

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, OCTOBER 1, 2008 AND THURSDAY, OCTOBER 2, 2008.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **October 1, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Ramos.

1. STAFF BRIEFING REGARDING LOCAL COLLABORATION FOR THE SAN ANTONIO-MEXICO STRATEGIC MARKETING PROGRAM.

Ms. Beth Costello, International Affairs Director, explained that in 2006, the City had worked with various organizations and civic leaders to initiate a program to stimulate air service from Mexico by increasing awareness of bilateral activities. She noted that the program was organized in December 2008 and that the Aviation Department had contracted the services of InterVista Consultants to develop the program after realizing the large amount of travel to Mexico. Ms. Costello introduced Tri-Chairs, Mayor Phil Hardberger, Judge Nelson Wolff, and Mexican Consul General Armando Ortiz Rocha; and the Honorary Chairs and the industries they represent.

Ms. Costello stated that to develop the plan, staff had created a scorecard to evaluate Mexican opinion and awareness of the City. She reported that the highest rated categories were Cultural Ties and Tourism Destination. She noted that lower categories such as Biotechnology Center, Health Care Services, and University Destination, could be seen as opportune areas to raise awareness through the program. She spoke of the scorecard and noted that it included a list of eleven items indentified throughout the community. She added that the items were success indicators and would be tracked on an annual basis.

The Mayor and Council thanked Ms. Costello for the presentation and Consul General Ortiz Rocha, Richard Perez, and Ramiro Cavazos for their attendance.

Councilmember Cibrian requested information on Casa San Antonio. Ms. Costello provided background information on the program and noted that it assisted San Antonio businesses with meetings, match-making, contacts, and trade missions to Mexico. Councilmember Cibrian expressed the importance of Puerto Lazaro Cardenas in trade and economic development and asked what the City was doing for the Mexican Nationals. Ms. Costello highlighted the Business Incubation Program which assists Mexican business persons with legal, accounting, and cultural advice.

Councilmember Rodriguez noted that Mexico City was a burgeoning center for technology and could be another sector to research in the future. Councilmember Rowe inquired about the cost of the trip, the options available for funding, and the estimated return on investment. Ms. Costello replied that she would be meeting with Council individually to discuss the scheduling and noted the approximate cost for visiting both cities would be \$1,500. She added that staff had been seeking sponsorships from the private sector on both sides and that the return on investment would be determined from the scorecard. Councilmember Cisneros asked about the number of people traveling to Mexico. Ms. Costello replied

that there could be as many as sixty people. Mayor Hardberger noted that former Mayor Henry Cisneros would be heading the delegation.

2. STAFF BRIEFING ON PROPOSED UPDATES TO THE TAX INCREMENT FINANCE (TIF) POLICY AND IMPLEMENTATION MANUAL.

Assistant City Manager T.C. Broadnax presented an overview of the TIF programs and the Tax Increment Reinvestment Zones (TIRZ). He spoke of TIF origins in California and their history in the Texas Legislature. He noted that the City's program was created in 1998 and that the current TIF Guidelines were as follows: 1) Can be City-Initiated or Petition-Initiated; 2) Can finance public projects, such as streets, sidewalks, and drainage; 3) Can be up to thirty years in term; and 4) Must use one of eight Voluntary Development Patterns in the Unified Development Code (UDC). He also outlined how the TIF program was conducted and administered.

Mr. Broadnax noted the requirements of both City-Initiated and Petition-Initiated TIFs and highlighted the differences. He stated that there were 22 TIRZ designations in San Antonio and that three more were in consideration. He reported that from 1998 to December 2006, TIF had produced 2005 single family units, 624 multifamily units, over 1 million square feet of commercial space, and over \$550 million of value. He stated that the numbers were anticipated to increase. It was noted that the City's maximum possible contributions for all TIFs was \$436 million.

Mr. Broadnax spoke of the trends in TIF requests and compared TIF programs in Dallas, Arlington, Austin, El Paso, Houston, and San Antonio. He introduced the areas in San Antonio that were currently eligible for TIF, the prioritization of those areas, and the financial considerations guiding participation. He presented the General Guideline Recommendations as follows: 1) Update City and Petition initiated TIRZ requirements into alignment with each other; 2) Reduce affordable housing requirement from 50% to 20% for both City and Petition initiated; 3) Fee Structure; 4) Creation of guidelines for administration of TIRZ by Local Government Code to recognize new management role; and 5) Follow current City policy to appoint TIRZ Board members. He outlined additional recommendations including the establishment of a scorecard to rate projects and participation criteria.

In response to a question posed by Councilmember Cibrian, Ms. Sculley stated that it had been recommended by the bond committee to fund UTSA at \$6.2 million which could be prioritized in a future bond program or in the budget. Councilmember Herrera expressed concern with having a standard fee schedule. Mayor Hardberger agreed that it was not fair for projects budgeted at \$2 million and \$200 million to have the same schedule, but added that the schedule could not be based solely on size since work would be done on all projects no matter how large or small.

Councilmember Cortez asked if the guidelines would prohibit the City from offering a TIF to a university or corporation as an incentive to locate in San Antonio. Mr. Broadnax answered that TIFs were used to encourage redevelopment and since the Council approved the guidelines for TIF, they could include a provision to do so. Councilmember McNeil advocated for bonding TIRZ revenue. Ms. Sculley stated that other cities bonded revenue but due to market conditions, staff would need to evaluate bonding on a project-by-project basis. Mr. Ben Gorzell, Finance Director, stated that the risk in bonding was that the TIF could end up with a negative value.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:10 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **October 2, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Father Walter D'heedene, Pastor, Sacred Heart Catholic Church, guest of Mayor Phil Hardberger.

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

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

MINUTES

Councilmember McNeil made a motion to approve the Minutes for the August 19, 2008 Budget Worksession and the August 21, 2008 City Council Meeting. Councilmember Cisneros seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-10-02-0869

Item 4. AN ORDINANCE AMENDING CHAPTER 6, ARTICLE VIII, OF THE CITY CODE, ENTITLED "DANGEROUS BUILDINGS AND DISTRESSED PROPERTIES," TO REFLECT CHANGES TO THE COMPOSITION OF THE DANGEROUS STRUCTURE DETERMINATION BOARD AND REVISIONS TO EMERGENCY DEMOLITION PROCEDURES.

Assistant City Manager T.C. Broadnax presented City Code revisions to Chapter 6 regarding Dangerous Buildings and Distressed Properties. He stated that the goal was to strengthen the City's ability to improve quality of life within neighborhoods by addressing dangerous structures that posed a threat to the life, health and safety of citizens. He noted the following revisions: 1) To update and expand the composition of the Dangerous Structure Determination Board (DSDB); 2) To provide an additional review process before an emergency demolition is declared and executed; and 3) To codify areas of responsibility when emergency demolition of an unsafe structure is declared.

Mr. Broadnax stated that the new composition of the DSDB would be a six-member board to include the Fire Department and the Office of Historic Preservation. He outlined the proposed revision to Section 6-175 that includes a new provision for sudden acts or occurrences and long-term deterioration. He noted that for emergency demolition consideration arising from long-term deterioration, notice would be made by a placard affixed to the property or by a stake into the ground. He added that hand-delivery of possible demolition notice would be made to the owner residing in Bexar County and that notification would also be made to the City Council Representative, City Manager, and the Office of Historic Preservation. He stated that within 72 hours after the notice was issued, a determination would be made

regarding the feasibility of securing and stabilizing the structure in conjunction with the property owners, City Officials, and the Historic and Design Review Commission (HDRC). Additionally, the San Antonio Conservation Society and the registered neighborhood associations in which the subject structure is located will also be notified.

Mr. Broadnax further stated that within 72 hours of notice, a plan of action to stabilize the structure developed by a structural engineer must be presented to the Director of the Planning and Development Services Departments. He noted that if stabilization begins within 24 hours of approval, the structure shall be scheduled for the next DSDB Hearing. He reported that Code Compliance would continue to enforce structural regulations for vacant structures and that in an effort to protect and save historic structures; Officers would focus on early identification of deteriorating structures located in historic districts.

Lastly, Mr. Broadnax explained that the Historic Stabilization Funding process was being revised to expedite access. He noted that an eligibility review would occur upon notice to the Office of Historic Preservation and that a DSDB Hearing and Order would no longer be required. He added that funding would become available for use on proposed emergency demolition structures and must comply with federal and state guidelines.

Nazirite Ruben Flores Perez expressed support for said item due to the dangerous conditions of the properties that attract drug activity.

Mr. P. Chance Kinnison stated that his house on Myrtle Street had inadvertently been demolished by the City in April, 2008. He expressed concern that he had not been notified of the plans to demolish the home and urged the Council to improve the current ordinance.

Jack M. Finger spoke in favor of said item. He expressed pleasure with the additional notification processes included in the ordinance but noted concern with homeowners who would avoid being notified or used the historical designation to their advantage.

Marcie Ince, President of the San Antonio Conservation Society, spoke in support of said item. She expressed pleasure that the Conservation Society would be included in the notification process. She cautioned that the revisions alone were not sufficient to protect the City's historic structures. She stated that there should be a process to take advantage of the demolition by neglect section of the City Code and use other opportunities to place liens on properties for work done by the City to secure historic buildings. She added that regarding the DSDB, a 2/3 vote rather than 1/2 vote should remain to order a non-emergency demolition and that a quorum of four (4) should be required.

Roberto G. Hinkson, President of the Monticello Park Historic District, spoke in support of said item. He stated that careful consideration and attention should be given to the City's historic commercial and residential buildings and that the City should ensure that ample time is given to negotiate the saving of historic structures.

Mrs. Vacek read written testimonies from Faris Hodge, Jr. For Item 10, Mr. Hodge wrote that the City was condemning too much land with one ordinance. On Item 15, he wrote that he was pleased with the grant because it provided services to victims of crime who were deaf or hard of hearing. For Item 16, he wrote that the ordinance would not work because there were not enough loading zones in the Downtown Area. On Item 19, he expressed concern with water conservation due to the many hotels, houses and

commercial buildings along the San Antonio River. He wrote in opposition to Item 23, noting that the Fire Department was conducting too many drug tests, and expressed support for Item 26 for Park Police and Airport Police to receive the same pay and benefits as San Antonio Police.

Councilmember Galvan inquired about how properties would be handled if they were awaiting confirmation of inheritance or if there were individuals living in the dangerous structures. Mr. Broadnax stated that in an emergency situation, they would be handled accordingly; but every effort would be made to notify the rightful owners or the attorneys for the properties in question. He added that there was a representative from the Department of Community Initiatives on the DSDB who would be able to provide housing assistance to individuals living in dangerous structures. Councilmember McNeil requested that the Council District for the property scheduled for demolition be included in the DSDB list and inquired about funding opportunities for Historic Preservation. Ms. Kay Hinds stated that staff was actively working on a Strategic Plan for Historic Preservation and identifying resources to save and maintain historic structures.

City Manager Sculley noted that the Adopted Budget included the revision of the reporting structure of the Historic Preservation Office directly to the City Manager's Office. Councilmember Cibrian stressed the importance of Historic Preservation and efforts to ensure that historic structures are not demolished inadvertently. Councilmember Ramos expressed support for said item but noted concern with the additional 24 hours of notice. Councilmember Rodriguez inquired about possible rehabilitation funding for historic properties. Mr. David Garza stated that he was working in conjunction with Mr. Broadnax on identifying best practices regarding rehabilitation funding. Councilmember Rodriguez requested that staff continue to monitor the voting requirement on non-emergency demolitions to ensure they were not detrimental.

Councilmember Clamp asked about the possibility of forgiving various tax liens on sellable properties so that they could be sold at market value and no longer sit vacant. Mr. Broadnax stated that he would work with the City Attorney's Office and the taxing entities to come up with possible solutions. Councilmember Cisneros expressed support for said item and mentioned that District 1 had many historic areas and that demolition should be the last resort. She requested a meeting with City Staff to discuss a possible Stabilization Fund for historic properties.

Councilmember Rodriguez 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.

CONSENT AGENDA: Items 5 –30B

Consent Agenda Items 7, 9, 10, 12, 17A, B, C, 19, 21, 22, 26, 29, and 30A were pulled for Individual Consideration. Councilmember Cisneros moved to approve the remaining Consent Agenda Items. Councilmember Cortez seconded the motion.

Nazirite Ruben Flores Perez stated that there were problems with the pipes that San Antonio Water System (SAWS) was using for construction on Item 9 and expressed concern with the fluoride in drinking water.

Jack M. Finger expressed concern with Item 17 regarding the issuance of Revenue Refunding Bonds in the amount of \$319 million due to the issues with the Bond Market. He spoke in opposition to Item 18 and stated that the City should not spend more money on a bond process. He expressed concern with Item 26 regarding the Meet and Confer Agreement for Airport and Park Police.

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

2008-10-02-0870

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 2009 FOR A COMBINED ESTIMATED COST OF \$1,115,000.00, INCLUDING: (A) CONTINUOUS COMPUTER FORMS FROM WALKER GROUP, INC.; (B) NAVISTAR INTERNATIONAL & CRANE CARRIER CORPORATION TRUCK PARTS AND SERVICE FROM SANTEX TRUCK CENTER; (C) HEAVY DUTY VOLVO/WHITE/GMC MEDIUM/HEAVY DUTY FORD TRUCK PARTS AND SERVICE FROM GRANDE TRUCK CENTER; (D) PERIODICALS & NEWSPAPER SUBSCRIPTIONS FROM EBSCO INFORMATION SERVICES; (E) PROCESSING OF WASTE TIRES FROM ABLE TIRE DISPOSAL LP; (F) AUTOMOTIVE SHOP SUPPLIES FROM GENUINE PARTS COMPANY, POPPE AUTOMOTIVE WHOLESALE, INC., A&A AUTOMOTIVE, AND SUPPLY INNOVATIONS COMPANY, LLC.; AND (G) ORACLE DATABASE MANAGEMENT SYSTEM SERVICE FROM ORACLE.

2008-10-02-0871

Item 6. AN ORDINANCE ACCEPTING THE BIDS FROM WAUKESHA-PEARCE INDUSTRIES, INC., FOUR SEASONS EQUIPMENT, INC., COOPER EQUIPMENT CO., VERMEER EQUIPMENT OF TEXAS, INC., EQUIPMENT DEPOT, CLOSNER EQUIPMENT CO., INC., STEWART AND STEVENSON, AND GREEN MOUNTAIN EQUIPMENT AND RENTAL, TO PROVIDE THE CITY WITH HEAVY EQUIPMENT FOR A COST OF \$2,698,973.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND, AIRPORT OPERATIONS FUND, HOT/ALAMODOME FUND AND GOLF OPERATIONS AND MAINTENANCE FUND.

2008-10-02-0873

Item 8. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH GENERATIONS COMMUNITY FEDERAL CREDIT UNION TO PROVIDE THE CITY WITH AUTOMATED TELLER MACHINE SERVICES FOR A 5 YEAR TERM, WITH AN OPTION TO RENEW FOR AN ADDITIONAL 5 YEAR PERIOD, FOR AN ESTIMATED REVENUE TO THE CITY OF \$456,570.00 FOR THE INITIAL TERM.

2008-10-02-0876

Item 11. AN ORDINANCE ACCEPTING DONATION OF FEE SIMPLE TITLE TO THREE PARCELS OF REAL PROPERTY TO BE USED FOR WIDENING REDLAND ROAD, (HWY. 281 TO 3,600 FT. EAST OF HWY. 281), A 2007-2012 BOND PROGRAM PROJECT, LOCATED IN COUNCIL DISTRICT 9.

2008-10-02-0878

Item 13. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF FUNDS FOR A GRANT AWARD FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN AN AMOUNT

UP TO \$825,336.00 FOR THE TOBACCO COMMUNITY COALITION PROGRAM FOR THE PERIOD SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009; AUTHORIZING THE ACCEPTANCE OF FUNDS FOR A GRANT AWARD FROM THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN AN AMOUNT UP TO \$35,000.00 FOR THE WORKSITE WELLNESS VALUE-BASED BENEFIT DESIGN DEMONSTRATION PROJECT FOR THE PERIOD NOVEMBER 1, 2008 THROUGH OCTOBER 31, 2009.

2008-10-02-0879

Item 14. AN ORDINANCE ACCEPTING \$13,604.96 IN GRANT FUNDS FROM THE SAN ANTONIO CONSERVATION SOCIETY (SACS) TO INPUT THE 36-SQUARE MILE HISTORIC SURVEY DATA INTO THE CITY DATABASE AND MAKE THE INFORMATION AVAILABLE ON THE CITY WEBSITE.

2008-10-02-0880

Item 15. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE OF FUNDS, UPON AWARD, IN THE AMOUNT OF \$30,880.00 MADE AVAILABLE UNDER THE VICTIMS OF CRIME ACT OF 1984 (VOCA) FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) FOR PROJECT EDUCATE, ASSESS, SERVE AND EMPOWER (EASE) TO PROVIDE SERVICES TO VICTIMS OF CRIME WHO ARE DEAF AND/OR HARD OF HEARING.

2008-10-02-0881

Item 16. AN ORDINANCE AUTHORIZING A PROGRAM PROVIDING FOR EXTENDED-TIME PERMITS IN DOWNTOWN LOADING ZONES.

2008-10-02-0884

Item 18. AN ORDINANCE APPROVING THE TERMS AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT PERTAINING TO THE ISSUANCE OF APPROXIMATELY \$17,000,000.00 "CITY OF SAN ANTONIO, TEXAS TAXABLE GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2008"; AUTHORIZING THE CITY'S STAFF, CO-FINANCIAL ADVISORS, AND CO-BOND COUNSEL TO TAKE ALL ACTIONS DEEMED NECESSARY IN CONNECTION WITH THE SALE OF SUCH OBLIGATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

2008-10-02-0044R

Item 20. A RESOLUTION REQUESTING THE DISTRIBUTION OF (1) THE UPDATED OFFICIAL STATEMENT FOR THE JUNIOR LIEN REVENUE BONDS, SERIES 2003; (2) THE UPDATED REMARKETING MEMORANDUM FOR THE JUNIOR LIEN REVENUE BONDS, SERIES 2004; AND (3) THE OFFERING MEMORANDUM FOR THE COMMERCIAL PAPER NOTES, SERIES A TO CURRENT AND PROSPECTIVE INVESTORS FOR THE PURPOSE OF PROVIDING CURRENT FINANCIAL INFORMATION AND OTHER MATERIAL INFORMATION RELATING TO THE CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS FOR MAKING INVESTMENT DECISIONS.

2008-10-02-0887

Item 23. AN ORDINANCE APPROVING A CONTRACT WITH A & D TESTS, INC., IN AN AMOUNT UP TO \$20,000.00 ANNUALLY, TO PROVIDE THE SAN ANTONIO FIRE

DEPARTMENT WITH RANDOM AND REASONABLE SUSPICION DRUG TESTING SERVICES FROM OCTOBER 1, 2008 TO SEPTEMBER 30, 2011, WITH OPTIONAL EXTENSIONS.

2008-10-02-0888

Item 24. AN ORDINANCE AUTHORIZING THE CITY OF SAN ANTONIO FIRE DEPARTMENT TO GRANT A LICENSE TO TWH COLLECTIBLES, INC., TO USE THE SAN ANTONIO FIRE DEPARTMENT NAME, LOGO AND TRADEMARKS IN THE MANUFACTURING OF COLLECTIBLE REPLICAS OF SAN ANTONIO FIRE DEPARTMENT PIERCE® QUANTUM® PUMPERS.

2008-10-02-0889

Item 25. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES TO ALLOW THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT CONTINUED ON-LINE ACCESS TO BIRTH RECORDS THROUGH AUGUST 31, 2010.

2008-10-02-0891

Item 27. AN ORDINANCE APPROVING TWO FIELD USE AND MAINTENANCE LICENSE AGREEMENTS FOR SHARED USE OF COLT FIELD AT SOUTHSIDE LIONS PARK IN COUNCIL DISTRICT 3 BY HIGHLAND HAWKS POP WARNER FOOTBALL ASSOCIATION AND THE SAN ANTONIO INDEPENDENT SCHOOL DISTRICT FOR FIVE YEAR TERMS BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2013.

2008-10-02-0892

Item 28. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONTRACT WITH KENMARK GROUP, INC. FOR TEMPORARY DATA ENTRY PERSONNEL FOR AN AMOUNT UP TO \$105,300.00.

Item 30. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

- B. APPOINTING SABRINA MARIE TORRES (DISTRICT 5) TO THE YOUTH COMMISSION FOR A TERM OF OFFICE TO EXPIRE MAY 31, 2009.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-10-02-0872

Item 7. AN ORDINANCE ACCEPTING THE OFFER FROM INX, INC. TO PROVIDE THE CITY WITH FIBER PULLING AND INSTALLATION SERVICES TO BUILD OUT AND UPGRADE THE NETWORK INFRASTRUCTURE FOR THE EXISTING FLOOD CONTROL COMMUNICATION SYSTEM FOR AN ESTIMATED COST OF \$1,154,818.50.

Councilmember Cortez asked how said item would improve flood control and requested a project timeline. Mr. Richard Mendoza stated that the contract would provide fiber communications

connectivity to the Marina Dam at the Downtown San Antonio River. He added that it would improve flood control by increasing the capacity for early warning detection of rising flood waters. Mr. Mendoza stated that a timeline would be provided to the Council.

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, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Rodriguez.

The City Clerk read the following Ordinance:

2008-10-02-0874

Item 9. AN ORDINANCE APPROVING SAN ANTONIO WATER SYSTEM (SAWS) CHANGE ORDER NO. 3 (UTILITY DRIVEN) IN THE AMOUNT OF \$52,308.38 TO THE \$1,757,030.04 CONSTRUCTION CONTRACT, AS CHANGED, WITH COLLECTIVE CONTRACTING, INC. FOR ADDITIONAL WORK, OF WHICH \$52,308.38 WILL BE REIMBURSED BY SAWS.

Councilmember McNeil expressed concern with the brand new street being cut and asked what staff could do to prevent this or coordinate in the future. Mr. Mike Frisbie stated that the design of said project had occurred prior to new guidelines being implemented. He noted that City Staff now is working closely with SAWS and CPS Energy Staff during the design phase to identify orderly needs.

Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Clamp 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:

2008-10-02-0875

Item 10. AN ORDINANCE DETERMINING AND DECLARING A PUBLIC NECESSITY FOR AND AUTHORIZING THE ACQUISITION AND/OR CONDEMNATION OF EASEMENTS FOR ELECTRIC TRANSMISSION AND DISTRIBUTION LINES, COMMUNICATION SYSTEMS AND RELATED APPURTENANCES AND INGRESS AND EGRESS EASEMENTS, A TEMPORARY INGRESS AND EGRESS EASEMENT AND A TEMPORARY INGRESS AND EGRESS AND CONSTRUCTION EASEMENT OVER, ACROSS, UPON AND UNDER CERTAIN TRACTS OF LAND LOCATED ALONG WISEMAN BOULEVARD AND ROGERS ROAD, BEING (I) LOT 3, BLOCK 1, NCB 18170, VALERO DATA EXPANSION, RECORDED IN V. 9588, P. 66-67, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS ("D.P.R.B.C.T."), (II) LOT 1, BLOCK 4, NCB 18170, WESTOVER HILLS, UNIT-17, RECORDED IN V. 9574, P. 119-120, D.P.R.B.C.T., (III) LOT 1, BLOCK 7, NCB 18170, WESTOVER HILLS, UNIT-23, RECORDED IN V. 9558, P. 9, D.P.R.B.C.T., (IV) LOT 1, BLOCK 15, NCB 17642, CHASE MANHATTAN BANK, RECORDED IN V. 9552, P. 138-139, D.P.R.B.C.T., (V) LOT 1, BLOCK 48, NCB 17642, WESTOVER HILLS, UNIT-32, RECORDED IN V. 9574, P. 184, D.P.R.B.C.T., (VI) A 403.596 ACRE TRACT OF LAND DESCRIBED IN DEED RECORDED IN V. 5191, P. 963, OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF BEXAR COUNTY, TEXAS ("O.P.R.R.P.B.C.T."), AND BEING OUT OF THE

B.B.B. & C.R.R. CO. SURVEY NUMBER 403, ABST. 100, CB 4419 (NOW IN NCB 18170) AND THE B.B.B. & C.R.R. CO. SURVEY NUMBER 389, ABST. NUMBER 96, CB 4417 (NOW IN NCB 17642), AND (VII) A 213.95 ACRE TRACT OF LAND DESCRIBED IN DEED RECORDED IN V. 6835, P. 1085, O.P.R.R.P.B.C.T., AND BEING OUT OF THE THOMAS YORK SURVEY NUMBER 201 ½, ABST. 825, CB 4400 (NOW IN NCB 17642), FOR THE PUBLIC PURPOSE OF THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S GAS AND ELECTRIC SYSTEMS, INCLUDING THE VLSI TO WESTOVER HILLS TRANSMISSION LINE PROJECT.

Councilmember Herrera recognized Milton Randle of CPS Energy and requested information on said project. Mr. Randle stated that said item was for a transition line that would serve as the primary source for the areas listed. He noted that the process had been lengthy and that issues with the neighborhood associations had been resolved.

Councilmember Herrera thanked CPS Energy and 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:

2008-10-02-0877

Item 12. AN ORDINANCE RENEWING A TEN-YEAR LICENSE AGREEMENT TO EXXONMOBIL PIPELINE COMPANY FOR CONTINUED OPERATION OF A PETROLEUM PRODUCTS PIPELINE UNDER AND ACROSS BINZ-ENGLEMAN ROAD, LOCATED IN COUNCIL DISTRICT 2, FOR \$7,500.00.

Councilmember Clamp asked how the value for said property was assessed. Mr. George Rodriguez stated that the appraised value of ten adjoining or abutting properties was reviewed and due to the high variance, the highest and lowest amounts were deleted. The remaining properties were averaged out and that resulted in a cost of \$1.57 per square foot. He noted that the greater of the appraisal value or \$7,500.00 was utilized and that was the case on said item. Councilmember Clamp requested that the City initiate a formal appraisal process for easements and have the petitioner pay for the cost. Councilmember McNeil requested that refineries provide buffers in an effort to improve the appearance of the community.

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

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

The City Clerk read the following:

Item 17. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE ISSUANCE OF REVENUE REFUNDING BONDS:

2008-10-02-0882

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$319,440,000.00 OF OBLIGATIONS DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE REFUNDING BONDS, NEW SERIES 2008A"; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT PERTAINING THERETO; AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, ESCROW AND TRUST AGREEMENT AND A BOND PURCHASE AGREEMENT.

2008-10-02-0882

- B. AN ORDINANCE DELEGATING AUTHORITY OF THE CITY COUNCIL TO ISSUE AND SET PRICING OF THE BONDS OF CPS ENERGY'S DESIGNATED FINANCIAL OFFICERS, DEFINED AS THE GENERAL MANAGER & CHIEF EXECUTIVE OFFICER, DEPUTY GENERAL MANAGER, OR THE CHIEF FINANCIAL OFFICER & TREASURER OF CPS, AS PERMITTED BY TEXAS GOVERNMENT CODE, CHAPTER 1371.

Item B was combined with Item A and adopted on the same day resulting in one ordinance number being 2008-10-02-0882. Ordinance number 2008-10-02-0883 has been voided.

2008-10-02-0043R

- C. A RESOLUTION RENEWING AND EXTENDING THE REIMBURSEMENT RESOLUTION FOR PRIOR CONSTRUCTION COSTS IN AN AMOUNT UP TO \$400 MILLION.

Mr. Ben Gorzell stated that Items 17A, B, and C would authorize CPS Energy to move forward with refunding of existing debt service for savings purposes. He explained that it was similar to refinancing and that gross savings were projected at \$22 million for a present value savings of \$18.6 million. He added that Item 17C expressed the intent for CPS Energy to reimburse themselves from a future bond issue but would still require CPS Board and City Council approval. Ms. Paula Gold-Williams, Chief Financial Officer for CPS Energy, stated that the bond rating agencies had reaffirmed their ratings and financial position. She noted that the Standard and Poors rating was AA, Fitch was AA+, and Moody's was AA1.

Councilmember Clamp moved to approve items 17 A, B, and C. 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:

2008-10-02-0885

Item 19. AN ORDINANCE AUTHORIZING THE APPLICATION OF WATER CONSERVATION AND DROUGHT MANAGEMENT RESTRICTIONS TO SAN ANTONIO WATER SYSTEM (SAWS) CUSTOMERS RESIDING WITHIN THE CITY OF SAN ANTONIO'S EXTRATERRITORIAL JURISDICTION (ETJ), AND MAKING CORRESPONDING TARIFF ADJUSTMENTS.

Mr. Ben Gorzell stated that said item would provide the City's existing conservation and drought restrictions that apply to San Antonio Water System (SAWS) customers within the city limits and apply them to SAWS customers that live within the City's Extraterritorial Jurisdiction (ETJ). He noted that it would affect approximately 35,000 to 40,000 customers in the ETJ.

Councilmember Ramos asked that customers be notified accordingly and 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, and Clamp. **NAY:** None. **ABSENT:** Mayor Hardberger.

The City Clerk read the following Ordinance:

2008-10-02-0045R

Item 21. A RESOLUTION RELATING TO ONGOING REMARKETING AGENT SERVICES IN CONNECTION WITH OBLIGATIONS DESIGNATED AS "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS JUNIOR LIEN REVENUE BONDS, SERIES 2003"; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY STAFF TO TERMINATE THE REMARKETING AGENT FOR SUCH OBLIGATIONS, APPOINT A REPLACEMENT REMARKETING AGENT, AND TO TAKE ALL NECESSARY ACTION INCLUDING THE EXECUTION OF NECESSARY DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Ben Gorzell explained that said item authorized CPS Energy to replace the remarketing agent on variable rate debt that they issued in 2004 and did not result in the issuance of any new debt.

Councilmember Clamp moved to approve the Resolution. 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:

2008-10-02-0886

Item 22. AN ORDINANCE APPROVING FINANCIAL UNDERWRITING SYNDICATES SELECTED FROM THE FINANCIAL UNDERWRITING POOL FOR FINANCING OF (1) TAXABLE GENERAL IMPROVEMENT REFUNDING BONDS; (2) GENERAL IMPROVEMENT BONDS AND CERTIFICATES OF OBLIGATION; AND (3) TAX NOTES, WHICH ARE SCHEDULED FOR SALE IN FY 2009.

Councilmember Clamp requested that the Council review the City's Debt Plan, Capital Plan, and Certificates of Obligation Program at a future B Session and 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:

2008-10-02-0890

Item 26. AN ORDINANCE APPROVING AN ADDENDUM TO THE MEET AND CONFER AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE SAN ANTONIO PARK POLICE OFFICERS ASSOCIATION, WHICH PROVIDES FOR THE TRANSFER OF PARK AND AIRPORT POLICE OFFICERS UNDER THE SUPERVISION, SPAN OF CONTROL, AND ADMINISTRATION OF THE POLICE CHIEF AND FOR THE EXTENSION OF THE MEET AND CONFER AGREEMENT THROUGH SEPTEMBER 30, 2013.

Councilmember Ramos inquired about the Park and Airport Police salary increase approved in the budget. Chief McManus stated that no changes were made to their pay or benefit status under said restructuring. He noted that the only change would be that they would come under the command and control structure of the San Antonio Police Department (SAPD) and would waive certain of their 143 Rights in the Texas State Code. Officer Frank Gonzalez, President of the San Antonio Park Police Officers Association, stated that the Association was in support of the amendment. Officer Segundo thanked all for their support of said item. Councilmember Herrera asked if there was a process in place to address future issues. Officer Gonzalez stated that they were working on a Bargaining Committee for the Officers that would address their issues.

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

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

The City Clerk read the following Ordinance:

2008-10-02-0893

Item 29. AN ORDINANCE AUTHORIZING ONE-YEAR EXTENSIONS OF INTERLOCAL AGREEMENTS TO PROVIDE EMERGENCY MEDICAL SERVICES TO THE CITIES OF CASTLE HILLS, HELOTES, HILL COUNTRY VILLAGE AND WINDCREST FOR THE PERIOD OF OCTOBER 1, 2008, THROUGH SEPTEMBER 30, 2009.

Councilmember Cibrian requested information on how the City of San Antonio provided service to these cities and a cost analysis. Chief Charles Hood stated that Emergency Medical Response was provided to the four communities with Paramedic Units and they used approximately 35% of one EMS Unit. He noted that they paid for 62% of the unit and this was a benefit to the City. Councilmember Cibrian stressed the importance of recouping costs and being fiscally responsible with taxpayer dollars. Councilmember Clamp expressed support for said item and the fact that the San Antonio Fire Department was recovering more than what they were expending.

Councilmember Cisneros moved to adopt the proposed Ordinance. Councilmember Clamp 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:

Item 30. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, FOR TERMS OF OFFICE COMMENCING IMMEDIATELY UPON APPOINTMENT:

- A. REAPPOINTING TO THE PLANNING COMMISSION DR. SHERRY CHAO-HRENEK, JOSE R. LIMON, AND ANDREA RODRIGUEZ FOR TERMS TO EXPIRE OCTOBER 12, 2010, AND APPOINTING CHRISTOPHER M. LINDHORST FOR THE REMAINDER OF AN UNEXPIRED TERM TO EXPIRE OCTOBER 6, 2009.

Councilmember Cortez expressed concern that only two members of the Planning Commission resided outside of Districts 8, 9 and 10 and requested that others throughout the City apply for the one remaining vacancy.

Councilmember Cortez moved to accept the slate of applicants as recommended by the Infrastructure and Growth Council Committee which included the reappointments of Sherry Chao-Hrenek, Jose R. Limon and Andrea Rodriguez, and the appointment of Christopher M. Lindhorst. 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.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the Graffiti Wipe-Out Project held the previous weekend and noted that over 3,200 individuals had volunteered. She noted that in terms of the most volunteers, District 6 came in first place, followed by District 4 and District 8, respectively. Ms. Sculley thanked all involved in making the project a huge success. Mr. David Garza also thanked the staff and individuals who participated in the event.

Ms. Sculley recognized the volunteer efforts of Toyota Employees and Suppliers for the Toyota Green Clean-up Project. She noted that over the course of two weeks, they would work over 17,000 hours and save the City of San Antonio an estimated value of \$275,000. She thanked them for their efforts.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:05 pm to break for lunch and convene in Executive Session at 1:30 pm for the purposes of:

- A. Discuss legal issues related to meet and confer and collective bargaining legislation pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to the towing services contract pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 2:59 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

Mr. Jack M. Finger expressed pleasure that Item 33 was being proposed for a historical designation. He spoke against Items P-2 and Z-1 noting the great number of resident opposition.

Mr. Nazirite Ruben Flores Perez stated that citizens were not pleased with the possible inclusion of an office in a residential area as proposed in Items P-2 and Z-1.

2008-10-02-0046R

Item 32. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO DESIGNATE 1909 FREDERICKSBURG ROAD AS HISTORIC EXCEPTIONAL (DISTRICT 7). STAFF AND HISTORIC AND DESIGN REVIEW COMMISSION RECOMMEND APPROVAL.

Ms. Rollette Schreckenghost, San Antonio Conservation Society, read a statement in support of Item 32 on behalf of Ms. Marcie Ince, Conservation Society President. She noted that the property had been considered a dangerous structure but the Society was able to find a buyer and the sale was pending.

Roberto G. Hinkson, Monticello Park Historic District, spoke in favor of the historical designation. He stated that the building was significant and that the mass, size, and scale were similar to other significant buildings in the area and along the Old Spanish Trail.

Councilmember Rodriguez moved to adopt the proposed Resolution. Councilmember Cisneros seconded the motion.

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

2008-10-02-0047R

Item 33. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO DESIGNATE 1002 WEST MAGNOLIA AVENUE AS HISTORIC SIGNIFICANT (DISTRICT 1). STAFF AND HISTORIC AND DESIGN REVIEW COMMISSION RECOMMEND APPROVAL.

Ms. Rollette Schreckenghost, San Antonio Conservation Society, thanked the Council for their vote on Item 32. She stated that the Society recommended Item 33 for historical designation because the home was a good example of a large-scale Neoclassical residence in a prominent location of the Beacon Hill Neighborhood.

Councilmember Cisneros moved to adopt the proposed Resolution. Councilmember Clamp seconded the motion.

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

2008-10-02-0894

Item P-1. AN ORDINANCE AMENDING THE CITY OF SAN ANTONIO'S MAJOR THOROUGHFARE PLAN AS A COMPONENT OF THE SAN ANTONIO MASTER PLAN BY

20081002

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LV/lys

UPGRADING THE DESIGNATION OF MASTERSON ROAD FROM HIGHWAY 90 SOUTH TO MACDONA-LACOSTE, FROM A SECONDARY ARTERIAL TYPE A TO A SUPER ARTERIAL TYPE B.

Ms. Trish Wallace presented the proposed Plan Amendment.

Councilmember Cisneros moved to adopt the proposed Plan Amendment. Councilmember Cortez seconded the motion.

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

DENIED

Item P-2. **PLAN AMENDMENT # 08025 (District 1):** An Ordinance amending the land use plan in the Greater Dellview Community Plan, a component of the Master Plan of the City, by changing the use of a +/- 0.2977 acre tract of land located at 3110 N.W. Loop 410 from Low Density Residential to Office land use. Staff recommends Approval. Planning Commission recommends Denial. (**Associated Zoning Case #Z2008177**)

Ms. Nina Nixon-Mendez presented the proposed Plan Amendment.

Mr. Habib H. Erkan, Earl and Associates, noted that he represented the owner. He stated that the owner was looking to sell her home, but due to its proximity to Loop 410, she was not able to sell it as a residential property. He noted that rezoning the property would create a buffer between the highway and the neighborhood and that the owner was willing to deed restrict the property. He submitted a letter from residents supporting the case with deed restrictions.

Ms. Shirley Evans, Property Owner, stated that the intersection by her home was very dangerous. She reported that the light poles on either side of her property had been knocked down several times and the neighbor behind her requested that cement barriers be placed along the road because cars have run through her fence on numerous occasions.

Ms. Mariana Ornelas, Dellview Area Neighborhood Association and Greater Dellview Area Community Plan, spoke against the rezoning. She stated that it was against their Community Plan to allow the commercial zoning and that if the case was approved, a domino effect would occur. She added that the support for the case came from a neighbor who was also hoping to rezone their property to commercial.

Councilmember Cisneros moved to deny the proposed Plan Amendment. Councilmember Clamp seconded the motion.

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

DENIED

Item Z-1. **ZONING CASE # Z2008177 (District 1):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "O-1" Office District on Lot 47, Block 58, NCB 10567, located at 3110 Northwest Loop 410. Staff recommends approval pending a Plan Amendment. Zoning Commission recommends denial.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Habib H. Erkan, Earl and Associates, spoke on behalf of the owner and asked that the previous case be reconsidered. He stated that if the property was rezoned, the impact to the neighbors would be positive.

Ms. Mariana Ornelas, Dellview Area Neighborhood Association and Greater Dellview Area Community Plan, spoke against the item.

Ms. Patsy Rolirad noted her opposition to the rezoning. She stated that the owner had requested that the property be rezoned commercial in 1989 when she had originally purchased it and the community was still against it.

Ms. Jewell Bragg expressed opposition to said item and noted that she had lived in the home next door since 1955. She stated that if the property was rezoned commercial, it would cause more flooding on her property and would increase traffic congestion.

Ms. Shirley Evans, Property Owner, stated that the reason her neighbors were against the rezoning was that they were informed that their taxes would increase. She asked that the item be reconsidered for safety purposes and again noted the deed restrictions that she was willing to put in place.

Ms. Julie Iris Oldham stated that the neighbors were very malicious and had tried to damage the property.

Mr. Fred Rose stated that the property was worth more than any other in the neighborhood and that some of the neighbors had spread rumors that taxes would increase.

Mr. Jeffery Dean spoke against the item. He stated that those in opposition to the rezoning had not mentioned anything about higher taxes. He noted that his property was behind the one in question and stated that the owner had been trying to get it rezoned for twenty years. He added that she had built large commercial structures on the property under the guise of residential development.

Mr. Charles Dove, Northwest Los Angeles Heights Neighborhood Association Vice-President and Greater Dellview Area Community Plan, asked for the Council's support in denying the rezoning because it was not consistent with the Community Plan. He stated that there were numerous vacant commercial lots in the area and they did not want to lose housing stock.

Mr. Martin Rios, Northwest Los Angeles Heights Neighborhood Association and Greater Dellview Area Community Plan, spoke against the item in concurrence with Ms. Ornelas and Mr. Dove. He noted the neighborhood's history with this type of request.

Councilmember Cisneros moved to deny said proposed Zoning Item. Councilmember Cortez seconded the motion.

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

CONTINUED

Item Z-2. **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 Galvan moved to continue said item to October 16, 2008. Councilmember Clamp seconded the motion.

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

2008-10-02-0895

Item Z-3. **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.

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: 3.046 ACRES OUT OF LOT 10, BLOCK 1, NCB 16911 TO WIT: 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 PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Cibrian moved to adopt the proposed Zoning Item with conditions noted on the restrictive covenants. Councilmember Clamp seconded the motion.

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

CONTINUED

Item Z-4. **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 October 16, 2008. Councilmember Cortez seconded the motion.

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

Mayor Hardberger recessed the meeting at 4:23 pm and stated that the Council would reconvene at 5:20 pm.

Mayor Hardberger reconvened the meeting at 5:20 pm and addressed Ceremonials.

CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation for the *8th Annual "National Night Out"* (NNO) that would be held on Tuesday, October 7, 2008. Texas will be the only state to participate in this event during the month of October instead of August to give Texans the opportunity to celebrate NNO during a much cooler month. NNO is sponsored by the National Association of Town Watch and is designed to heighten crime awareness, generate support for and participation in local anti-crime programs, and strengthen community-police partnerships and neighborhood spirit.

Mayor Hardberger presented a proclamation to the Real Estate Council of San Antonio, Keep San Antonio Beautiful, CPS Energy, San Antonio Water System, and Milberger Landscaping and Nursery for the *12th Annual Green Team Challenge*. The competition targets selected elementary schools from each Council District and encourages the students to design and improve their campuses and surrounding neighborhood areas through cleanup activities and environmental awareness. More than \$10,000.00 in landscape improvements and other prizes will be awarded. The competition provides an opportunity for students to participate in a positive effort to benefit their community.

Mayor Hardberger presented a proclamation for the 18th Annual San Fernando Health and Safety Fair that would be held on Saturday, October 4, 2008. More than 50 physicians and dentists, nearly 300 health care professionals and over 150 volunteers will join together to offer a variety of screenings including cholesterol, blood pressure, vision, dental, dermatology, podiatry, prostate and diabetes. The Health Fair will take place on the grounds of San Fernando Cathedral from 8:00 am – 1:00 pm and all services are being provided free of charge.

CITIZENS TO BE HEARD

Mr. Mark Perez stated that he had not received responses from various City Officials and Staff regarding his concerns with permits being issued to facilities that store dangerous chemicals. He spoke of a recent fire and asked for responses to his Open Records Requests.

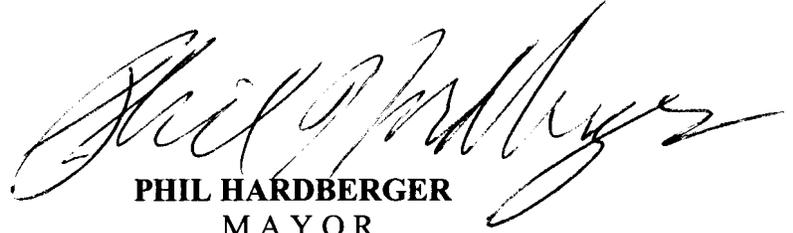
Ms. Julie Iris Oldham stated that the food at the Bob Ross Center was unsatisfactory and that the missions to Monterrey and Mexico City were a waste of money. She noted that she attended the Free Trade Commission Meetings regularly and was disappointed that they do not allow imports from Latin America, France, and Italy.

Mr. Faris Hodge, Jr. stated that according to the County Clerk's Office, all Open Records Requests (ORR) should be received by the Office of the City Clerk and not the Office of the City Attorney. He read various ORRs that he had submitted and spoke of the train wreck that had occurred in California. Lastly, Mr. Hodge sang a song to the Council.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:24 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk