

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

A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WERE HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, DECEMBER 3, 2008 AND THURSDAY, DECEMBER 4, 2008, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **December 3, 2008**, Municipal Plaza Building with the following Councilmembers present: McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Cisneros. Ms. Vacek stated that Councilmember Cisneros was out of the country on City business.

1. BRIEFING ON THE INFORMATION TECHNOLOGY PROJECT PORTFOLIO.

Mr. Richard Varn, Chief Information Officer, provided a report on the approach being taken by the City on investment of Information Technology (IT). He spoke to the information being viewed as an assessment portfolio, which includes a collection of IT resources and systems that the City uses, as well as a consolidated view of overall costs, value and risk. He referenced the IT Portfolio Initiative and stressed the importance of hardware and software as capital assets, noting their need to be maintained and replaced. He explained that the initiative consists of the following: 1) Developing a comprehensive portfolio of IT assets; 2) The implementation of an IT portfolio to prioritize and synchronize all new IT investments; and 3) Maintaining, replacing and enhancing the IT portfolio.

Mr. Varn outlined the components of the IT Infrastructure Portfolio and the IT Applications Portfolio, and provided an estimate of the total amount of funds that the City has invested on each. He spoke of the IT Strategic Planning Council that reviews, evaluates and prioritizes IT project proposals into an enterprise IT Project Portfolio. He stated that thirty-four (34) IT project proposals had been submitted by various City Departments and were consolidated into twenty-five (25) recommended projects.

Sheryl Sculley, City Manager, noted that previously, each Department submitted their request through the budget process without an integrated approach. She stated that it was now being reviewed holistically and to ensure that there are no duplications.

Mr. Varn outlined the proposed IT Portfolio changes and Return on Investment (ROI) for Fiscal Year (FY) 2009. He discussed the proposed E-Citation Process, being a hand-held electronic device with electronic printers that would replace the manual writing of citations. He concluded by highlighting projects that will be funded and noted that specific information on each of the projects was included in the handouts distributed.

In response to Councilmember McNeil, Mr. Varn spoke to the use of an internal revolving fund approach to finance the projects. Councilmember Clamp asked about productivity and Mr. Varn responded that it would increase and highlighted the cost savings due to the reduced amount of training time. He indicated that all departments would need to ensure appropriate project management and outlined additional benefits of portfolio management.

In response to Councilmember Cibrian, Mr. Varn spoke about the current management of grants and noted that the City could not continue to receive grants without appropriate documentation and management. He discussed the replacement cycle for software and the maintenance that is involved.

The Council thanked Mr. Varn for an informative presentation.

2. BRIEFING BY SAN ANTONIO WATER SYSTEM (SAWS) STAFF AND CITY STAFF RECOMMENDATION CONCERNING A PROPOSED RATE ADJUSTMENT.

Mr. Ben Gorzell, Director of Finance, discussed the proposed SAWS rate adjustment and indicated that the SAWS Board of Trustees would be considering the increase at their December meeting. He outlined the review process, noting that the Public Utilities Staff had conducted a comprehensive review. He cited the recommendations included the reduction of utility and motor fuel expense, "merit" pay pool of 3% versus 4%, and applying existing fund balances to future Capital needs in 2010 and 2011. He discussed the planned uses for the rate adjustment and provided a 5-year rate plan comparison reflecting the years 2009 – 2013. He stated that staff recommended a 3.9% rate adjustment.

Mr. Robert Puente, President and CEO of SAWS, provided a brief history of SAWS, including its creation and the proposed Water Supply Fee. He confirmed the proposal of a 3.9% rate increase and discussed the average bill compared to inflation. He spoke to the current drought conditions and expounded on aquifer storage and recovery. He noted that San Antonio was a national leader in water conservation and cited examples of some of their conservation programs and initiatives. He added that SAWS was already drawing water from other sources such as Canyon Lake and Trinity Aquifer to reduce the stress on the Edwards Aquifer.

Mr. Puente spoke of the infrastructure of the water system and the need to accommodate growth. He stated that the impact of not improving aging infrastructure would result in greater costs in the future. He discussed the wastewater system and water reuse programs, and outlined the 2009 infrastructure improvements and the capital improvements 5-Year Forecast. The operating costs increases were noted, in addition to the residential bill and rate projection. Lastly, Mr. Puente discussed the various affordability discount programs offered for ratepayers needing assistance.

In response to Councilmember McNeil, Mr. Puente noted that at any time the Council requested a presentation from SAWS, they would accommodate it. He spoke of the community meetings that had been held to discuss the rate increase and noted that future meetings were also scheduled. He explained the Impact Fees and how they would be utilized for growth-related projects.

Councilmember Cibrian commented that many of her questions had been answered in previous meetings with SAWS, and expressed appreciation to SAWS for their work. She spoke to the increased conservation efforts and commented that no one could predict what would happen in the future so investment in water supply was critical. Mr. Puente noted that SAWS was limited by federal law on how much water could be pumped. Mr. Puente also reported on the "Grease Monster" public relations initiative and its impact on the community.

Councilmember Galvan commented that SAWS staff had done a great job and spoke about water conservation and the impact on her district. In response to Councilmember Galvan, Mr. Puente explained that the initial rate increase was 4.8% but had been decreased to 3.9% after discussions with City Staff. Councilmember Galvan expressed concern regarding the Dos Rios Plant and stated she had

received complaints about the odors and fumes evolving from the plant. A representative from the Dos Rios Plant provided information on the history of the plant and explained the process involved in controlling and eliminating odor from the plant.

A representative from SAWS discussed the Affordability Discount Program and outreach efforts. Mr. Puente stated that the Texas State Legislature would dictate whether SAWS would absorb BexarMet and confirmed that there were plans in place in the event that it was directed to do so.

Due to time constraints, Councilmembers Rodriguez and Clamp stated that they would hold off on their questions.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:40 pm.

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

1. The Invocation was delivered by Councilmember Sheila McNeil, District 2, guest of Councilmember Lourdes Galvan, District 5.
2. 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: McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **ABSENT:** Cisneros and Rowe. Ms. Vacek reported that Councilmembers Cisneros and Rowe were out of town and would not be in attendance.

3. MINUTES

Councilmember Herrera made a motion to approve the Minutes for the October 9th and October 16, 2008 Regular City Council Meetings. Councilmember Cibrian seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read items 4A and 4B as follows:

4. BRIEFINGS ON THE 2007-2012 BOND PROGRAM:

- A. Presentation of the First 2007-2012 Bond Program Annual Report.
- B. Staff presentation on the 2007-2012 Bond Program.

Mr. Terrell McCombs presented the annual report on the 2007-2012 Bond Program. He stated that the City Council had created a 20-member Joint City-County Citizens Bond Oversight Commission on September 11, 2003 and was required to provide an Annual Report to the City Council and

Commissioner's Court. He noted that the Commission's role was to advise City and County Elected Officials on the recommended process for the delivery of bond projects. He added that he was appointed Chairman by the City and County.

Mr. McCombs highlighted streamlining efforts that have led to a successful program. He stated that appropriations of the entire Bond Program have saved time and allow smaller vendors to get paid in a timely manner. He noted that the mass consultant selection process has allowed consultants to focus on their projects and not multiple proposals, and added that there were 104 projects with 78 executed contracts. Additionally, he stated that the Commission has worked with the City to identify potential challenges early and stressed the importance of stakeholder involvement.

Mr. McCombs explained that contract documents are better developed and have increased the number of bidders. He noted that the standardized design process that includes input from the consultant community should decrease the amount of change orders. He added that the standard specifications have helped minimize discrepancies among consultants and contractors and take advantage of best practices and latest technologies. Lastly, he stated that communication with the general public was important and highlighted greater communication efforts that include a real time project status report and notice of upcoming meetings.

Mike Frisbie presented the status of the 2007-2012 Bond Program and highlighted key points to staying on schedule. He noted that the next level of program management included the maintenance of a Master Schedule and the development of performance measures and tracking systems. He reported various performance measures, noting that 100% of the projects would be completed as planned for FY 2009 and be within budget.

Mr. Frisbie stated that a customer survey had been conducted among the consultant community to provide baseline information and receive feedback. He presented the survey results, noting that 27 firms had participated and most were satisfied with the program. He added that suggestions from the consultants included: 1) Continue training opportunities on the Portal; 2) Focus on Project Management; and 3) Continue coordination with utilities. Lastly, Mr. Frisbie stated that goals for next year were to meet or exceed performance measures, focus on project management, and continue communication with the City Council and stakeholders.

Councilmember Cibrian thanked Messrs. McCombs and Frisbie for their work on the Bond Program. She expressed pleasure with the new processes including Mass Consultant Selection, Design Guidance Manual and Updated Contract Documents. Councilmember Clamp thanked staff for their effective project management and oversight. Councilmember Herrera stated that she was pleased that more local, small businesses were participating in the Bond Program but expressed concern with the financing challenges that small businesses are facing. Councilmember McNeil thanked all involved with the Bond Program and asked about the level of responses received. Mr. Frisbie stated that prior to this Bond Program, the City was only receiving two to three bidders for projects but is now receiving 10-12 bidders.

The Council thanked Mr. McCombs and Mr. Frisbie for the annual report.

No action was necessary on items 4A and 4B.

The City Clerk read Ordinances 5A, 5B and 6 as follows:

5. CONSIDERATION OF THE FOLLOWING ORDINANCES:

2008-12-04-1066

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$77,015,000.00 "CITY OF SAN ANTONIO, TEXAS GENERAL IMPROVEMENT BONDS, SERIES 2008"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE BONDS; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF THE BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

2008-12-04-1067

- B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$86,095,000.00 "CITY OF SAN ANTONIO, TEXAS COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2008"; PROVIDING FOR THE PAYMENT OF THE CERTIFICATES BY A LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND FURTHER SECURING THE CERTIFICATES BY A LIEN ON AND PLEDGE OF THE PLEDGED REVENUES; PROVIDING THE TERMS AND CONDITIONS OF THE CERTIFICATES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF THE CERTIFICATES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

2008-12-04-1068

6. AN ORDINANCE AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$16,020,000.00 "CITY OF SAN ANTONIO, TEXAS TAX NOTES, SERIES 2008"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF THE NOTES; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE AND DELIVERY OF THE NOTES, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AND A PURCHASE CONTRACT; COMPLYING WITH THE PROVISIONS OF THE DEPOSITORY TRUST COMPANY'S LETTER OF REPRESENTATIONS; AND ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

Mr. Ben Gorzell, Finance Director, stated that in preparation for the bond pricing, staff met with the rating agencies on November 13-14, 2008. He reported that the bond ratings were reaffirmed by all three bond rating agencies; a AAA Bond Rating with Standard and Poors, a AA+ Bond Rating with Fitch Ratings, and an Aa1 Bond Rating with Moody's Investors Services. He noted that the AAA Bond Rating during difficult market conditions helped market the bonds and secured great interest rates. He stated that the General Obligation (GO) Bond sale resulted in a true interest cost of 4.99%, the Certificates of Obligation (CO) at 4.97%, and the Tax Notes at 2.96%. He added that the interest rate was lower on the Tax Notes because they were five-year notes.

Mr. Gorzell explained that the proceeds from the bond sale would be used to fund the Capital Budget. He added that the GO Bond Sale was the second installment of the 2007 Bond Program, and the CO and Tax Notes Bond Sale would be utilized to fund the FY 2009 Capital Budget. He noted that the GO and CO Bond Sale was led by Siebert Brandford Shank & Co., a certified AABE, MBE, WBE Firm under the City's Small Business Economic Development Advocacy (SBEDA) Ordinance along with four other co-managers. He added that the Tax Notes Bond Sale was led by Southwest Securities along with one other co-manager. He reiterated that the results were very favorable given the current market conditions.

Councilmember Cibrian highlighted the City's AAA Bond Rating and stated she was pleased with the true interest cost percentages. She asked about the City's Bond Capacity and Mr. Gorzell replied that the debt plan was updated annually and was part of the Capital Budget process. Councilmember Clamp asked about the true interest cost savings on said bond issues and Mr. Gorzell replied that it was in the range of 10 basis points. Councilmember Clamp requested to review the Debt Plan in early Spring. Councilmember McNeil stated she was pleased with the Bond Sale but expressed concern that there were no funds designated for the Base Realignment and Closure (BRAC). She asked that the Council prioritize City projects to ensure that there are resources available to address BRAC issues.

Councilmember Herrera moved to adopt Ordinances for Items 5A, 5B and 6. Councilmember Cortez seconded the motion.

The motion to approve Items 5A, 5B and 6 prevailed by the following vote: **AYES:** McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Cisneros and Rowe.

Mayor Hardberger recessed the meeting at 10:00 am in order for the City Council to attend the funeral of Officer Robert Davis who was killed in the line of duty.

Mayor Hardberger reconvened the meeting at 1:36 pm and addressed the Consent Agenda.

CONSENT AGENDA: Items 7 - 52

Consent Agenda Items 16, 27, 28, 30, 35, 36, 37, 43A, 44 and 50 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Rodriguez seconded the motion. Mayor Hardberger stated that Councilmember Rowe was absent today but had submitted recusal forms for Items 17, 19 and 21.

Jack M. Finger spoke in opposition to Item 46 regarding the Tax Phase-In Agreement and 380 Economic Development Loan Agreement with Vistana LTD, and Item 50 regarding the Chapter 380

Economic Development Grant Agreement with Ortiz Pharmacy. He also spoke against Item 44 relating to the establishment of the San Antonio-Bexar County US Census 2010 Complete Count Committee.

Ms. Sue Ann May spoke in support of Item 35 authorizing the acquisition of land along the Leon and Salado Creeks. She asked that Tracts 7 and 8 of the Salado Creek Greenway be purchased with funds already allocated without relinquishing any part of Old Blanco Road. She stated that her neighborhood was opposed to the closure and abandonment of Old Blanco Road and submitted petitions regarding same.

Ms. Julia Hummel spoke in favor of Item 35 and also requested that negotiations regarding Tracts 7 and 8 not include relinquishing any part of Old Blanco Road. She noted that although acquiring Tracts 7 and 8 would enhance the greenway and Voelcker Park, it would impede the convenient access for citizens.

Ms. Vacek read the following written testimonies:

Mr. Faris Hodge, Jr. wrote in opposition to Item 7 regarding the bid acceptance for commodities and services on an annual contract basis. He wrote that it was a waste of money to purchase ten replacement first responder units under Item 11. For Item 32, he wrote that the restrooms at El Mercado should be ADA compliant and asked for more publicity of the San Antonio Water Systems (SAWS) Project AGUA on Item 36. He expressed concern on Item 38 because volunteers for the Income Tax Program are paid and noted his support for Item 42 regarding the Unified Development Code (UDC) Chapter 35 amendment adopting new provisions for car washes.

Mr. Thomas May wrote that he was in favor of the land purchase on Item 35 but against connecting the closure of any part of Old Blanco Road to the land purchase.

Mr. Howard May wrote that he was in support of Item 35 authorizing acquisition of land along the Leon and Salado Creeks but asked that the City of San Antonio not give up the rights to Old Blanco Road. He noted that Old Blanco Road functions as a pedestrian thoroughfare for a large number of area residents and would not support the loss of access.

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

2008-12-04-1069

Item 7. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$1,161,000.00, INCLUDING: (A) PROFORMA DCS FOR VIOLATION NOTICE FORMS; (B) BWI-SCHULENBURG FOR TREGATOR IRRIGATION BAGS; (C) CHULAINN PUBLISHING CORPORATION FOR SPANISH LANGUAGE BOOKS; (D) LECTORUM PUBLICATIONS, INC. FOR SPANISH LANGUAGE BOOKS AND VIDEO MEDIA; (E) PROQUEST FOR PROQUEST MASTER LICENSE AGREEMENT; (F) TEXAS HIGHWAY PRODUCTS, LTD, PARADIGM TRAFFIC SYSTEMS AND CONTROL TECHNOLOGIES OF TEXAS FOR VIDEO IMAGE VEHICLE DETECTION SYSTEM; (G) SIEMENS BUILDING TECHNOLOGIES FOR MAINTENANCE AND REPAIR OF COMPUTER ROOM AIR CONDITIONING AND REFRIGERATION UNITS AT THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT AND THE EMERGENCY OPERATIONS CENTER; (H)

AT&T DATACOMM FOR CALL CENTER RECORDING SYSTEMS; AND (I) SAT RADIO COMMUNICATIONS, LTD. DBA INDUSTRIAL COMMUNICATIONS FOR INSTALLS, REMOVALS AND REPAIRS OF EQUIPMENT FOR FIRE AND OTHER CITY VEHICLES.

2008-12-04-1070

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM NATIONAL BUS SALES TO PROVIDE THE PARKS AND RECREATION, COMMUNITY INITIATIVES, AND AVIATION DEPARTMENTS WITH ONE REPLACEMENT AND FOUR ADDITIONAL SHUTTLE BUSES FOR A COST OF \$393,640.80.

2008-12-04-1071

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM MASIMO, INC. TO PROVIDE THE FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES DIVISION WITH 44 PORTABLE CARBON MONOXIDE READERS FOR A COST OF \$131,780.00.

2008-12-04-1072

Item 10. AN ORDINANCE ACCEPTING THE BID FROM PANOSCAN, INC. TO PROVIDE THE POLICE DEPARTMENT WITH A CAMERA SYSTEM FOR THE CRIME SCENE UNIT FOR A COST OF \$62,106.00.

2008-12-04-1073

Item 11. AN ORDINANCE ACCEPTING THE BID FROM BRASADA FORD LTD. D/B/A NORTHSIDE FORD TO PROVIDE THE FIRE DEPARTMENT WITH TEN REPLACEMENT FIRST RESPONDER UNITS FOR A COST OF \$200,290.00.

2008-12-04-1074

Item 12. AN ORDINANCE ACCEPTING THE BID FROM TRIAD MARINE & INDUSTRIAL SUPPLY, INC. TO PROVIDE THE FIRE DEPARTMENT WITH TWO RESCUE BOATS FOR A COST OF \$56,550.00.

2008-12-04-1075

Item 13. AN ORDINANCE ACCEPTING THE BID FROM VOGEL TRAFFIC SERVICES INC. D/B/A EZ-LINER INC. TO PROVIDE THE AVIATION DEPARTMENT WITH ONE AIRLESS TRUCK STRIPER FOR A COST OF \$128,900.00.

2008-12-04-1076

Item 14. AN ORDINANCE AUTHORIZING THE RATIFICATION OF A CONTRACT WITH AT&T DATACOMM TO PROVIDE THE LABOR, MATERIALS, AND EQUIPMENT FOR THE INSTALLATION OF A RINGDOWN SYSTEM AT THE AVIATION DEPARTMENT, FOR A TOTAL COST OF \$140,168.31

2008-12-04-1077

Item 15. AN ORDINANCE AUTHORIZING USE OF THE TEXAS DEPARTMENT OF INFORMATION RESOURCES' INFORMATION TECHNOLOGY STAFF AUGMENTATION CONTRACT TO PROVIDE THE CITY WITH TECHNICAL STAFFING SERVICES AT A COST NOT TO EXCEED \$2,000,000.00.

2008-12-04-1079

Item 17. AN ORDINANCE AUTHORIZING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$806,053.81 TO THE CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. DELETING THE WIDENING OF THE APPROACHES TO THE UPPER RAMP TO TERMINAL 1 IN CONNECTION WITH THE SAN ANTONIO INTERNATIONAL AIRPORT EXPANSION PROJECT.

2008-12-04-1080

Item 18. AN ORDINANCE RATIFYING A CHANGE ORDER TO THE CONSTRUCTION CONTRACT WITH JERDON ENTERPRISE, LP FOR VARIOUS CHANGE ORDER PROPOSALS REFLECTING INCREASES AND DECREASES IN WORK SCOPE AND ASSOCIATED PRICING FOR A NET INCREASE OF \$4,138.89 IN CONNECTION WITH THE EXTENSION OF TAXIWAY ROMEO AT SAN ANTONIO INTERNATIONAL AIRPORT.

2008-12-04-1081

Item 19. AN ORDINANCE AUTHORIZING TWO CHANGE ORDERS FOR A TOTAL NET DEDUCTION OF \$80,453.51 TO THE BARTLETT COCKE/WALBRIDGE CONSTRUCTION CONTRACT FOR UPGRADING THE PARKING GARAGE SECURITY SURVEILLANCE SYSTEM, DELETING A SECURITY OFFICE/STATION IN THE EXISTING LONG TERM PARKING GARAGE, AND ADDING MATERIAL AND LABOR COSTS TO INSTALL THE RE-DESIGNED FIRE PROTECTION SYSTEM AT SAN ANTONIO INTERNATIONAL AIRPORT.

2008-12-04-1082

Item 20. AN ORDINANCE RATIFYING A CHANGE ORDER IN THE AMOUNT OF \$295,680.29 TO THE CONSTRUCTION CONTRACT WITH EAGLE CONSTRUCTION AND ENVIRONMENTAL SERVICES, INC. FOR ADDITIONAL REMEDIATION WORK IN CONNECTION WITH THE SKY PLACE ENVIRONMENTAL REMEDIATION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

2008-12-04-1083

Item 21. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE GUARANTEED MAXIMUM PRICE PROPOSAL FOR THE CENTRAL UTILITY PLANT PACKAGE AT SAN ANTONIO INTERNATIONAL AIRPORT IN THE AMOUNT OF \$11,481,412.00 AND AUTHORIZING THE CORRESPONDING AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/THOS. BYRNE, A JOINT VENTURE.

2008-12-04-1084

Item 22. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$197,701.00 TO JERDON ENTERPRISES, L.P., IN CONNECTION WITH THE COMMERCE STREET, JONES BRIDGE RAIL REPLACEMENT PROJECT, AN AUTHORIZED DOWNTOWN TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS 2007-2012 BOND PROGRAM PROJECT LOCATED IN COUNCIL DISTRICT 1.

PULLED

Item 23. AN ORDINANCE SELECTING MARMON MOK ARCHITECTS FOR NEGOTIATION AND EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT IN AN AMOUNT UP TO \$1,963,680.00 FOR ARCHITECTURAL AND ENGINEERING SERVICES IN CONNECTION WITH

THE LILA COCKRELL THEATRE RENOVATIONS PROJECT, LOCATED IN COUNCIL DISTRICT 1.

2008-12-04-1085

Item 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ADVANCED FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) AND AUTHORIZING ACCEPTANCE OF REIMBURSEMENT FROM TXDOT FOR ELIGIBLE EXPENDITURES IN CONNECTION WITH THE SUNSET PHASE II: TEAK TO BROADWAY PROJECT, LOCATED IN COUNCIL DISTRICT 9.

2008-12-04-1086

Item 25. AN ORDINANCE RATIFYING A DESIGN BUILD CONTRACT IN THE AMOUNT OF \$1,975,532.64 WITH CRAIG OLDEN, INC., AND RATIFYING A PROFESSIONAL SERVICES CONTRACT IN THE AMOUNT OF \$70,000.00 WITH FREESE AND NICHOLS, INC. IN CONNECTION WITH THE PEARSALL ROAD LANDFILL PROJECT, LOCATED IN COUNCIL DISTRICT 4, APPROPRIATING \$400,000.00 FROM 2006 CERTIFICATES OF OBLIGATION, AMENDING THE FY 2009 CAPITAL BUDGET, AND AUTHORIZING \$107,951.91 FOR ADMINISTRATIVE COSTS.

2008-12-04-1087

Item 26. AN ORDINANCE AUTHORIZING A LEASE AMENDMENT WITH PIEDMONT HAWTHORNE AVIATION, LLC DBA LANDMARK AVIATION FOR AN ADDITIONAL 202,800 SQUARE FEET OF GROUND SPACE AT THE SAN ANTONIO INTERNATIONAL AIRPORT FOR INCREASED ANNUAL RENTALS OF \$1,033,467.91.

2008-12-04-1090

Item 29. AN ORDINANCE DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF AN APPROXIMATELY 7,930 SQUARE FOOT PARCEL LOCATED BETWEEN IH 35 AND HALSEY STREET FOR A TOTAL OF \$19,850.00, LOCATED IN COUNCIL DISTRICT 4.

2008-12-04-1092

Item 31. AN ORDINANCE APPROVING A FIVE-YEAR RIVER WALK PATIO LEASE AGREEMENT WITH CAJUN RIVERPORT, INC. D/B/A BOUDRO'S RESTAURANT FOR USE OF PATIO SPACE ALONG THE RIVER WALK FOR A TOTAL REVENUE OF \$25,215.60 OVER THE FIVE-YEAR TERM.

2008-12-04-1093

Item 32. AN ORDINANCE APPROVING LEASE AMENDMENTS WITH THE 34 TENANTS OF EL MERCADO AT MARKET SQUARE EXTENDING THE LEASE TERMS ONE YEAR WITH AN INCREASE IN THE RENTAL RATE FROM \$1.49 TO \$1.55 PER SQUARE FOOT AND APPROVING TWO LEASE ASSIGNMENTS FOR SPACES E-4 AND E-7.

2008-12-04-1094

Item 33. AN ORDINANCE APPROVING THE ASSIGNMENT OF A RIVER WALK LEASE AGREEMENT FROM RHEJAY, INC. D/B/A CATARINA TO SIAM REAL ESTATE, LLC FOR USE OF APPROXIMATELY 340 SQUARE FEET OF INTERIOR SPACE LOCATED AT RIVER WALK LEVEL UNDER THE NORTHEAST CORNER OF THE EAST COMMERCE STREET BRIDGE.

2008-12-04-1095

Item 34. AN ORDINANCE APPROVING A FIVE-YEAR ANTENNA LICENSE AGREEMENT WITH BELO CORPORATION, INC. D/B/A KENS 5 TV FOR THE PURPOSE OF OPERATING AND MAINTAINING AN ELECTRONIC NEWS GATHERING RELAY STATION AND ASSOCIATED EQUIPMENT AT THE TOWER OF THE AMERICAS FOR A TOTAL REVENUE OF \$108,306.37 OVER THE FIVE-YEAR TERM.

2008-12-04-1099

Item 38. AN ORDINANCE APPROVING THE SUBMISSION OF A CALENDAR YEAR (CY) 2009 COMMUNITY SERVICES BLOCK GRANT (CSBG) APPLICATION, AND ACCEPTANCE UPON AWARD OF UP TO \$1,777,581.00 FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS; AND AUTHORIZING A CONTRACT WITH THE GUADALUPE COMMUNITY CENTER IN AN AMOUNT UP TO \$15,000.00, FOR VOLUNTEER INCOME TAX ASSISTANCE PROGRAM SERVICES IN CONNECTION WITH THE CSBG CY 2009 PROGRAM.

2008-12-04-1100

Item 39. AN ORDINANCE APPROVING PROFESSIONAL SERVICES AGREEMENTS TOTALING \$394,071.00 WITH THE FOLLOWING: THE AMERICAN CANCER SOCIETY, THE AMERICAN LUNG ASSOCIATION OF THE CENTRAL STATES, UNIVERSITY HEALTH SYSTEM, UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT SAN ANTONIO, SOUTH CENTRAL AREA HEALTH EDUCATION CENTER, SAN ANTONIO COUNCIL ON ALCOHOL AND DRUG ABUSE, AND THE BOYS & GIRLS CLUB OF SAN ANTONIO FOR SERVICES TO THE SAN ANTONIO TOBACCO PREVENTION AND CONTROL COALITION WITHIN THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009.

2008-12-04-1101

Item 40. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT RENEWAL APPLICATION TO THE U.S DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES & SERVICES ADMINISTRATION AND THE ACCEPTANCE OF GRANT FUNDS IN AN AMOUNT NOT TO EXCEED \$897,348.00 FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S HEALTHY START INITIATIVE FOR THE PERIOD JUNE 1, 2009 TO MAY 31, 2010.

2008-12-04-1102

Item 41. AN ORDINANCE AMENDING ORDINANCE 2008-08-21-0725, WHICH AUTHORIZES THE SUBMISSION OF A JOINT GRANT APPLICATION WITH BEXAR COUNTY AND ACCEPTANCE OF GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, BY AMENDING THE GRANT PERIOD FROM OCTOBER 1, 2008 THROUGH SEPTEMBER 30, 2012, TO OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2011.

PULLED

Item 42. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS BY ADOPTING NEW PROVISIONS FOR CAR WASHES INCLUDING SUPPLEMENTAL USE REGULATIONS AND DEFINITIONS, AS REQUESTED BY COUNCILMEMBER JENNIFER RAMOS, DISTRICT 3.

Item 43. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- B. REAPPOINTING PETER VALLONE (CATEGORY: ALTERNATE MEMBER, AT-LARGE) AND APPOINTING NARCISO CANO (CATEGORY: ALTERNATE MEMBER, AT-LARGE) TO THE ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.
- C. REAPPOINTING ADELITA G. CANTU (CATEGORY: MEDICAL), ANDRIA MACIAS-CASTILLO (CATEGORY: EARLY CHILDHOOD EDUCATION), ANA DEHOYOS O'CONNOR (EARLY CHILDHOOD EDUCATION), JUDITH A. YORK (CATEGORY: EARLY CHILDHOOD EDUCATION) AND APPOINTING FRED B. CARDENAS (CATEGORY: BUSINESS), DARRELL C. BALDERRAMA (CATEGORY: HIGHER EDUCATION), LINDA WILLIAMS (CATEGORY: EARLY CHILDHOOD EDUCATION) TO THE HEAD START POLICY COUNCIL FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE NOVEMBER 1, 2009.
- D. APPOINTING LAURO BUSTAMANTE (CATEGORY: SCHOOL DISTRICT), CHRISTINA MARIE CASTANO-PEREZ (CATEGORY: PUBLIC TRANSIT), ALBERT CARRISALEZ (CATEGORY: COLLEGE & UNIVERSITY), IGNACIO PEREZ (CATEGORY: NEIGHBORHOOD ASSOCIATION), DOMINIQUE HALABY (CATEGORY: WORKFORCE DEVELOPMENT AND CAPACITY BUILDING), CHRISTINE DRENNON (CATEGORY: NON-PROFIT DEVELOPER/SERVICE PROVIDER), DEBRA GUERRERO (CATEGORY: REAL ESTATE/DEVELOPMENT), NANCY ROCHA (CATEGORY: FINANCIAL SERVICES), AND JENNIFER GONZALEZ (CATEGORY: NON-PROFIT HOUSING PROVIDER) TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC) FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE MAY 31, 2009.

2008-12-04-1103

- E. AN ORDINANCE APPOINTING STEVEN SANO (CATEGORY: ENVIRONMENT) TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009, AND WAIVING THE RESIDENCY REQUIREMENT OF THE CITY CODE FOR THIS APPOINTMENT.
- F. APPOINTING IGNACIO PEREZ (DISTRICT 4 - 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 NOVEMBER 30, 2011.
- G. REAPPOINTING DOUGLAS B. VAIR (DISTRICT 5) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2010.
- H. REAPPOINTING ENEDINA C. VASQUEZ (DISTRICT 5) TO THE JOINT CITY/COUNTY COMMISSION ON ELDERLY AFFAIRS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2010.

- I. REAPPOINTING ANNIE LAURIE GRUENBECK (DISTRICT 5) TO THE SAN ANTONIO PUBLIC LIBRARY BOARD OF TRUSTEES TO THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE SEPTEMBER 30, 2010.
- J. APPOINTING DIANA M. CASILLAS (DISTRICT 5) TO THE AFFIRMATIVE ACTION ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- K. APPOINTING HECTOR RODRIGUEZ (DISTRICT 5, CATEGORY: CONSUMER) TO THE DISABILITY ACCESS ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- L. APPOINTING CHARLES (CHUCK) P. SAXER (DISTRICT 8) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2009.

2008-12-04-1104

Item 45. AN ORDINANCE AUTHORIZING A JOINT USE AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM IN CONNECTION WITH 0.784 ACRES AT STINSON MUNICIPAL AIRPORT FOR THE OLD SALADO CREEK REPLACEMENT PROJECT.

2008-12-04-1105

Item 46. AN ORDINANCE AUTHORIZING AMENDMENTS TO THE TAX PHASE-IN AGREEMENT AND 380 ECONOMIC DEVELOPMENT LOAN AGREEMENT WITH VISTANA LTD TO EXTEND THE DATE REQUIRED TO COMPLETE CONSTRUCTION TO APRIL 30, 2009.

2008-12-04-1106

Item 47. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE FIFTH AMENDMENT TO THE LICENSED USER AGREEMENT WITH TICKETMASTER LLC FOR BOX OFFICE AND TICKET DISTRIBUTION SERVICES AT THE HENRY B. GONZALEZ CONVENTION CENTER, ALAMODOME, MUNICIPAL AUDITORIUM AND LILA COCKRELL THEATRE, EXTENDING THE TERM THROUGH JUNE 30, 2009.

Item 48. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE SAN ANTONIO SPORTS FOUNDATION:

2008-12-04-1107

- A. AN ORDINANCE AUTHORIZING THE EXECUTION OF A ONE-YEAR PROFESSIONAL SERVICES AGREEMENT WITH THE SAN ANTONIO SPORTS FOUNDATION, FOR AN AMOUNT NOT TO EXCEED \$159,000.00, TO SUPPORT THE SOLICITATION OF SELECT AMATEUR REGIONAL, NATIONAL AND INTERNATIONAL SPORTING EVENTS.

2008-12-04-1108

- B. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO SPORTS FOUNDATION FOR REIMBURSEMENT OF EXPENSES TOTALING \$1,650,000.00 ASSOCIATED WITH THE STATE REIMBURSEMENT TO THE CITY FOR THE 2008 NCAA MEN'S FINAL FOUR BASKETBALL TOURNAMENT; AND AUTHORIZING

PAYMENT OF \$412,500.00 RESULTING FROM FUNDS RECEIVED THROUGH THE OTHER EVENTS TRUST FUND.

2008-12-04-1109

Item 49. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH DENTON, NAVARRO, ROCHA AND BERNAL, INCREASING THE TOTAL AMOUNT OF THE AGREEMENT BY \$50,000.00 FOR THE CONTINUED LEGAL SUPPORT OF THE CITY SOUTH MANAGEMENT AUTHORITY.

2008-12-04-1111

Item 51. AN ORDINANCE AMENDING A CONTRACT WITH CLEAN HARBORS ENVIRONMENTAL SERVICES, INC., TO PROVIDE FOR ADDITIONAL HOUSEHOLD HAZARDOUS WASTE (HHW) SERVICES TO INCLUDE FOUR CITYWIDE HHW COLLECTION EVENTS AND INCREASING THE CONTRACT BY \$550,000.00.

2008-12-04-1112

Item 52. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICE AGREEMENT WITH STRATEGIC DEVELOPMENT SOLUTIONS IN AN AMOUNT UP TO \$75,000.00 TO CONDUCT A MULTI-TECH VENTURE FUND MARKET ASSESSMENT.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-12-04-1078

Item 16. AN ORDINANCE AUTHORIZING A CONTRACT WITH MID-AMERICA, DBA GREENSTAR, FOR A SIX MONTH RECYCLING PILOT PROGRAM FOR CITY FACILITIES WITH ANTICIPATED REVENUE OF \$16,650.00 AND AN ESTIMATED TOTAL COST OF \$4,500.00.

Councilmember Rodriguez requested additional information on said item. Janie Cantu, Purchasing Director, stated that the contract was for a six-month pilot recycling program at downtown facilities including the Convention Center and Market Square. She noted that the City would receive revenue from the recycling efforts and that it would reduce the impact to the landfill. Councilmember Rodriguez stated he was pleased with the recycling efforts and asked that the City continue to find ways to achieve sustainability goals.

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

2008-12-04-1088

Item 27. AN ORDINANCE DECLARING THE SAN ANTONIO WATER SYSTEM'S PRUE ROAD TO BAMBERGER WAY 30-INCH WATER TRANSMISSION MAIN PROJECT TO BE A PUBLIC PROJECT; DECLARING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF EASEMENTS UPON PRIVATELY OWNED PROPERTIES DESCRIBED AS 1) LAND OUT OF A

25.47 ACRE TRACT WITHIN THE OAKS OF FRENCH CREEK, UNIT-2, P.U.D. SUBDIVISION, AND 2) LAND OUT OF LOTS 87 AND 89, BLOCK 19, NCB 14615, RIVER MIST SUBDIVISION, UNIT 4 AND 5, ALL LOCATED IN COUNCIL DISTRICT 8, BEXAR COUNTY, TEXAS, FOR USE AS PART OF THE PROJECT; AUTHORIZING ACQUISITION OF THE PROPERTIES AND ALL OTHER ACTIONS NECESSARY OR INCIDENTAL TO ACQUIRE THE PROPERTIES; AUTHORIZING CONDEMNATION PROCEEDINGS; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE SAN ANTONIO WATER SYSTEM TO ACQUIRE SUCH EASEMENTS, RIGHTS OF INGRESS AND EGRESS, AND FEE PROPERTY.

Mr. George Rodriguez, CIMS Assistant Director, stated that the public project was necessary for the expansion and operation of the city's water system. Mr. Jim Pedraza of San Antonio Water Systems (SAWS) stated that the project was part of the Master Plan to provide additional water to the area and had been coordinated with the City, Centex Homes, and the Northside Independent School District. He added that a contractor had been secured and would like to proceed in obtaining the necessary easements.

Councilmember Cibrian expressed support for the project and submitted a letter of support from the River Mist Homeowner's Association.

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

2008-12-04-1089

Item 28. AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT OVER APPROXIMATELY 2,446 ACRES IN MEDINA COUNTY KNOWN AS THE HONDO RANCHES FOR A TOTAL OF \$3,254,103.79.

Kristyl Smith, CIMS Department, explained that said item would allow for the acquisition of conservation easements on Oefinger, Brucks, and Koch Ranches. She stated that the properties were located in Medina County and totaled 2,446 acres. She noted that the three ranches were contiguous and located along Hondo Creek

Councilmember Cibrian expressed support for said item and noted that the City has protected 15% of the Edwards Aquifer Recharge Zone. She asked about the City's recognition for protecting such land. Ms. Smith stated that last spring, the City was recognized by the Texas Land Trust Council for having one of the most significant land preservation programs in the state.

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

2008-12-04-1091

Item 30. AN ORDINANCE AUTHORIZING PLACEMENT OF CPS ENERGY POWER LINES NEAR TOYOTA OVER PROPERTY THAT CROSSES LEON CREEK AND IN WHICH THE CITY HAS AN INTEREST, LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos thanked CPS Energy and highlighted the service that would be provided to the Verano Development and Texas A&M University. Mr. George Rodriguez explained that said item would authorize the execution of an Interjurisdictional Agreement granting CPS Energy an air right easement over property near Toyota in District 3. He noted that in an effort to service the Verano Development area south of Loop 410, CPS Energy proposed to extend electrical service from the existing electrical lines across Leon Creek into a new substation northeast of the Toyota property. Joyce Lavis, Manager of CPS Energy Right of Way Management, reiterated that the substation and transmission line would feed the Verano Development and A&M University.

Councilmember Ramos 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.

2008-12-04-1096

Item 35. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATIONS OR CONDEMNATION, OF ELEVEN TRACTS CONTAINING APPROXIMATELY 40.534 ACRES OF LAND ALONG THE LEON AND SALADO CREEKS, LOCATED IN NCB 18083, P-170 AND P-171; NCB 16931 P-216D & P-216E; NCB 15004 PT OF P-11J, LOT P-123, P-112A, NCB 18049, P-24, P-209; NCB 12750 LOT P-2A, P-3; NCB 16325 BLK 1, LOT 10 EXC NW 11.87 FT; NCB 10311 BLK 6 LOT E IRR 575.7 FT OF TR 2; 1.574 ACRE OUT OF A 18.654 ACRE TRACT OUT OF NCB 10577 LOT E 1622.62 FT OF 6 LOCATED IN COUNCIL DISTRICTS 2 , 6, 7, 8 AND 9 FOR THE LINEAR CREEKWAY PARK DEVELOPMENT PROJECT AND VOELCKER PARK; DECLARING THIS TO BE A PUBLIC PROJECT; DETERMINING THE PUBLIC NECESSITY FOR THIS ACQUISITION; AND AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY.

Councilmember McNeil asked if the property owners of the Red Berry Mansion had been involved in the process. Mr. Xavier Urrutia, Interim Parks and Recreation Director, stated that because said item was for the acquisition of private property, staff had not coordinated with Red Berry Mansion property owners. He added that the item was in the design and construction phase and there would be an opportunity to coordinate with them in the future. Councilmember Cibrian highlighted the Linear Creek Project for the community and noted that Former Mayor Howard Peak had recently received a Statewide Award for his efforts on the Linear Creek System. Mr. Urrutia outlined the program and stated that it would include continuous hike and bike trails that were both improved and unimproved. He noted that they would serve as a recreational venue and also as a mode of transportation.

Mayor Hardberger stated that he had heard favorable results from individuals who used the trails including Former Mayor Nelson Wolff. Councilmember Galvan asked how many public meetings had been held to discuss said item and if there had been condemnation concerns. Mr. Urrutia stated that no meetings had been held at this point but consultants would be hired during the design and construction phases to solicit input from citizens and stakeholders. Regarding condemnation, Mr. Urrutia noted that

the properties had been identified and discussions had been held with the owners who were all in favor. Councilmember Rodriguez thanked the staff involved and requested additional outreach efforts to inform the community of the Linear Creek Program

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

2008-12-04-1097

Item 36. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE SAN ANTONIO WATER SYSTEM (SAWS) TO PROVIDE UP TO \$100,000.00 IN UTILITY ASSISTANCE CREDITS TO ELIGIBLE RATEPAYERS FOR THE PROJECT AGUA PLAN FOR CALENDAR YEAR 2009; AUTHORIZING THE ACCEPTANCE OF \$120,341.00 FROM SAWS TO ADMINISTER THE \$1.3 MILLION DOLLAR AFFORDABILITY DISCOUNT PROGRAM (ADP) FOR CALENDAR YEAR 2009 FOR ELIGIBLE RATEPAYERS; AND AUTHORIZING EXECUTION OF CONTRACTS WITH DELEGATE AGENCIES TO IMPLEMENT THE AGUA PLAN AND THE ADP.

Councilmember Cortez asked for information regarding the utility assistance program and the procedures to apply for assistance. Mr. Dennis Campa reported that the Affordability Discount Program (ADP) provides a monthly discount to every eligible ratepayer who is a SAWS Customer and that Project AGUA provides up to \$115 per year to assist ratepayers with their water bill providing for a co-pay of \$5-50. He noted that the two programs had served 22,000 households in San Antonio this year. Councilmember Cortez asked about assistance to Senior Citizens. Mr. Campa stated that they were eligible as long as they met the income guidelines. He added that approximately 18-20% of Senior Citizens qualified for the programs and that extensive outreach was provided to them through various mechanisms. He added that Seniors should call 2-1-1 to be directed to the office closest to them.

Councilmember Cibrian noted that although Project AGUA was funded through private and corporate donations, ratepayers were responsible for a portion of the bill as well. She asked what was being done to ensure that available funding was expended. Mr. Campa stated that they were working to improve that through extensive outreach efforts and data matching from information collected through the Income Tax Assistance Program. Councilmember Galvan expressed support for the programs and asked that outreach be conducted in both English and Spanish. Councilmember Herrera stated that assistance was requested by citizens in all Council Districts and highlighted the fact that the eligibility level had been revised. She asked how individuals facing foreclosure and employment layoffs were being assisted. Mr. Campa stated that individuals would be assisted through as many programs as possible.

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

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

At this time, Mayor Hardberger excused himself from the Council Chambers to recuse himself from Item 37. Mayor Pro Tem Herrera assumed the floor.

2008-12-04-1098

Item 37. AN ORDINANCE AUTHORIZING (A) AN AGREEMENT WITH CPS ENERGY AND ISSUANCE OF UTILITY ASSISTANCE CREDITS IN A PROJECTED AMOUNT OF \$663,917.00 FOR THE PROJECT WINTER ASSISTANCE RELIEF MOBILIZATION (WARM) PLAN FOR CALENDAR YEAR (CY) 2009; (B) IMPLEMENTATION OF THE RESIDENTIAL ENERGY ASSISTANCE PARTNERSHIP (REAP) UTILITY ASSISTANCE PROJECT AND ISSUANCE OF UTILITY ASSISTANCE CREDITS IN A PROJECTED AMOUNT OF \$820,000.00 FOR CY 2009; AND (C) CONTRACTS WITH LOCAL NON-PROFIT AGENCIES FOR DISTRIBUTION OF WARM AND REAP CREDITS TO CPS ENERGY RATEPAYERS.

Councilmember Cortez inquired of the delegate agencies that assist in distributing funds for Projects WARM and REAP. Mr. Campa responded that there were numerous agencies including Catholic Charities, AVANCE, Goodwill, and others that have a working relationship with low-income families. Councilmember Cortez stated that he was pleased with the assistance being provided to the low-income, disabled, and Senior population. Councilmember Ramos asked of the locations where citizens could apply for assistance. Mr. Campa stated that they could apply at City Offices and with the delegate agencies that were previously mentioned.

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

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

Item 43. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING LYNDA BILLA BURKE TO THE PLANNING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE OCTOBER 12, 2010.

Councilmember Ramos moved to approve the appointment of Lynda Billa Burke and to add Marcelo Martinez to fill the second vacancy on the Planning Commission. Councilmember Herrera seconded the motion.

Councilmember Cibrian expressed concern that the usual appointment procedure was not being adhered to. She requested that the process of filling the second vacancy be followed through the Infrastructure and Growth Council Committee. Councilmember Ramos stated that Mr. Martinez had been interviewed by the Infrastructure and Growth Council Committee.

Councilmember Galvan moved to approve the appointment of Lynda Billa Burke and Henry Avila to the Planning Commission. Councilmember Cortez seconded the motion.

The motion to appoint Lynda Billa Burke and Henry Avila failed by the following vote: **AYES:** Cortez, Galvan, and Cibrian. **NAY:** McNeil, Ramos, Herrera, Rodriguez and Mayor Hardberger. **ABSTAIN:** Clamp. **ABSENT:** Cisneros and Rowe.

The main motion to appoint Lynda Billa Burke and Marcelo Martinez prevailed by the following vote: **AYES:** McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, and Mayor Hardberger. **NAY:** Cibrian. **ABSTAIN:** Clamp. **ABSENT:** Cisneros and Rowe.

2008-12-04-0057R

Item 44. A RESOLUTION ESTABLISHING THE SAN ANTONIO-BEXAR COUNTY US CENSUS 2010 COMPLETE COUNT COMMITTEE AND APPOINTING THE ELEVEN CITY MEMBERS.

Councilmember Clamp requested a staff presentation on the 2010 Complete Count Committee. Mr. Jesus Garza, Assistant Director of Planning and Development Services, explained that the Committee would partner with the US Census Bureau to ensure the most complete count in San Antonio and try to target areas that have been difficult to count in the past. He explained that the Committee would build a series of partnerships and stressed the importance of accurate counting for federal funding opportunities. He added that the Committee would be appointed in January, 2009 and would work over an 18-month time frame. Councilmember Cibrian expressed support for said item and highlighted the importance of the Census. Councilmember Herrera also expressed support for said item and stated she would like full community engagement on the Census.

Councilmember Clamp moved to approve the proposed Resolution. Councilmember Herrera 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.

2008-12-04-1110

Item 50. AN ORDINANCE AUTHORIZING THE NEGOTIATION AND EXECUTION OF A CHAPTER 380 ECONOMIC DEVELOPMENT GRANT AGREEMENT WITH ORTIZ PHARMACY IN AN AMOUNT NOT TO EXCEED \$40,000.00 TO ASSIST IN THE CONSTRUCTION OF A 9,000 SQUARE FOOT MEDICAL FACILITY IN CITY COUNCIL DISTRICT 6.

Councilmember Herrera recognized the Westside Development Corporation (WDC) for their work on said item, as well as Victor Ortiz and his daughter Alejandra Ortiz for their many years of pharmacy services. Mr. Ortiz thanked the City Council for their assistance in obtaining said grant. He noted that his family had been providing pharmacy services since 1930. Mr. Ray Flores, Executive Director, WDC, provided a project overview and noted that the facility was 9,000 square feet and would include the Ortiz Pharmacy and five new medical offices. He stated that the investment would create new jobs for the West Side. He recognized Gloria Valle with Edgewood Independent School District regarding an internship program that would provide assistance to the medical facility. Councilmember Ramos asked for the number of existing 380 grant agreements that the City of San Antonio had in place. Mr. Robert Peche stated that he would provide the requested information to the Council. Councilmember Ramos requested that the City utilize 380 Grant Agreements whenever possible as a tool for revitalization and redevelopment.

Councilmember Herrera 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.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. Top Ten Code Violators

Ms. Sculley provided an update on the original Citywide Top Ten Code Violators. She stated that staff had worked aggressively over the past few months to bring the properties into compliance. She noted that of the original top ten violators, five had been brought into compliance. She reviewed the status of the five that were not in compliance and added that staff would continue to work on those properties. Lastly, she provided a list of new Top Ten Code Violators and provided a status of each property.

Councilmember Ramos asked about the 11150 Applewhite address and where the tires were being relocated. Ms. Sculley stated that the Texas Commission on Environmental Quality (TCEQ) was removing the tires and would obtain that information from them as well as a timeline. Councilmember McNeil thanked City Staff for their efforts to clean up the community. Councilmember Galvan also thanked City Staff for being aggressive in addressing code issues. She asked that staff implement a monitoring mechanism for tire disposal from tire shops.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 3:38 pm to convene in Executive Session for the purposes of:

- A. Deliberate competitive matters regarding the CPS Energy Strategic Energy Plan and discuss related legal issues pursuant to Texas Government Code Section 551.086 (competitive matters) and Texas Government Code Section 551.071 (consultation with attorney). **PULLED**
- B. Discuss legal issues related to the expenditure of bond proceeds pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- C. Discuss legal issues related to *Rebecca Moreau and Vernon Paul Bordelon v. City of San Antonio*, in the 150th Judicial District Court of Bexar County, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- D. Discuss legal issues related to *Timothy and Patricia McBride v. City of San Antonio*, in the 224th Judicial District Court of Bexar County, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 4:56 pm at which time he noted that the City Council had been briefed on the above-styled matters but took no action.

CONSENT ZONING

Councilmember Herrera made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve: P-1, P-2, P-3, Z-2, Z-3, Z-9, Z-11, Z-12, P-5, P-6, Z-15 and Z-17. Councilmember Clamp seconded the motion.

Mr. Jack M. Finger spoke against P-1 stating that deleting two miles of Acme Road would negatively impact traffic in the area. He noted his opposition to P-4 and Z-1 due to industrial encroachment into a residential area and also opposed the zoning of Item Z-13.

Mr. Roberto Hinkson, Vice President of the San Antonio Conservation Society, spoke on Item Z-2. He stated that the building was historically significant and the Conservation Society had been active in seeking a prospective buyer to rehabilitate it. As a representative of the Monticello Park Historic District, he thanked the various entities involved in preventing demolition of the property.

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

2008-12-04-1113

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 removing the segment of Acme Road between West Commerce Street and Culebra Road.

2008-12-04-1114

Item P-2. An Ordinance amending the City of San Antonio's Major Thoroughfare Plan as a component of the San Antonio Master Plan by moving the alignment of Kearney Road eastward generally between Quintana Road and FM 2790.

2008-12-04-1115

Item P-3. **PLAN AMENDMENT # 08030 (District 3; Within CSMA jurisdiction):** An Ordinance amending the land use plan contained in the City South Community Plan, a component of the Master Plan of the City, by changing the use from Rural Living and Resource Protection/Open Space to Heavy Industry on 120.2 acres excluding the portion that is located within the floodplain and from Rural Living to Agriculture and Light Industry on 209.45 acres, on land located south, southeast and southwest of the intersection of Southton Road and Center Road. Staff, Planning Commission, and City South Management Authority Board recommend approval.

2008-12-04-1116

Item Z-2. **ZONING CASE # Z2009006 (District 7):** An Ordinance amending the Zoning District Boundary from "H C-2NA" Commercial Nonalcoholic Sales, Monticello Park Historic District to "HE H C-2NA" Historic Exceptional, Commercial Nonalcoholic Sales, Monticello Park Historic District on a 0.2084 acre tract of land out of Block 1, NCB 6692 located at 1909 Fredericksburg 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 THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: A 0.2084 ACRE TRACT OF LAND OUT OF BLOCK 1, NCB 6692 TO WIT: FROM "H C-2NA" COMMERCIAL NONALCOHOLIC SALES, MONTICELLO PARK HISTORIC DISTRICT TO "HE H C-2NA" HISTORIC EXCEPTIONAL, COMMERCIAL NONALCOHOLIC SALES, MONTICELLO PARK HISTORIC DISTRICT.

2008-12-04-1117

Item Z-3. **ZONING CASE Z2008188 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District; "R-6" Residential Single-Family District; "C-3" ERZD General Commercial Edwards Recharge Zone District and "R-6" ERZD Residential Single-Family Edwards Recharge Zone District to "MPCD ERZD" Master Planned Community Edwards Recharge Zone District and "MPCD" Master Planned Community District on an 81.138 acre tract of land out of NCB 14867 located at the 9100 Block of North Loop 1604 West. 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: 81.138 ACRES OUT OF NCB 14867 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT; "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT; "C-3" ERZD GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT AND "R-6" ERZD RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "MPCD ERZD" MASTER PLANNED COMMUNITY EDWARDS RECHARGE ZONE DISTRICT AND "MPCD" MASTER PLANNED COMMUNITY DISTRICT.

2008-12-04-1122

Item Z-9. **ZONING CASE # Z2009004 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District on a 0.195 acre tract of land out of Lot 60, Block 2, NCB 17608 located at 19141 Stone Oak Parkway. 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: 0.195 OF AN ACRE OUT OF LOT 60, BLOCK 2, NCB 17608 TO WIT: FROM "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

2008-12-04-1123

Item Z-11. **ZONING CASE #Z2008280 (District 1):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District and "C-2" Commercial District to "MF-33 IDZ" Multi-Family District, Infill Development Zone on Lot 9 and the north 90.8 feet of Lot 7 and Lot 8, Block 11, NCB 1749 located at 120 East Myrtle Street and 623 Ogden 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 9 AND THE NORTH 90.8 FEET OF LOT 7 AND LOT 8, BLOCK 11, NCB 1749 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT AND "C-2" COMMERCIAL DISTRICT TO "MF-33 IDZ" MULTI-FAMILY INFILL DEVELOPMENT ZONE.

2008-12-04-1124

Item Z-12. **ZONING CASE Z2008275 S (District 2):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "I-2 S" Heavy Industrial District with a Specific Use Authorization for a Bulk Plant or Terminal on Lot 25, NCB 12867 located at 498 Pop Gunn Drive. 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 25, NCB 12867 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "I-2 S" HEAVY INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A BULK PLANT OR TERMINAL PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2008-12-04-1126

Item P-5. **PLAN AMENDMENT # U09002 (District 2):** An Ordinance amending the Downtown Neighborhood Plan: East Neighborhood, Denver Heights District, a component of the Master Plan of the City, by supporting the creation of the East Commerce Street Arts & Entertainment District, changing the use of approximately 10.50 acres located on the south side of East Commerce Street between North Cherry Street and North Monumental Street from Residential land use to Mixed Use land use and by adding the following text to the Land Use Plan Section, District G, Denver Heights: "Limited medium-density residential (duplex, triplex, quadplex) and neighborhood commercial uses permitted along streets with higher traffic volumes and on corner lots if consistent with the historic development pattern". Staff and Planning Commission recommend approval. **(Associated Zoning Case Z2009010 S)**

2008-12-04-1127

Item P-6. **PLAN AMENDMENT # U09003 (District 2):** An Ordinance amending the Arena District / Eastside Community Plan, a component of the Master Plan of the City to support the creation of the East Commerce Street Arts & Entertainment District by 1) changing the use of approximately 1.72 acres located on the south side of East Commerce Street between North Monumental Street and the City Cemetery from Medium Density Residential and Parks/Open Space land use to Mixed Use land use; 2) changing the use of approximately 2.27 acres located on the south side of East Commerce Street between North New Braunfels Avenue and South Polaris Street and 4.72 acres located on the south side of East Commerce Street between North Rio Grande Street and Garcia Street from Medium Density Residential land use to Mixed Use land use; 3) changing the use of approximately 0.85 acres located south of the intersection of East Commerce Street and Honey Boulevard from Parks/Open Space land use to Mixed Use land use; 4) changing the use of approximately 22.43 acres bound by East Houston Street to the north, East Commerce Street to the south and Coca-Cola Place to the west from General Commercial and High Density Residential land use to Light Industrial land use; 5) changing the use of approximately 6.04 acres located on the south side of East Commerce Street between Honey Boulevard and Salado Creek from General Commercial land use to Mixed Use land use; 6) changing the use of approximately 55.64 acres located on the north side of East Houston Street between Willowsprings Golf Course and IH-10 East from High Density Residential, Light Industrial and General Commercial land use to Mixed Use land use; and 7) adding the following text to the Land Use Plan Section, Land Use Classifications, Medium Density Residential Description: "Limited neighborhood commercial uses permitted along street with higher traffic volumes and on corner lots if consistent with the historic development pattern". Staff and Planning Commission recommend approval. **(Associated Zoning Case Z2009010 S)**

2008-12-04-1129

Item Z-15. **ZONING CASE # Z2009013 (District 3):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-3NA" General Commercial District, Nonalcoholic Sales on Lot 4, NCB 9485 located at 6700 South Flores Street. Staff recommends approval. Zoning Commission recommendation pending the December 2, 2008 public hearing.

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 4, NCB 9485 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

2008-12-04-1131

Item Z-17. **ZONING CASE # Z2008281 (District 4):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on Lot 8, Block 8, NCB 15508 located at 273 Altitude Drive. 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 8, BLOCK 8, NCB 15508 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

WITHDRAWN

Item P-4. **PLAN AMENDMENT # 08027 (District 5):** An Ordinance amending the land use plan contained in the Kelly South San PUEBLO Community Plan, a component of the Master Plan of the City, by changing the use of an 1.997 acre tract of land located at 2634 SW 34th Street from Low Density Residential land use to Industrial land use. Staff and Planning Commission recommend denial. **(Associated Zoning Case # Z2008182 S)**

Nina Nixon-Mendez reported that said item had been withdrawn by the applicant.

WITHDRAWN

Item Z-1. **ZONING CASE # Z2008182 S (District 4, District 5):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "I-1 S" General Industrial District with a Specific Use Authorization for Metal Products Fabrication on Lots 23 and 24, Block 5, NCB 11370 located at 2634 Southwest 34th Street. Staff and Zoning Commission recommend denial.

Nina Nixon-Mendez reported that said item had been withdrawn by the applicant.

CONTINUED

Item Z-4. **ZONING CASE # Z2008226 (District 8):** An Ordinance amending the Zoning District Boundary from "O-2" Office District to "C-1" Light Commercial District on Lot 40, NCB 11622 located at 7923 Donore Place. Staff and Zoning Commission recommend approval.

Councilmember Cibrian moved to continue the proposed Zoning Item to January 15, 2009. Councilmember Clamp seconded the motion.

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

2008-12-04-1119

Item Z-6. **ZONING CASE # Z2008253 (District 8):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "MF-33" Multi-Family District on a 4.271 acre tract of land out of NCB 14862 and a 6.142 acre tract of land out of NCB 17204 located at 6301 Melissa Ann. 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: 4.271 ACRES OUT OF NCB 14862 AND 6.142 ACRES OUT OF NCB 17204 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

Councilmember Cibrian moved to adopt the proposed Ordinance with the following deed restrictions:

1. Height Limitation: The Declarant agrees to limit the height to no more than one-story for all structures located on the Rezoning Property, and to no more than three stories for all structures located on the remainder of the Property;

2. Density: The Declarant agrees to limit the building density on the Rezoning Property to no more than thirty units (2.88 units per acre), without regard as to whether the Code allows for additional density pursuant to the zoning of the Rezoning Property. The Declarant further agrees to limit the total building density for the overall Property to no more than 750 units (21 units per acre), without regard as to whether the Code allows for additional density pursuant to the zoning of the entire Property. The Declarant further agrees that no apartment built on the Property shall contain more than three bedrooms;

3. Building Setback: The Declarant agrees that all buildings on the Rezoning Property shall be set back a minimum of sixty feet from the southern property line of the Rezoning Property;

4. Landscape Buffer: The Declarant agrees to provide a twenty-foot landscape buffer along the portion of the Property adjacent to the Subdivision, excluding the 4.271-acre portion of the Property located within the 100-year floodplain, as measured from the southern property line of the Rezoning Property. The Declarant further agrees that the landscape buffer shall be constructed pursuant to the standards imposed for a standard (non-optional) Type D Bufferyard, as defined by Section 35-510 of the Unified Development Code in effect as of the effective date of this Declaration, reduced in depth from twenty-five feet to twenty feet, with said buffer yard's ten percent reduction for use of native vegetation option waived;

5. Fencing and Screening: The Declarant agrees to construct and maintain an eight-foot, opaque wooden fence along the southern portion of the Rezoning Property, located at the extremity of the Landscape Buffer nearest to the Subdivision, in fulfillment of the said Landscape Buffer's fence/wall requirement. The Declarant agrees to screen visually, and to refrain from elevating above ground level, all exterior heating, ventilation and air conditioning components located on the Rezoning Property. The Declarant agrees to screen visually any exterior heating, ventilation and air conditioning components located on the remainder of the Property that is elevated above ground level;

6. Emergency Gate: Subject to applicable governmental restrictions and approvals, the Declarant agrees that the secondary access gate on Melissa Ann Street will be locked and used for emergency access only pursuant to the City of San Antonio's Unified Development Code;

7. Trash Containers: The Declarant agrees to locate all trash containers a minimum of two-hundred feet from the southern property line of the Rezoning Property. The Declarant further agrees to contractually require, and to use the best possible efforts to enforce, a limitation of the trash collection times to 6:00 am to 9:00 pm Monday through Friday and 8:00 am to 9:00 pm Saturday through Sunday;

8. Tree Preservation: The Declarant agrees not to remove or injure any and all trees and landscaping within the drainage easement located between the Property and the Subdivision;

9. Parking: The Declarant agrees that all parking areas shall be located a minimum of forty feet from the southern property line of the Rezoning Property;

10. Hours of Construction: The Declarant agrees to limit the times for construction activity on the Property to 5:00 am to 9:00 pm Monday through Friday and 6:00 am to 8:00 pm Saturday through Sunday. Notwithstanding the foregoing, no heavy construction work, defined as including grading, cement truck assembly and pouring, blasting, trenching, rock drilling or sawing, framing, or roofing shall commence before 8:00 am on any day of the week;

11. Site Plan and Building Materials: The Declarant agrees to develop the Property in substantial conformance with the Property site plan attached as Exhibit A hereto. Furthermore, Declarant agrees that all structures built upon the Property shall meet the following additional requirements: Rezoning Property exterior wall surfaces shall be stone, brick, other masonry, or stucco, and shall explicitly exclude, without limitation, Hardi-Plank-style, wood, metal or synthetic siding. Roofing shall be composite shingle, tile, or commercial-grade metal. Hardi-Plank-style and wood siding are not prohibited outside the Rezoned Property, but the remaining exterior wall and roofing restrictions shall apply.

The Declarant agrees not to depart from substantial compliance with the commitments of this Section 11, without first meeting with the Association and obtaining the written consent of the Association Board of Directors. Association agrees to respond to Owner requests for any such consent within fifteen business days of receipt of written request therefore from Owner. Any such Association Board of Directors approval shall be evidenced and documented on the same basis as a waiver of a provision hereof under Section VI, but need not meet the fifty-one percent member approval requirement for waivers contained therein. For purposes of this Section V, departure from substantial compliance shall include: (i) any substantial alteration of exterior finish materials or roofing, or (ii) any rotation of Rezoning Property building footprints as shown on Exhibit A hereto that turn such buildings thirty degrees of rotation or more. Nothing contained in this paragraph shall authorize deviation from any specific commitments contained elsewhere in this Declaration;

12. Lighting: The Declarant agrees to provide lighting in the sixty-foot building setback area described in Section IV above. The illumination component of any outside lighting on the Property must be so designed that its light must be directed essentially downward and away from the boundaries of the Property sufficiently to avoid any substantial illumination of the properties adjoining or facing the Property ("cut-off lighting"). This shall not forbid low-intensity illumination of any primary building structure up to its maximum permitted height;

13. Drainage Easement Access: The Declarant agrees to pay the reasonable cost of obtaining and installing vehicular-access-blocking, concrete and steel bollards across the City drainage easement that follows the border of the Property and the Subdivision, at the extremities of the Property's interface with said drainage easement, spaced at intervals appropriate to the denial of access by small pick-up trucks, and sunk at such a depth as can reasonably be expected to withstand erosion by water passing through the easement. This obligation is conditioned upon the approval, or upon written

application to, and subsequent non-disapproval, of the City, at the request of the Association, and shall expire if not performed on or before December 31, 2010.

Councilmember Ramos seconded the motion.

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

2008-12-04-1120

Item Z-7. **ZONING CASE # Z2008276 (District 8):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-3" General Commercial District on 1.477 acres out of Lot 14, Block 19, NCB 14035 located at 4302 Hyatt Place Drive (also known as Amerisuites Drive). 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: A 1.477 ACRE TRACT OF LAND OUT OF LOT 14, BLOCK 19, NCB 14035 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

Councilmember Cibrian moved to adopt the proposed Ordinance with the following deed restrictions: 1) No sexually oriented businesses, bars, taverns, microbreweries, dry-cleaning, or laundry plants; 2) A solid fence will surround the property and a heavy landscaping buffer; 3) No building will be higher than four stories; and 4) Lighting will face downward and away from the neighborhood and in protection of Camp Bullis. Councilmember Clamp seconded the motion.

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

2008-12-04-1121

Item Z-8. **ZONING CASE # Z2009001 CD (District 8):** An Ordinance amending the Zoning District Boundary from "R-20" Residential Single Family District to "R-20 CD" (CD-Professional Office) Residential Single Family District with a Conditional Use to allow a Professional Office on a 0.631 acre tract of land out of Lots 1 and 2, Block 9, NCB 14709. Staff recommends denial. Zoning Commission recommends approval with the following conditions; 1) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; 2) Allowable hours of operation shall not be permitted before 7:00 am or after 8:00 pm; 3) One sign, fifty square feet in area, may be permitted on the property and signage shall be limited to one sign for all commercial development.

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: 0.631 ACRES OUT OF LOTS 1 AND 2, BLOCK 9, NCB 14709 TO WIT: FROM "R-20" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-20 CD" (CD-PROFESSIONAL OFFICE) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE TO ALLOW A PROFESSIONAL OFFICE 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 the conditions recommended by the Zoning Commission as follows: 1) No construction features shall be permitted which would place the structure out of character with the surrounding neighborhood; 2) Allowable hours of operation shall not be permitted before 7:00 am or after 8:00 pm; and 3) One sign, fifty square feet in area, may be permitted on the property and signage shall be limited to one sign for all commercial development. Councilmember Clamp seconded the motion.

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

CONTINUED

Item Z-10. **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 the proposed Zoning Item to January 15, 2009. Councilmember Cortez seconded the motion.

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

2008-12-04-1125

Item Z-13. An Ordinance amending Chapter 35, Unified Development Code of the City Code of San Antonio, Texas to adopt Arts and Entertainment Special Zoning Districts "AE-1", "AE-2", "AE-3", and "AE-4".

Mr. Rod Sanchez presented the amendment to Chapter 35 of the Unified Development Code of the City of San Antonio to adopt the Arts and Entertainment Special Zoning Districts.

Ms. Nettie Hinton, Dignowitty Hills Neighborhood Association, stated that she had attended the Zoning Commission meeting regarding said item and most citizens in attendance were against the zoning change. She referenced the Urban Land Institute Study and the Base Realignment and Closure (BRAC) Plan and noted that the zoning change was not consistent.

Mr. Carlos Richardson, President of the Denver Heights Neighborhood Association, stated that his neighborhood would be most impacted. He spoke in favor of tourism in the area and noted that he was surprised to hear that other neighborhoods were against it. He noted that the area was in need of revitalization and the rezoning would present a great opportunity.

Councilmember McNeil moved to adopt the proposed Zoning Item. 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.

Item Z-14. **ZONING CASE # Z2009010 S (District 2):** An Ordinance amending various Zoning District Boundaries to “AE-1”, “AE-2”, “AE-3”, and “AE-4” Arts and Entertainment Districts with various Specific Use Authorizations, retaining “EP-1” Event Parking Overlay District-1 and Historic zoning district boundaries, on a tract of land generally bound by Belmont Street, Rio Grande Drive and Rosa Parks to the North; IH-35 to the East, Commerce Street, Como Street, Springsdale Avenue, Martin Luther King Drive, Walters Street, and Montana Street on the South, and New Braunfels Street on the West; and a tract of land generally bound by Center Street and East Commerce Street on the North, Palmetto Street on the East, Wyoming Street on the South, and North Cherry Street on the West. Staff recommends approval pending plan amendments. Zoning Commission recommendation pending the December 2, 2008 public hearing.

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: MULTIPLE LOTS; SAVE AND EXCEPT LOT 19, BLOCK, NCB 10578 AND PARCEL 10, NCB 10578; LOT 5, NCB 10233; THE NORTH 98 FEET OF LOTS 1 AND 2 AND LOTS 3 THROUGH 18, BLOCK 1, NCB 595; LOTS 1 THROUGH 18, BLOCK A, NCB, 593 AND THE SOUTH 52 FEET OF LOTS 1 AND 2, BLOCK 1, NCB 595 TO WIT: FROM “I-2 EP-1” HEAVY INDUSTRIAL EVENT PARKING OVERLAY DISTRICT-1, “I-1” GENERAL INDUSTRIAL DISTRICT, “I-1 EP-1” GENERAL INDUSTRIAL EVENT PARKING OVERLAY DISTRICT-1, “IDZ CD” INFILL DEVELOPMENT ZONE WITH A CONDITIONAL USE FOR MULTI-FAMILY DWELLINGS NOT TO EXCEED 90 UNITS PER ACRE, “HS H IDZ” HISTORIC SIGNIFICANT, INFILL DEVELOPMENT ZONE DIGNOWITY HILL HISTORIC DISTRICT, “HS IDZ” HISTORIC SIGNIFICANT, INFILL DEVELOPMENT ZONE, “HS IDZ” HISTORIC SIGNIFICANT, INFILL DEVELOPMENT ZONE WITH USES PERMITTED IN “C-1” LIGHT COMMERCIAL DISTRICT AND A MEETING FACILITY, “L EP-1” LIGHT INDUSTRIAL EVENT PARKING OVERLAY DISTRICT-1, “C-3” GENERAL COMMERCIAL DISTRICT, “C-3 EP-1” GENERAL COMMERCIAL EVENT PARKING OVERLAY DISTRICT-1, “H C-3” GENERAL COMMERCIAL DIGNOWITY HILL HISTORIC DISTRICT, “HS C-3” HISTORIC SIGNIFICANT, GENERAL COMMERCIAL DISTRICT, “C-3R” GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES, “C-3R EP-1” GENERAL COMMERCIAL RESTRICTIVE ALCOHOL SALES EVENT PARKING OVERLAY DISTRICT-1, “C-3 S” GENERAL COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A PET CEMETERY, “C-3NA EP-1” GENERAL COMMERCIAL NONALCOHOLIC SALES EVENT PARKING OVERLAY DISTRICT-1, “C-2” COMMERCIAL DISTRICT, “C-2 EP-1” COMMERCIAL EVENT PARKING OVERLAY DISTRICT-1, “C-2NA EP-1” COMMERCIAL NONALCOHOLIC SALES EVENT PARKING OVERLAY DISTRICT-1, “C-1 CD EP-1” LIGHT COMMERCIAL EVENT PARKING OVERLAY DISTRICT-1 WITH A CONDITIONAL USE FOR A CONVENIENCE STORE WITH GASOLINE AND CARWASH, “HS O-2 EP-1” HISTORIC SIGNIFICANT, OFFICE EVENT PARKING OVERLAY DISTRICT-1, “MF-33 EP-1” MULTI-FAMILY EVENT PARKING OVERLAY DISTRICT-1, “HS MF-33 EP-1” HISTORIC SIGNIFICANT, MULTI-FAMILY EVENT PARKING OVERLAY DISTRICT-1, “MF-25 EP-1” MULTI-FAMILY EVENT PARKING OVERLAY DISTRICT-1, “RM-4” RESIDENTIAL MIXED DISTRICT, “RM-4 EP-1” RESIDENTIAL MIXED EVENT PARKING OVERLAY DISTRICT-1, “H RM-4” RESIDENTIAL MIXED DIGNOWITY HILL HISTORIC DISTRICT, “R-4 EP-1” RESIDENTIAL SINGLE FAMILY EVENT PARKING OVERLAY DISTRICT-1, “HS R-4 EP-1” HISTORIC SIGNIFICANT, RESIDENTIAL SINGLE FAMILY EVENT PARKING OVERLAY DISTRICT-1, AND “R-5 EP-1” RESIDENTIAL SINGLE FAMILY EVENT PARKING OVERLAY

DISTRICT-1. TO "AE-1" ARTS AND ENTERTAINMENT DISTRICT, "H AE-1" ARTS AND ENTERTAINMENT DIGNOWITY HILL HISTORIC DISTRICT, "HS AE-1" HISTORIC SIGNIFICANT, ARTS AND ENTERTAINMENT DISTRICT, "HS H AE-1" HISTORIC SIGNIFICANT, ARTS AND ENTERTAINMENT DIGNOWITY HILL HISTORIC DISTRICT, "AE-1 S" ARTS AND ENTERTAINMENT DISTRICT WITH A SPECIFIC USE AUTHORIZATION, "H AE-1 S" ARTS AND ENTERTAINMENT DIGNOWITY HILL HISTORIC DISTRICT WITH A SPECIFIC USE AUTHORIZATION, "AE-2" ARTS AND ENTERTAINMENT DISTRICT, "AE-2 EP-1" ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT, "AE-2 S" ARTS AND ENTERTAINMENT WITH A SPECIFIC USE AUTHORIZATION DISTRICT, "AE-2 S EP-1" ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION, "HS AE-2 S" HISTORIC SIGNIFICANT, ARTS AND ENTERTAINMENT DISTRICT WITH A SPECIFIC USE AUTHORIZATION, "AE-3 EP-1" ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT, "HS AE-3 EP-1" HISTORIC SIGNIFICANT, ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT, "AE-3 S EP-1" ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION, "AE-4 EP-1" ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT, "AE-4 S EP-1" ARTS AND ENTERTAINMENT EVENT PARKING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION. SPECIFIC USE AUTHORIZATIONS INCLUDE: DRY CLEANING - LIMITED TO 5 EMPLOYEES, AUTO PARTS RETAIL, WIRELESS COMMUNICATION SYSTEMS, FLOOR COVERING - RETAIL, DWELLING-1 FAMILY, HOTEL, AIR CONDITIONING/REFRIGERATION-SERVICE AND REPAIR, ELECTRIC REPAIR - LIGHT EQUIPMENT, AUTO PAINT & BODY - REPAIR WITH OUTSIDE STORAGE OF VEHICLES AND PARTS PERMITTED BUT COMPLETELY SCREENED FROM VIEW OF ADJACENT PROPERTY OWNERS AND PUBLIC ROADWAYS, AUTO & LIGHT TRUCK REPAIR, MOTEL, BAIL BOND AGENCY, MINI WAREHOUSE, ANTIQUE STORE, MEETING FACILITY, CONVENIENCE STORE (WITH GASOLINE AND CARWASH), SCHOOL - PRIVATE UNIVERSITY OR COLLEGE, DWELLING - MULTIFAMILY (25 UNITS/ACRE MAXIMUM), CARWASH, AUTO UPHOLSTERY - SALES AND INSTALLATION COMPLETELY ENCLOSED, PARKING & TRANSIENT VEHICLE STORAGE, FOOD & FOOD PRODUCTS - PROCESSING, CABINET OR CARPENTER SHOP, CONVENIENCE STORE (WITH GASOLINE), ALCOHOL - BAR AND/OR TAVERN, WAREHOUSING, BEVERAGE - MANUFACTURING OR PROCESSING, LAUNDRY - PLANT, METAL PRODUCTS - FABRICATION, MOTOR VEHICLE SALES (FULL SERVICE), FAIRGROUND AND/OR STADIUM, OFFICE WAREHOUSE (FLEX SPACE) - OUTSIDE STORAGE NOT PERMITTED, TRUCK REPAIR AND MAINTENANCE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Patrick Christianson spoke on behalf of Phillips Distribution and IPMG noting that both were in support of said item.

Councilmember McNeil moved to adopt the proposed Zoning Item with the exception of the following locations: 3641 East Houston Street, 403 Kraft Street, 1617 East Commerce Street, and 1631 East Commerce Street. She requested that they return to the Zoning Commission for consideration as AE3 with appropriate historical and special use designation. Councilmember Clamp 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.

CONTINUED – REFER TO PAGE 32 FOR RECONSIDERATION AND APPROVAL

Item Z-16. **ZONING CASE # Z2008279 CD (District 4):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single Family District and "C-1" Light Commercial District to "C-2 CD" (CD-Motor Vehicle Sales) Commercial District with a Conditional Use for Motor Vehicle Sales on a 2.270 acre tract of land out of NCB 15552 located at the southwest corner of the intersection of Westrock & Westoak. Staff and Zoning Commission recommend approval with conditions.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Serina Talabay stated that she lived next to the property and expressed concern that the dust, dirt, and noise associated with a car lot would be an inconvenience for her and her family.

Mr. Michael Talabay stated that the rezoning would be a detriment to the community, neighborhood, and his family.

Councilmember Cortez moved to continue said item to the next zoning agenda. Councilmember Clamp 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.

Refer to page 32 (Ordinance No. 2008-12-04-1130) for reconsideration and approval.

POINT OF PERSONAL PRIVILEGE

Councilmember Cibrian recognized Isela Martin, a student from Keystone School and daughter of Anita Uribe Martin, Economic Development Department Assistant Director.

Mayor Hardberger addressed Item Z-5 at this time.

2008-12-04-1118

Item Z-5. **ZONING CASE # Z2008247 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District and "C-2 ERZD" Commercial Edwards Recharge Zone District to "MF-33" Multi-Family District and "MF-33 ERZD" Multi-Family Edwards Recharge Zone District on a 14.744 acre tract of land out of NCB 14615 located at 8122 West Hausman. 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: 14.744 ACRES OUT OF NCB 14615 TO WIT: FROM "C-2" COMMERCIAL DISTRICT AND "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT AND "MF-33 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT.

Councilmember Cibrian moved to adopt the zoning item with the following conditions: 1. Parkland dedication of +/- five acres of land, located northwest of Babcock and Hausman (contingent on receiving impervious cover credits); 2. \$75,000 toward the construction of a stoplight at Hausman and Woller Road (as warranted by a TIA study for the property); and 3. Acceleration/Deceleration lanes on Hausman Road (or other platting requirements imposed by the City). Councilmember Clamp 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.

RECONSIDERATION OF ITEM Z-16

Councilmember Ramos moved to reconsider Item Z-16. Councilmember Galvan 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.

2008-12-04-1130

Item Z-16. **ZONING CASE # Z2008279 CD (District 4):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single Family District and "C-1" Light Commercial District to "C-2 CD" (CD-Motor Vehicle Sales) Commercial District with a Conditional Use for Motor Vehicle Sales on a 2.270 acre tract of land out of NCB 15552 located at the southwest corner of the intersection of Westrock & Westoak. 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: 2.270 ACRES OUT OF NCB 15552 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT TO "C-2 CD" (CD-MOTOR VEHICLE SALES) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR MOTOR VEHICLE SALES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. and Ms. Talabay withdrew their opposition to said item.

Councilmember Cortez moved to approve the zoning item as recommended by staff. Councilmember Clamp 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.

CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation for the City of San Antonio and Bexar County 8th Annual Small, Minority, Women and Veteran-Owned Business Conference that will be held on Wednesday, December 10, 2008 at the Freeman Coliseum. The conference theme is "How to Get in the Game and Stay in the Game." The conference will provide methods for a successful business.

CITIZENS TO BE HEARD

Mayor Pro Tem Herrera addressed the Citizens to be Heard portion of the agenda and called upon those registered to speak.

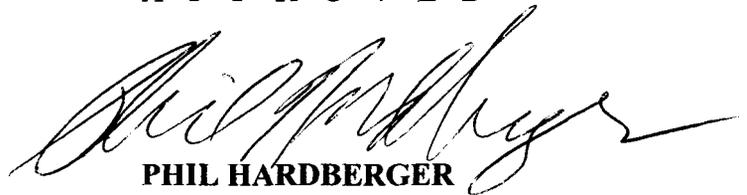
Mr. Nazirite Ruben Flores Perez stated that the Purchasing and General Services Department had too many rules regarding appearance and dress and spoke of conflicts within the department.

Mr. Faris Hodge, Jr. spoke of various Open Records Requests that he had submitted and had not yet received a response to. He mentioned that two items had been reported by KENS-5 Television involving the San Antonio Police Department Bike Patrol and another involving the abuse of gas cards by City Employees. Lastly, he spoke in opposition to the bikini carwash.

ADJOURNMENT

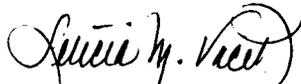
There being no further business, Mayor Pro Tem Herrera adjourned the meeting at 6:31 pm.

A P P R O V E D



**PHIL HARDBERGER
MAYOR**

Attest:



LETICIA M. VACEK
City Clerk

