plan. She noted that the Centro Plan detailed the levels of service for each program and included a financial plan and program budget. She added that the Plan sets the assessment rate and must be approved annually according to Chapter 372 of the Local Government Code.

Ms. Stallcup highlighted each program beginning with the District Management/Administration, noting that the cost was \$195,000 and that the Downtown Alliance contracted with Centro SA to provide administrative support, services and office space. She stated that the District Operations Center would provide operations support at a cost of \$160,000 and that the Maintenance Program would be used by the Maintenance Amigos to provide maintenance. She noted that proposed improvements included a

Grackle Abatement Program for a total of \$1,050,000 and that the Landscaping Program included the Landscape Amigos and proposed improvements which included additional planter clusters in various areas of downtown at a cost of \$175,000. She noted that the Ambassador Amigos and the proposed improvement of handheld electronic devices totaled \$600,000 and the Marketing Program totaled \$120,000.

Ms. Stallcup stated that the total estimated value of real property in the PID was \$1.8 billion and represented a 21% increase in the total assessed value for downtown properties. She added that Centro SA had recommended a reduction of the assessment levy to \$0.11 instead of \$0.12 per \$100.00 of assessed value which would generate \$2.19 million for FY 2009.

Mr. Ben Brewer, President of the Downtown Alliance, addressed the Council in support of said item. He mentioned a special project in collaboration with the Downtown Operations Department in which downtown sidewalks would be blasted with baking soda. He expressed pleasure with the City of San Antonio partnership.

Councilmember Cibrian requested that 200 trees be planted in the Downtown Area in the month of October. Councilmember Galvan recommended that the Downtown boundaries be extended to include UTSA Downtown, Pico de Gallo and other local businesses in an effort to engage locals. Councilmember Cisneros highlighted the various improvements recommended in the Plan and thanked all for their continued work in cleaning up the Downtown Area. Councilmember McNeil asked about the possible extension of the PID to include special projects in the new PID. Ms. Stallcup stated that the Downtown Alliance would begin meeting with stakeholders and property owners in the Fall to determine possible amended boundaries and services. Councilmember Rodriguez asked if PID funds could be used for infrastructure. Ms. Stallcup stated that they could be used for infrastructure but the use of funds had to be identified when the PID was established.

Councilmember Cisneros moved to adopt the proposed Ordinance. 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 Cibrian recognized Councilmember Rodriguez on his birthday and Councilmember McNeil led all in singing Happy Birthday.

### **CONSENT AGENDA: Items 6 –32D**

Consent Agenda Items 8, 15, 17, 28, 31, and 32D were pulled for Individual Consideration. Councilmember McNeil moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Jack M. Finger expressed concern with Item 19 regarding the establishment of the City's Office of Financial Empowerment and with the rental subsidy program referenced in Item 20. He also noted opposition to Item 21 because individuals were not required to provide proof of citizenship.

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.

**2008-09-04-0743**

Item 6. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A TWO-YEAR CONTRACT IN AN AMOUNT UP TO \$782,000.00 ANNUALLY, WITH GALLS, AN ARAMARK COMPANY LLC, TO PROVIDE UNIFORM ITEMS TO THE SAN ANTONIO FIRE DEPARTMENT FOR THE PERIOD OCTOBER 1, 2008 TO SEPTEMBER 30, 2010, WITH EXTENSION OPTIONS.

**2008-09-04-0744**

Item 7. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2008-2009 FOR A COMBINED ESTIMATED COST OF \$370,000.00, INCLUDING: (A) DRESSER, GALION, GRADALL & BOMAG PARTS AND SERVICE FROM WAUKESHA-PEARCE INDUSTRIES; (B) MANUAL TRANSMISSION PARTS AND SERVICE FROM TRUCK PARTS SPECIALISTS; (C) HYUNDAI LOADER PARTS AND SERVICE FROM FOUR SEASONS EQUIPMENT; AND (D) MAINTENANCE AND REPAIR OF HVAC SYSTEMS FOR THE ANIMAL CARE SERVICES FACILITY AND THE EMERGENCY OPERATIONS CENTER FROM JOHNSON CONTROLS, INC.

**2008-09-04-0746**

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM RUSH TRUCK CENTERS OF TEXAS, LP, TO PROVIDE THE PUBLIC WORKS AND PARKS AND RECREATION DEPARTMENTS WITH PROPANE POWERED MEDIUM AND HEAVY DUTY TRUCKS FOR A COST OF \$772,791.00, FROM THE EQUIPMENT RENEWAL REPLACEMENT FUND.

**2008-09-04-0747**

Item 10. AN ORDINANCE ACCEPTING THE BIDS FROM GRANDE TRUCK CENTER AND SANTEX TRUCK CENTER, LTD. TO PROVIDE THE PUBLIC WORKS AND PARKS AND RECREATION DEPARTMENTS WITH MEDIUM AND HEAVY DUTY DIESEL POWERED TRUCKS FOR A COST OF \$1,977,993.00, FROM THE EQUIPMENT RENEWAL REPLACEMENT FUND.

**2008-09-04-0748**

Item 11. AN ORDINANCE APPROPRIATING FUNDS, AND AUTHORIZING THE EXECUTION OF A DEVELOPER PARTICIPATION CONTRACT IN THE AMOUNT OF \$8,215,000.00 WITH HRS, LLC TO OVERSIZE THE CONSTRUCTION OF THE CULEBRA CREEK REGIONAL STORM WATER FACILITY AT LOOP 1604 PHASE I PROJECT, A 2007 – 2012 BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 6.

**2008-09-04-0749**

Item 12. AN ORDINANCE RATIFYING CHANGE ORDER NO. 6 IN THE AMOUNT OF \$188,975.00 TO THE \$10,900,000.00 CONSTRUCTION CONTRACT, AS CHANGED, WITH F.A. NUNNELLY COMPANY FOR ADDITIONAL WORK IN CONNECTION WITH THE ANIMAL CARE FACILITY PROJECT, LOCATED IN COUNCIL DISTRICT 6.

**2008-09-04-0750**

Item 13. AN ORDINANCE APPROPRIATING \$60,715.20 FROM 2007 CERTIFICATES OF OBLIGATION TO FUND THE REPLACEMENT OF THE HVAC SYSTEM AT THE CITY'S BARBARA JORDAN COMMUNITY CENTER, LOCATED IN COUNCIL DISTRICT 2.

**2008-09-04-0751**

Item 14. AN ORDINANCE APPROPRIATING \$700,000.00 OF CITY OF SAN ANTONIO CERTIFICATES OF OBLIGATION – SERIES 2005 FUNDS, TO BE USED FOR EXPENSES RELATED TO SITE STABILIZATION, RENOVATIONS, AND IMPROVEMENTS TO FIRE STATION NOS. 9, 11, 17, AND 24, LOCATED THROUGHOUT THE CITY; AND AMENDING THE FIRE STATIONS RENOVATIONS BUDGET ACCORDINGLY.

**2008-09-04-0753**

Item 16. AN ORDINANCE APPROVING FINAL CHANGE ORDER NO. 04 IN THE NET AMOUNT OF \$23,628.61 TO THE \$2,376,176.26 CONSTRUCTION CONTRACT, AS CHANGED, WITH CLARK CONSTRUCTION OF TEXAS, LTD. FOR ADDITIONAL WORK IN CONNECTION WITH THE MICRO-SURFACE PROJECT, LOCATED CITY WIDE.

**2008-09-04-0755**

Item 18. AN ORDINANCE AUTHORIZING RENEWAL OF THE CITY'S LEASE OF PARKING SPACES AT 243 CENTER STREET TO EAST COMMERCE REALTY FOR ONE YEAR FOR AN ANNUAL RENT OF \$17,328.00.

**2008-09-04-0756**

Item 19. AN ORDINANCE RATIFYING THE SUBMISSION OF GRANT APPLICATIONS, AND ACCEPTANCE UPON AWARD OF A GRANT UP TO \$190,000.00 FROM CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO, AS FISCAL AGENT FOR THE AMERICAN INTERNATIONAL GROUP (AIG) FINANCIAL LITERACY FUND, AND A GRANT UP TO \$150,000.00 FROM LIVING CITIES, INC. FOR THE PERIOD FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2010 TO ESTABLISH THE CITY'S OFFICE OF FINANCIAL EMPOWERMENT, TO INCREASE FINANCIAL LITERACY AND TO EXPAND ACCESS TO MAINSTREAM FINANCIAL PRODUCTS AND SERVICES.

**2008-09-04-0757**

Item 20. AN ORDINANCE APPROVING A HOUSING ASSISTANCE PAYMENT CONTRACT WITH THE SAN ANTONIO HOUSING AUTHORITY AND AUTHORIZING ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$372,768.00 FOR THE CONTINUATION OF THE RENTAL SUBSIDY PROGRAM FOR SINGLE ROOM OCCUPANCY UNITS AT THE DWYER AVENUE CENTER FOR THE PERIOD ENDING SEPTEMBER 16, 2009.

**2008-09-04-0758**

Item 21. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE UPON AWARD OF A GRANT UP TO \$50,000.00 FROM THE INTERNAL REVENUE SERVICE FOR THE LOW INCOME TAX CLINIC (LITC) PROGRAM FOR THE PERIOD FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2009 AND APPROVING A CONTRACT UP TO \$17,500.00 WITH REFUGEE AND IMMIGRANT CENTER FOR EDUCATION AND LEGAL SERVICES (RAICES) TO PROVIDE LEGAL SERVICES TO LOW INCOME INDIVIDUALS INVOLVED IN TAX DISPUTES.

**2008-09-04-0759**

Item 22. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE UPON AWARD OF A GRANT UP TO \$150,000.00 FROM THE INTERNAL REVENUE SERVICE FOR THE VOLUNTEER INCOME TAX ASSISTANCE (VITA) PROGRAM FOR THE PERIOD FROM DECEMBER 1, 2008 THROUGH NOVEMBER 30, 2009 AND APPROVING A CONTRACT UP TO \$150,000.00 WITH CATHOLIC CHARITIES, ARCHDIOCESE OF SAN ANTONIO TO PROVIDE FREE TAX PREPARATION ASSISTANCE TO LOW INCOME INDIVIDUALS.

**2008-09-04-0760**

Item 23. AN ORDINANCE AUTHORIZING ACCEPTANCE OF AN ADDITIONAL \$50,698.00 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE CALENDAR YEAR (CY) 2008 COMMUNITY SERVICES BLOCK GRANT (CSBG) AND EXECUTION OF ANY RELATED GRANT DOCUMENTS.

**2008-09-04-0761**

Item 24. AN ORDINANCE AMENDING CITY ORDINANCE NO. 2007-04-19-0439 DATED APRIL 19, 2007, BY INCREASING THE CITY'S IN-KIND CONTRIBUTION FOR THE GRANT IN THE AMOUNT OF \$185,904.00, BRINGING THE TOTAL IN-KIND AMOUNT TO \$258,619.00, REGARDING THE APPLICATION AND ACCEPTANCE OF A GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE DWI SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP).

**2008-09-04-0762**

Item 25. AN ORDINANCE AUTHORIZING A FIVE-YEAR LICENSE AGREEMENT WITH THE UNITED STATES GENERAL SERVICES ADMINISTRATION AT SAN ANTONIO INTERNATIONAL AIRPORT FOR UTILITIES AND JANITORIAL SERVICES FOR PASSENGER CHECKPOINTS AND BAGGAGE SCREENING EFFECTIVE OCTOBER 1, 2007.

**2008-09-04-0763**

Item 26. AN ORDINANCE APPROVING AMENDMENTS TO THE BYLAWS OF THE CITY/COUNTY JOINT COMMISSION ON ELDERLY AFFAIRS TO FURTHER CLARIFY ROLES AND RESPONSIBILITIES OF COMMISSION MEMBERS, INCLUDING MODIFICATIONS RELATED TO MEMBER ATTENDANCE AT MEETINGS, TERM LIMITATIONS AND A CODE OF CONDUCT.

**2008-09-04-0764**

Item 27. AN ORDINANCE APPROVING A FUNDING AGREEMENT AND A LEASE AGREEMENT WITH THE SPORTS, OUTDOOR AND RECREATIONAL PARK, (SOAR) FOR THE EXPENDITURE OF UP TO \$6,200,000.00 FOR THE DEVELOPMENT AND OPERATION OF A REGIONAL SPORTSPLEX AND SPECIAL NEEDS PARK LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF WURZBACH PARKWAY AND THOUSAND OAKS IN COUNCIL DISTRICT 10, AN APPROVED 2007 PARK BOND PROJECT.

**2008-09-04-0766**

Item 29. AN ORDINANCE AMENDING THE FINAL PROJECT PLAN FOR REINVESTMENT ZONE NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS (KNOWN AS THE INNER CITY

TIRZ, LOCATED IN COUNCIL DISTRICTS 1, 2 AND 5), BY ADDING THE RIVER BEND GARAGE TO THE APPROVED PROJECTS LIST "B"; APPROVING THE PAYMENT OF INCREMENTAL AD VALOREM TAXES GENERATED FROM THE RIVER BEND GARAGE INTO THE TAX INCREMENT FUND; AND REVISING THE FINAL FINANCING PLAN TO REFLECT THE CHANGE TO THE FINAL PROJECT PLAN.

**2008-09-04-0767**

Item 30. AN ORDINANCE RATIFYING THE EXECUTION OF A CONTRACT FOR AN AMOUNT NOT TO EXCEED \$78,000.00 WITH KENMARK GROUP, INC. FOR TEMPORARY DATA ENTRY PERSONNEL.

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

- A. APPOINTING GAVINO RAMOS TO THE VIA METROPOLITAN TRANSIT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 31, 2008.
- B. REAPPOINTING MICHAEL HOGAN (DISTRICT 6 - CATEGORY: REAL ESTATE/ BUILDING INDUSTRY) TO THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE FOR A TERM OF OFFICE TO EXPIRE OCTOBER 25, 2009.
- C. APPOINTING CRUZ S. CHAVIRA (DISTRICT 5) TO THE TRANSPORTATION ADVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009; AND WAIVING THE CATEGORY REQUIREMENT (CONVENTION AND VISITORS COMMISSION) FOR THIS APPOINTMENT. **PULLED FROM AGENDA**
- D. APPOINTING TIM KERLEY (DISTRICT 4 - CATEGORY: MASTER ELECTRICIAN/NON-UNION) TO THE ELECTRICAL SUPERVISORY BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2009. **PULLED FROM AGENDA**

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION:**

The City Clerk read the following ordinance:

**2008-09-04-0745**

Item 8. AN ORDINANCE AUTHORIZING CHANGE ORDERS TO CONTRACTS WITH TOM BENSON CHEVROLET, GRANDE TRUCK CENTER, MISSION CHRYSLER JEEP DODGE AND NORTHSIDE FORD, TO PROVIDE THE CITY OF SAN ANTONIO WITH 4 REPLACEMENT AND 6 ADDITIONAL LIGHT DUTY TRUCKS FOR A COST OF \$205,504.64, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND, FIRE AND RESCUE, BUILDING OPERATIONS, GENERAL FUND AND THE PARKS AND RECREATION FUNDS.

Councilmember Rodriguez expressed concern that there were no hybrid purchases included in said item and asked how the vehicles would be used. Ms. Janie Cantu stated that there were hybrid options

included in the request but none had been submitted. She added that in discussions with the vendors, they indicated that they were not ready to introduce light trucks into the hybrid configuration but hoped to do so next year. She added that the vehicles would be used to transport participants, crews and materials. Councilmember Rodriguez requested that the City continue to expand its hybrid fleet and explore other alternative options.

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

The City Clerk read the following ordinance:

**2008-09-04-0752**

Item 15. AN ORDINANCE APPROPRIATING \$52,772.13 FROM REVENUES COLLECTED FOR THE UNIFIED DEVELOPMENT CODE FEES IN LIEU OF PARKLAND DEDICATION FUNDS TO REIMBURSE THE SOUTHWEST INDEPENDENT SCHOOL DISTRICT FOR CONSTRUCTION OF A JOINT USE PLAYGROUND ADJACENT TO SPICEWOOD PARK LOCATED IN COUNCIL DISTRICT 4 PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENT WITH SOUTHWEST INDEPENDENT SCHOOL DISTRICT.

Councilmember Cortez inquired of the partnership with Southwest ISD and what would be constructed. Ms. Janet Martin stated that the School District had developed a playscape and a multi-use ball field that would be available to the general public after school hours and weekends and holidays. She noted that in exchange, the City had received 4.7 acres of land to be used for future park expansion.

Councilmember Cortez 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.

After due consideration, Mayor Hardberger announced that Item 32D was pulled from the Consent Agenda and that no action would be taken on said item.

The City Clerk read the following ordinance:

**2008-09-04-0754**

Item 17. AN ORDINANCE DECLARING THE FIRE STATION REPLACEMENT CAPITAL PROJECT TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF PRIVATELY OWNED REAL PROPERTY BEING 0.823 ACRES CONSISTING OF LOT 1, BLOCK 2, NCB 10183, PARCEL NO. 18228; AND 3.286 ACRES OUT OF THE NORTH END OF LOT 359, BLOCK 38, NCB 11137, PARCEL NO. 18227 LOCATED IN COUNCIL DISTRICTS 1 AND 4; AUTHORIZING THE CITY ATTORNEY TO ACQUIRE THE PROPERTY INTERESTS THROUGH NEGOTIATION AND/OR CONDEMNATION, IF NECESSARY; AND AUTHORIZING THE APPROPRIATION OF \$1,663,880.00 FOR THE REPLACEMENT OF FIRE

STATIONS NO. 19 AND NO. 2 UNDER THE FIRE STATION CAPITAL IMPROVEMENT PROGRAM.

Councilmember Cortez requested additional information regarding Fire Station 2 located in District 4. Assistant Chief Carl Wedige stated that they would be replacing a station that was old and small, and moving it a few blocks west to provide adequate service within the area. He added that it was not a new facility but an upgraded one with the same resources available. Councilmember Ramos requested that the public be made aware of the Fire Station move and that staff provide a plan of action and timeline for the vacated Fire Station.

Councilmember Cortez 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.

The City Clerk read the following ordinance:

**2008-09-04-0765**

Item 28. AN ORDINANCE ADOPTING A STRATEGIC PLAN FOR COMMUNITY DEVELOPMENT TO ESTABLISH A VISION FOR COMMUNITY DEVELOPMENT, CREATE A COMMUNITY DEVELOPMENT ADVISORY COMMITTEE, DEFINE REINVESTMENT PLANNING AS A TOOL TO FOCUS PUBLIC AND PRIVATE INVESTMENT IN TARGETED AREAS, ADOPT METHODS TO INCREASE INTER-DEPARTMENTAL COORDINATION AND PUBLIC-PRIVATE PARTNERSHIPS AND ESTABLISH A SCHEDULE TO UPDATE THE STRATEGIC PLAN.

Councilmember Ramos asked how the Board would be created and how decisions would be made regarding reinvestment plans. Mr. Patrick Howard explained that Board Members would be selected by Council and that staff would provide the support, research and analysis on the plans and provide information to the Board. Councilmember Cibrian requested that urban renewal be a goal of the strategic plan and that a plan for implementation be included. Mayor Hardberger requested that the findings of the Sustainability and Transportation Task Forces also be incorporated into the strategic plan.

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

The City Clerk read the following ordinance:

**2008-09-04-0768**

Item 31. AN ORDINANCE RENEWING A FULL SERVICE HOUSEHOLD HAZARDOUS WASTE SERVICES CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., AT A COST NOT TO EXCEED \$575,000.00 ANNUALLY.

Councilmember Rodriguez asked how said funds would be utilized and requested data on utilization. Mr. David McCary stated that said item would renew the current agreement for a third year and that he would provide quantitative data to the Council. Councilmember Ramos requested information on the new hazardous waste program proposed in the budget. Mr. McCary stated that in FY 2009, a household hazardous waste event would be scheduled in each quadrant of the city to provide homeowners information on how to dispose of waste safely and properly. Councilmember Herrera recommended that a notification process be created for new homeowners so that they are aware of dates and times for garbage and recycling pick up.

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

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

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Galvan requested additional information on Item 6 that was passed on the Consent Agenda. Assistant City Manager Erik Walsh stated that the two-year contract was awarded to the contractor that would provide uniform options to Firefighters.

Councilmember Ramos wished her Mother a Happy Birthday.

Councilmember Cortez recognized Gavino Ramos on his appointment to the VIA Metropolitan Transit Authority.

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

Ms. Sheryl Sculley reported on the following:

- The City of San Antonio will be working with Toyota and their on-site suppliers on a Green Clean-up Project. Toyota and Supplier Employees will work to clean up the community on various projects on September 22<sup>nd</sup>-26<sup>th</sup> and October 6<sup>th</sup>-10<sup>th</sup>. Ms. Sculley thanked Toyota and their suppliers for their assistance.
- The City of San Antonio launched a new resource for City Employees through a contract with Gonzaba Medical Group. Gonzaba Medical Group will operate a health and wellness center located in the Metropolitan Methodist Professional Building on McCullough Street. Employees who participate in the City's Health Plan are eligible to pay half of their co-pay for each office visit and are encouraged to utilize the facility for their health and wellness.
- The City of San Antonio is partnering with Bexar County on the Health Power Weight Loss Challenge. Over 600 participants have signed up for the three-month program to lose weight and improve their well-being.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Herrera thanked all City Employees who assisted with Hurricane Ike Relief efforts over the weekend.

Councilmember Cibrian recognized District Chief Nim Kidd, Emergency Management Coordinator and representatives of the Medical Center for their work on an Emergency Evacuation Plan for the Medical Center.

Councilmember Clamp thanked City Staff and Gordon Hartman for their work on Item 27 regarding the regional sportsplex and special needs park located in District 10.

### **EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 11:20 am to convene in Executive Session for the purposes of:

- A. Discuss legal issues related to proposed CPS Energy transmission lines and update on Strategic Energy Plan pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.086 (public power utility competitive matters).
- B. Discuss legal issues related to meet and confer and collective bargaining legislation pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues related to employee benefits pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:53 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 McNeil 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: P-1, Z-1, and Z-2. Councilmember Herrera seconded the motion.

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

#### **2008-09-04-0769**

Item P-1. **PLAN AMENDMENT CASE NUMBER 08028 (District 1):** An Ordinance amending the Land Use Plan designation contained in the Five Points Neighborhood Plan, a component of the Master Plan of the City, of an approximately 1.1-acre tract of land located at 602, 618, 620, & 625 Euclid; 101, 103, 104, & 106 Macon and 515 Euclid from Parks/Open Space and Institutional to Low-Density Residential. Staff and Planning Commission recommend approval.

#### **2008-09-04-0770**

Item Z-1. **ZONING CASE #Z2008198 (District 1):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single-Family District to "PUD R-4" Planned Unit Development, Residential Single-Family District on 1.067 acres out of NCB 773 and NCB 774 located at 602, 618,

620 and 652 West Euclid Avenue; 101, 103, 104 and 106 Macon Court and 515 West Elmira Street. 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: 1.067 ACRES OUT OF NCB 773 AND NCB 774 TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "PUD R-4" PLANNED UNIT DEVELOPMENT, RESIDENTIAL SINGLE-FAMILY DISTRICT.

**2008-09-04-0771**

Item Z-2. **ZONING CASE # Z2008166 (District 2):** An Ordinance changing the Zoning District Boundary from "H C-1" Light Commercial Historic District and "H RM-4" Residential Mixed Historic District to "H RM-4" Residential Mixed Historic District on Lot 1 and the South 40 feet of Lot 2, Block 8, NCB 583 located at 928 East Crockett Street. 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 AND THE SOUTH 40 FEET OF LOT 2, BLOCK 8, NCB 583 TO WIT: FROM "H C-1" LIGHT COMMERCIAL HISTORIC DISTRICT AND "H RM-4" RESIDENTIAL MIXED HISTORIC DISTRICT TO "H RM-4" RESIDENTIAL MIXED HISTORIC DISTRICT.

**[ZONING CONSENT ITEMS CONCLUDED]**

### **ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

#### **CONTINUED**

Item Z-3. **ZONING CASE #Z2008186 S (District 5):** An Ordinance amending the Zoning District Boundary from "I-2" Heavy Industrial District to "IDZ S" Infill Development Zone with uses permitted in C-2 S Commercial District with a Specific Use Authorization for a Bail Bond Office on 1.012 acres out of NCB 191 located at 1202 and 1228 West Commerce. Staff and Zoning Commission recommend approval.

Councilmember Ramos moved to continue said item to September 18, 2008. Councilmember Cibrian seconded the motion.

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

#### **CONTINUED**

Item Z-4. **ZONING CASE #Z2008208 CD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-2 CD" (CD-Mini Warehouse) Commercial District with a Conditional Use for a Mini Warehouse exceeding 2.5 acres on 3.046 acres out of Lot 10, Block 1, NCB 16911 located at 6061 De Zavala Road. Staff and Zoning Commission recommend approval with conditions.

Councilmember Cibrian moved to continue said item to October 2, 2008. Councilmember Clamp seconded the motion.

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

**2008-09-04-0772**

Item Z-5. **ZONING CASE # Z2008164 S ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization for a Hospital on 3.650 acres out of NCB 19221 located at 20400 Block of Huebner Road. 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 TH CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 3.650 ACRES OUT OF NCB 19221 TO WIT: FROM "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 S ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A HOSPITAL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Rowe moved to adopt the proposed Zoning Item with a condition for downward lighting with no lighting above 90 degrees and lighting must be directed away from residential areas. Councilmember Clamp seconded the motion.

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

#### **CONTINUED**

Item Z-6. **ZONING CASE #Z2008206 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 IH-1" General Industrial National Highway System High Priority Northeast Gateway Corridor Overlay District to "C-3 IH-1" General Commercial National Highway System High Priority Northeast Gateway Corridor Overlay District on Lot 11, NCB 13804 located at 10811 IH 35 North. Staff and Zoning Commission recommend approval.

Councilmember Clamp moved to continue said item to September 18, 2008. Councilmember Cibrian seconded the motion.

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

At this time, Mayor Hardberger recessed the meeting at 4:10 pm and noted that the meeting would resume at 6:00 pm for the Second Public Hearing on the FY 2009 Proposed Ad Valorem Tax Rate.

#### **SECOND PUBLIC HEARING ON THE FY 2009 PROPOSED AD VALOREM TAX RATE.**

Mayor Hardberger declared the Second Tax Rate Public Hearing open at 6:00 pm and called on those registered to speak.

Mr. Jack M. Finger encouraged Council to cut the tax rate. He noted that there had been some discussion of doing so and thanked Councilmembers Cibrian, Rowe, and Clamp. He added that it was wrong for the Council to tax citizens in order to fund pet projects.

Mr. Faris Hodge, Jr. sang "Happy Birthday" to Councilmember Rodriguez. He stated that citizens should have had access to a copy of the Proposed Budget at the meeting held the previous evening. He recommended that 150 Police Officers be added to Downtown Patrol to include fifteen on Bike Patrol and that Park Rangers should patrol the Riverwalk instead of being assigned to Rivercenter Mall.

Mayor Hardberger announced that the City Council will vote on the proposed tax rate for Tax Year 2008 at its meeting on Thursday, September 11, 2008, which will begin at 9:00 am in the Council Chambers.

There being no other citizens registered to speak, Mayor Hardberger declared the Second Public Hearing on the proposed tax rate for Tax Year 2008 closed at 6:19 pm. At this time, Mayor Hardberger addressed the Citizens to be Heard portion of the agenda.

### **CITIZENS TO BE HEARD**

Mr. David Saldana, Director of Marketing for Bienestar Health Program, noted that Dr. Roberto Trevino had previously spoken on Diabetes and early age intervention. He stated that the organization was hoping to be fully funded by the City. Mr. Saldana spoke of the curriculum and noted that there were four components: 1) Health Classes for K-8<sup>th</sup> Grades, 2) Physical Fitness, 3) Extension into the Home, and 4) School Cafeteria Selections.

Mr. Robert P. Ritterbach spoke of the heavy congestion on library computers. He added that purchasing more computers would not solve the problem since it was the network that did not work properly and very slow. He asked the Council to look into this issue.

Mr. Nazirite Ruben Flores Perez explained the prophecy, "The first will be last and the last will be first."

Mr. Nick Calzoncit suggested that the City form a Department of Peace and Non-Violence and noted the 60% school drop-out rate in Harlandale. He stated that the City was more violent than one would expect and provided three examples. Lastly, he invited the Mayor and Council to participate in a Path to Peace Stroll being held on September 11, 2008.

Mr. Faris Hodge, Jr. stated that the sidewalks downtown needed to be washed down everyday because the streets smelled badly. He added that the trash cans in the Downtown Area needed to be permanently fixed to the ground so that trash did not spill out onto the streets. He suggested that the City work closely with CPS Energy to replace street lights that had been burnt out.

**ADJOURNMENT**

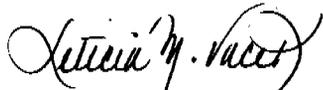
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:36 pm.

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



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk