

**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, JANUARY 14, 2009 AND THURSDAY, JANUARY 15, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **January 14, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Rodriguez.

1. STAFF BRIEFING ON ECONOMIC CONNECTION 2008, SAN ANTONIO'S TRADE AND TOURISM OUTREACH INITIATIVE IN MEXICO.

Ms. Beth Costello, International Affairs Director stated that the working group for the trip consisted of four City Departments and private sector co-chairs. She highlighted aspects of the trip including the partners, events, and mission. She introduced former Mayor Henry Cisneros to present a summary of the results.

Mayor Cisneros stated that San Antonio had a real stake in the relationship with Mexico because many highly educated, Mexican investors were moving to San Antonio. He introduced the six sectors and the groups promoting them. The first sector is the Government Group led by Mayor Cisneros and Deputy City Manager AJ Rodriguez. He stated that Governor Paras of Nuevo Leon was a progressive leader and that Nuevo Leon invested strongly in education and infrastructure. He noted that the delegation had discussed the utilization of San Antonio as a meeting location for Presidents Obama and Calderon. The second group, the Business Sector focused in part on real estate. Mayor Cisneros recognized Ms. Susan Wright and Ms. Patricia Stout for their involvement and stated that the committee was able to sign an institutional agreement between San Antonio and Chamber of Commerce Group CANACINTRA. The third sector discussed was Healthcare and Biosciences. It was noted that the Monterrey Institute of Technology School of Medicine was an elite institution. Discussion ensued regarding the various medical advances in the State of Nuevo Leon.

The fourth sector discussed by Mayor Cisneros was Higher Education for both Mexican and American students. He recognized Dr. Patricia Watkins of the University of the Incarnate Word, and Ms. Olivia Lopez, UTSA, for their involvement. Next, he discussed the fifth sector, Culture, which was headed by Councilmember Mary Alice Cisneros. It was noted that Mexico would be celebrating both the Bicentennial Year (1810) and Centennial Year (1910) Revolutions in 2010 and would like for San Antonio to be a part of the festivities. He stated that in the sixth sector of Tourism and Aviation, discussions had taken the form of day-long trade shows and presentations. Mr. Marco Barros and Mr. Cesar Cantor were thanked for their involvement. Mayor Cisneros stated that the days concluded with Galas that attracted many high-profile Mexican Nationals. Lastly, he discussed various recommendations from the delegation.

Mayor Hardberger thanked the delegation for their efforts. Councilmember Mary Alice Cisneros spoke of the opportunities to renew relationships and thanked staff for the contacts provided. Former Councilmember Richard Perez stated that although people were hesitant to deal with Mexico, there were many positive events occurring there. Councilmember Cortez thanked Mayor Cisneros, Councilmember Mary Alice Cisneros, Ms. Costello, and Councilmember Perez for their work and stressed the importance of sending a strong message of support to the people of Mexico. Councilmember Rodriguez asked of the Mexican

Economy. Mayor Cisneros responded that Mexico was expecting a downturn due to the American Economy. Councilmember Rodriguez thanked Mayor and Councilmember Cisneros for their efforts.

2. CITY COUNCIL DISCUSSION OF PROJECTS FOR CONSIDERATION UNDER THE PROPOSED FEDERAL ECONOMIC STIMULUS BILL.

Ms. Sculley stated that that a bill had not yet been proposed and that the stimulus package was estimated to total \$750-800 billion. She noted that \$300 billion of that amount would be provided in the form of a tax cut and that Congress hoped to pass a bill by mid-February.

Mayor Hardberger noted that this would not be a competition for projects or Districts, but one with other cities. Councilmember McNeil noted the importance of mirroring President-Elect Obama's priorities of job creation and environmental protection. She added that it would be imperative to initiate discussions with Congressional Representatives because they would be responsible for voting.

Mr. Peter Zanoni, Management and Budget Director, presented the results of the balloting process used to determine Council priorities for policy direction. The tabulated results of the Council's rankings of 121 projects in fifteen funding categories was as follows: 1) Public Works/Infrastructure; 2) Public Safety; 3) Parks and Recreation; 4) Community Initiatives and San Antonio River Improvement (tie); 6) Environmental Policy; 7) Libraries; 8) Base Realignment and Closure (BRAC); 9) Workforce Development; 10) Housing and Neighborhood Services; 11) Aviation; 12) Health; 13) Downtown Operations; 14) Convention, Sports, and Entertainment Facilities; and 15) Other Public Agencies – SAHA. The results were reviewed by City Federal Lobbyists and twenty-two Agency/Program Categories were identified for the projects to be placed into. Funding Sources identified were: 1) Byrne Grant (Department of Justice); 2) COPS (Department of Justice); 3) Department of Commerce; 4) Department of Homeland Security; 5) Department of Defense; 6) Department of Education; 7) Department of Energy (Energy Efficiency and Renewable Energy Program); 8) Department of the Interior (National Park Service); 9) Department of Labor (Workforce Development Funding); 10) Environmental Protection Agency (Non-Point Source Management Program); 11) Federal Aviation Administration (Airport Improvement Program); 12) Federal Highway Administration; 13) Federal Housing Administration Modernization; 14) Federal Railroad Administration; 15) HUD (Aging Service Program); 16) HUD (Community Development Block Grant); 17) HUD (Community Services Block Grant); 18) HUD (Public Housing Funds); 19) Health and Human Services; 20) Office of Economic Adjustment; 21) Public Health and Social Services Emergency Fund; and 22) Smithsonian Institution (for Alameda). Mr. Zanoni provided next steps that involve discussing and confirming the preliminary ballot and continuing to monitor development of stimulus legislation.

Councilmember McNeil stated that the City should prepare for a stimulus package that prioritizes job creation rather than long-term projects that could be eligible for other funding, and BRAC was the only project that qualified based on that criteria. Councilmember Galvan stated that seven non-profit housing organizations wanted to be included in the package. She noted her approval of the rankings and stressed the importance of speaking with congressional leaders. She added that she had not heard from the military regarding funding needed for BRAC and was unsure about the military's expectations from the City. Mayor Hardberger stated that BRAC had no specific requests at this time and added that the City was not anticipating any.

Councilmember Clamp requested that the commuter railroad from Round Rock to San Antonio be included in the project list if it was deemed appropriate. Councilmember Herrera thanked staff for including

non-profit housing providers in the list of priorities. She expressed that this exercise was important and that it may be beneficial to conduct it semi-annually. She recounted experiences from her first SA-DC Trip and highlighted the importance of including the City Council's Agenda with that of the Chamber's. Councilmember Ramos expressed support for the project list and stated that President-Elect Obama prioritized energy, infrastructure, and transportation. Councilmember Rowe noted that Texas would eventually see a downturn in the economy, but hoped it would be less significant than in other cities.

Councilmember Cibrian thanked staff for their work and stated that the list reflected extensive community input because the projects had been discussed in numerous public settings. She stated that the government would be most interested in funding environmentally and energy related items. Councilmember Cisneros expressed support for the list and noted that the rankings were consistent with the needs of the City.

There being no further discussion, Mayor Hardberger adjourned the meeting at 6:05 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **January 15, 2009**, at 9:00 am in the City Council Chambers.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** None.

1. The Invocation was delivered by Rev. Robert Arevalo, Grace Tabernacle Church, guest of Councilmember Justin Rodriguez, District 7.
2. Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

3. MINUTES

Councilmember Herrera made a motion to approve the Minutes for the December 4, and December 11, 2008 Regular City Council Meetings. Councilmember Cisneros seconded the motion.

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

4. OATH OF OFFICE – MAYOR PRO TEM

Ms. Vacek administered the Oath of Office to Councilmember Jennifer V. Ramos, District 3, whose term as Mayor Pro Tem becomes effective January 24, 2009 through April 5, 2009.

POINT OF PERSONAL PRIVILEGE

Councilmember Cibrian recognized Burt Madsen and Bill Massey from the Cowboy Breakfast and invited all to participate in the event that will be held on Friday, January 30, 2009 at the Rim Shopping Center. She thanked them for the breakfast tacos they provided for the Council and noted that they provided scholarships for the Alamo Community College District.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following item:

Item 5. STAFF UPDATE ON REVIEW AND IMPLEMENTATION OF POLICE EXECUTIVE RESEARCH FORUM (PERF) RECOMMENDATIONS.

Chief McManus presented said item and stated that the San Antonio Police Department (SAPD) had commissioned a study by the Police Executive Research Forum (PERF) in November, 2007. He noted that the study had been completed in July, 2008 and SAPD had hired an independent facilitator to work through the implementation of the recommendations. He introduced Bob Stewart, PERF Police Executive, who provided a briefing on the work that had been performed to date.

Mr. Stewart provided an overview of the process, noting that PERF had identified 141 recommendations. He stated that three committees had been assigned to examine each of the recommendations and outlined the various committees and their members. He reported that the Internal Affairs/Citizen Action Advisory Board (CAAB) had completed 58 recommendations and 13 were pending review; the Use of Force/Training Committee had completed 26 recommendations and 30 were pending review; and lastly, the General Manual Committee had completed 5 recommendations and 5 were pending review.

Mr. Stewart stated that the Internal Affairs/CAAB Committee had the following future issues to review: 1) Annual review and update of Internal Affairs Standard Operating Procedure and General Manual; 2) Include all line complaints in Early Intervention System; 3) Making the citizen complaint process more customer friendly; and 4) Utilization of IA Pro Tracking Software. He added that the City of San Antonio utilized a holistic approach to Officer Early Warning that was significant in the Police Field and different from the common approach. He noted that several of the issues dealt with the Collective Bargaining Agreement that would be negotiated in the near future. He explained that the committee was reviewing a number of standard models throughout the country regarding the CAAB and noted that there were two options: 1) Modify or change the existing process through PERF Recommendations; or 2) Form a new Citizen Action Advisory Board. He added that the most successful citizen advisory models in the country had active City Council participation and that the committee would bring forth a recommendation to the Council for their consideration.

Mr. Stewart explained that the Use of Force/Training Committee would be reviewing a Standardized Officer-Involved Shooting Response, Upgrade of the Training Curriculum, and more Tactical Response Unit (TRU) Community Engagement. He noted that the General Manual Committee would be focusing on Standardized Language, Oversight of all Recommendations Involving Policy, and Defining Command Officer Response to Officer-Involved Shootings. Lastly, he stated that next steps included: 1) Committees will continue working on their timeline; 2) Coordination of lesson plan language with the Use of Force/Training Committee; 3) Enhanced and expanded training; 4) Allowing officers to gain more exposure to TRU Operations; 5) Refining the method of citizen complaints; 6) Reviewing the makeup of the CAAB, selection process and procedures; and 7) Accreditation.

Mayor Hardberger called upon those citizens registered to speak.

Mr. Rhett Smith expressed concern that there was not more citizen participation in the process.

Mr. Jack M. Finger expressed concern that the PERF Report was lengthy and only available on-line. He noted his opposition to the recommendation that SAPD should be diverse and reflect the community it serves.

Ms. Vacek read written testimonies from Faris Hodge, Jr. For Item 5, Mr. Hodge wrote that the City did not interview citizens that were victims of police abuse. For Items 10 and 12, he wrote that the City had recently bought new automated refuse collection trucks and other vehicles and therefore; did not need to purchase additional ones. He expressed concern with Item 13 regarding the Animal Care Mobile Unit and wrote that it would not work because there were too many individuals that did not take care of their animals. He also wrote in opposition to Item 24 regarding the lease agreement with Brooks Development Authority noting that they could utilize the McCreless Shopping Center. For Item 25, he wrote that the Fire Museum Society should be housed at the Witte Museum. Lastly, he wrote that the Park Police Officer pay scale should be the same as the San Antonio Police Officer pay scale.

Councilmember McNeil asked if the PERF would continue once their work was complete and stressed the need for improvements to the complaint process. Chief McManus stated that once all of the recommendations had been addressed, the Board would be disbanded. He added that the complaint process would be addressed through the recommendation regarding the CAAB. Councilmember Cisneros thanked the citizens who participated in the process. Councilmember Rodriguez also thanked the individuals that participated in the process and requested that regular updates be provided to the Public Safety Council Committee. Councilmember Cibrian thanked the Police Department for their timely implementation of over 100 recommendations and expressed support to include representation from the rank and file on the CAAB. Councilmember Galvan requested that each of the Councilmembers appoint a representative to the CAAB and that the public education process be enhanced.

There was no action required for Item 5.

The City Clerk read the following Ordinance:

2009-01-15-0001

Item 6. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE, OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY MAKING SUBSTANTIVE AND MINOR AMENDMENTS; CORRECTING CLERICAL AND FORMATTING ITEMS; CLARIFYING ITEMS; AMENDING DEFINITIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERANCE.

Mr. Rod Sanchez provided an overview of the Unified Development Code (UDC) and stated that the City had adopted the UDC in May, 2001. He explained that the UDC provided for an update every two years and outlined the criteria for submittal of the amendments to the City for review by the Planning Commission's Technical Advisory Committee (TAC). He reported that numerous departments had submitted amendments to 573 individual code sections and they had been combined into 100 amendments based on topic area.

Mr. Sanchez highlighted several Zoning Amendments such as the addition of two new zoning districts: 1) MF-18 limited density multi-family district; and 2) O-1.5 mid-rise office district. He noted that supplemental use regulations had been updated for Transitional Homes for consistency with State Law and for Funeral Homes for clarification of multi-use funeral home facilities. He explained that the application procedures had been revised to require a site plan for conditional zoning cases and projects in MXD and IDZ

Special Districts. Additionally, he noted that there would be a waiver of the site plan requirement for city-initiated zoning cases requiring specific use authorizations.

Mr. Sanchez stated that Subdivision Amendments included clarifications to plat application requirements and variance criteria for subdivisions. He noted several amendments to Street Standards and clarifications to Parkland Dedication requirements. He explained amendments in other areas that included updates to the tree preservation ordinance, bicycle parking requirements, and criteria to establish and maintain vested rights for a project.

Mr. Sanchez outlined the amendment review process, noting that staff reviewed the amendments submitted and forwarded recommendations to the TAC. He noted that the TAC spent countless hours reviewing the UDC Amendments from July through October, 2008. He added that a briefing had been provided to the City South Management Authority and that work sessions and public hearings had been held within the Planning and Zoning Commissions. Lastly, Mr. Sanchez stated that through direction from the Infrastructure and Growth Council Committee, staff was conducting additional studies on eight amendments and they would bring them back to the Council.

Mayor Hardberger declared the Public Hearing open. There being no citizens registered to speak, Mayor Hardberger closed the Public Hearing.

Councilmember Cibrian thanked all who worked on said item and moved to adopt the staff recommendation with the exception of Amendment 58-A that affects changes to height bonuses for setbacks outlined in Section 35-517D. Councilmember Cortez seconded the motion.

Councilmember Cortez thanked the TAC for their work and expressed support for the amendments. Councilmember Galvan expressed support for the item and noted the many issues with the storage of inoperable vehicles and the challenges with mechanic liens. Councilmember Cisneros asked for additional information on the Tree Preservation Ordinance and the Tree Mitigation Fund. Mr. Sanchez stated that the change was to clarify that a preconstruction meeting with the City Arborist was required and to change the tree diameter on trees that must be planted to 1.5 instead of 2. Mr. Xavier Urrutia, Parks and Recreation Interim Director, stated that the Tree Mitigation Fund was used for a variety of different programs throughout the community.

Councilmember Rodriguez made a friendly amendment to allow for a one year registration grace period for 02-Office Designation where the owners are to declare their use prior to the changes becoming effective. The friendly amendment was accepted by Councilmembers Cibrian and Cortez.

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

POINT OF PERSONAL PRIVILEGE

Councilmember McNeil spoke of her experience attending the Opening Session of the 81st Legislative Session and the extraordinary representation from San Antonio. She recognized Speaker of the House Joe Straus, Chief Justice Wallace Jefferson, and Secretary of State Hope Andrade, and congratulated them for their efforts and leadership.

CONSENT AGENDA: Items 7 - 52

Consent Agenda Items 7, 8, 9, 13, 14, 15, 18, 26, 27, 28A, 28B, 30, 31, 32, 33, 34, 36 and 37B were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Rowe seconded the motion.

Jack M. Finger spoke in opposition to Item 36 regarding the Electrical Board and the lack of citizen participation. He expressed concern with Items 14 and 19 due to the campaign contributions that various members of the City Council received from the respective contractors.

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

2009-01-15-0005

Item 10. AN ORDINANCE ACCEPTING THE OFFERS FROM CHASTANG ENTERPRISES, INC. D/B/A CHASTANG'S BAYOU CITY AUTOCAR AND HEIL OF TEXAS TO PROVIDE THE SOLID WASTE MANAGEMENT DEPARTMENT WITH SIX ADDITIONAL AUTOMATED REFUSE COLLECTION TRUCKS FOR A COST OF \$1,573,587.98.

2009-01-15-0006

Item 11. AN ORDINANCE ACCEPTING THE BID FROM THYSSENKRUPP AIRPORT SYSTEMS, INC. TO PROVIDE THE CITY WITH EIGHT AIRCRAFT PASSENGER BOARDING BRIDGES, THREE FULLY ENCLOSED PASSENGER WALKWAYS, AND AN OPTION TO PURCHASE FOUR ADDITIONAL PASSENGER BOARDING BRIDGES FOR A TOTAL COST OF \$3,404,150.00.

2009-01-15-0007

Item 12. AN ORDINANCE ACCEPTING THE OFFERS FROM CALDWELL COUNTRY CHEVROLET AND PHILPOTT MOTORS TO PROVIDE THE CITY WITH 23 REPLACEMENT AND 10 ADDITIONAL PICKUP TRUCKS IN VARIOUS CONFIGURATIONS FOR A COST OF \$670,451.00.

2009-01-15-0011

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,238,424.00 TO SHORTY, INC. DBA CHARLIE & COMPANY, AND AMENDING A PROFESSIONAL SERVICES AGREEMENT FOR ADDITIONAL DESIGN SERVICES IN THE AMOUNT OF \$253,434.00 WITH STEPHEN STIMSON ASSOCIATES LANDSCAPE ARCHITECTS FOR THE VOELCKER PARK PROJECT, AN AUTHORIZED 2007-2012 PARK BONDS WITH CERTIFICATES OF OBLIGATION FUNDED PROJECT LOCATED IN COUNCIL DISTRICTS 8 AND 9.

2009-01-15-0012

Item 17. AN ORDINANCE SELECTING F.A. NUNNELLY COMPANY FOR NEGOTIATION AND EXECUTION OF A CONSTRUCTION MANAGER AT RISK PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT UP TO \$45,000.00 FOR PRE-CONSTRUCTION SERVICES, AND IN AN AMOUNT UP TO \$2,500,000.00 FOR CONSTRUCTION PHASE SERVICES, FOR THE PROPERTY AND EVIDENCE MANAGEMENT FACILITY PROJECT, LOCATED IN COUNCIL DISTRICT 5.

2009-01-15-0014

Item 19. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE WITH AERONEV, LLC FOR 14,037.50 SQUARE FEET OF HANGAR SPACE AND 28,181 SQUARE FEET OF GROUND SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT WITH ASSOCIATED ANNUAL RENTALS OF \$57,052.15.

2009-01-15-0015

Item 20. AN ORDINANCE AUTHORIZING TWO LEASE AMENDMENTS WITH THE TRANSPORTATION SECURITY ADMINISTRATION AT SAN ANTONIO INTERNATIONAL AIRPORT INCREASING THE RENTAL RATE, EXTENDING THE LEASE TERM THROUGH JUNE 30, 2010, AND INCREASING OFFICE SPACE AND PARKING.

2009-01-15-0016

Item 21. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE WITH CUTTER AVIATION SAN ANTONIO, INC. FOR 108,769 SQUARE FEET OF GROUND SPACE AND 27,055 SQUARE FEET OF HANGAR SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT WITH ASSOCIATED ANNUAL RENTALS OF \$115,254.20.

2009-01-15-0017

Item 22. AN ORDINANCE AUTHORIZING A THREE-YEAR LEASE WITH AM HANGER LLC FOR 23,311 SQUARE FEET OF GROUND SPACE AND 16,356 SQUARE FEET OF HANGAR SPACE AT SAN ANTONIO INTERNATIONAL AIRPORT WITH ASSOCIATED ANNUAL RENTALS OF \$76,977.83.

2009-01-15-0018

Item 23. AN ORDINANCE ACCEPTING THE DONATION OF 5.905 ACRES OF LAND LOCATED AT 8 EAST ASHLEY COURT IN COUNCIL DISTRICT 3, FROM THE ESTATE OF ELMA BOONE HALL JOHNSON AND APPROVING \$4,669.50 IN DUE DILIGENCE COSTS.

2009-01-15-0019

Item 24. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE AGREEMENT WITH BROOKS DEVELOPMENT AUTHORITY, AS LANDLORD, OF APPROXIMATELY 3,115 SQUARE FEET AT 2614 ENOS ST., LOCATED IN COUNCIL DISTRICT 3, FOR USE BY THE SAN ANTONIO POLICE DEPARTMENT SPECIAL OPERATIONS UNIT, WITH IN-KIND RENT.

2009-01-15-0020

Item 25. AN ORDINANCE AUTHORIZING A 2-YEAR LEASE BEGINNING FEBRUARY 1, 2009 WITH THE SAN ANTONIO FIRE MUSEUM SOCIETY, AS TENANT, FOR APPROXIMATELY 5,237 SQ. FT. IN OLD FIRE STATION NO. 7, LOCATED AT 604 S. ALAMO STREET IN COUNCIL DISTRICT 1.

2009-01-15-0001R

Item 29. A RESOLUTION SETTING DATES, TIMES AND LOCATIONS FOR TWO (2) CITY COUNCIL PUBLIC HEARINGS REQUIRED FOR THE CITY'S ANNUAL CONSOLIDATED ANNUAL ACTION PLAN/BUDGET PROCESS FOR FISCAL YEAR 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG – 35TH YEAR), HOME INVESTMENT PARTNERSHIP GRANT (HOME – 18TH YEAR), AMERICAN DREAM DOWNPAYMENT INITIATIVE, EMERGENCY SHELTER

GRANT, AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAMS, AND ESTABLISHING FUNDING PRIORITIES.

2009-01-15-0030

Item 35. AN ORDINANCE AMENDING CHAPTER 22, ARTICLE II OF THE CITY CODE OF SAN ANTONIO, TEXAS PERTAINING TO PARK POLICE.

Item 37. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. APPOINTING J. OSCAR RAMIREZ (CATEGORY: SMALL BUSINESS ASSISTANCE) TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- C. APPOINTING JASON MOSES (DISTRICT 2) TO THE SAN ANTONIO YOUTH COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- D. REAPPOINTING RODERIC E. FITZGERALD (DISTRICT 2) TO THE SAN ANTONIO HOUSING TRUST FUND BOARD OF TRUSTEES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- E. APPOINTING GEORGE LYNN BRITTON (DISTRICT 4) TO THE ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.
- F. APPOINTING ROBERT A. LARIOS, SR. (DISTRICT 8, CATEGORY: TECHNICAL RESEARCH) TO THE BROOKS DEVELOPMENT AUTHORITY FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2009.
- G. APPOINTING JOSEPH MLODZIANOWSKI (DISTRICT 9, CATEGORY: LAYPERSON) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2010.
- H. REAPPOINTING SUSAN WRIGHT (DISTRICT 9) TO THE ZONING COMMISSION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2010.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

At this time, Mayor Hardberger addressed Item 36.

The City Clerk read the following Ordinance:

2009-01-15-0031

Item 36. AN ORDINANCE REPEALING THE CURRENT CHAPTER 10 OF THE CITY CODE OF SAN ANTONIO, TEXAS, AND ESTABLISHING A NEW CHAPTER 10; ADOPTING THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE; AND AMENDING CORRESPONDING SECTIONS OF THE CITY CODE TO REFLECT SUCH CHANGES.

Mr. Rod Sanchez provided background information on the process and noted that a review and update to administrative provisions of Chapter 10 of the City Code of San Antonio had not been conducted since it was adopted in the 1950's. He stated that Chapter language was confusing and did not clearly define the roles of the code official and appeals board.

Mr. Sanchez reported that a public hearing was held by the Electrical Supervisory Board on September 9, 2008 regarding the technical provisions of Chapter 10 and the board recommended approval of the adoption of the 2008 NEC along with local amendments. Additionally, a public hearing was held by the Infrastructure and Growth Council Committee on the administrative provisions of Chapter 10 on October 15, 2008. A public hearing was also held by the Committee on November 19, 2008 to review both the technical and administrative provisions of Chapter 10. He noted that the Committee recommended approval of the proposed Chapter 10.

Mr. Sanchez highlighted provisions of the proposed Chapter 10 that included the clarification of the duties and responsibilities of the code official and the appeals board. He added that Chapter 10 proposed to follow the International Building Code format and would adopt the 2008 Edition of the NEC. Lastly, the Electrical Supervisory Board would be renamed to the "Electrical Board" and provided a list of the numerous organizations in support of the proposed ordinance.

Mayor Hardberger called upon those citizens registered to speak.

June Kachtik, Scenic San Antonio Chair, expressed concern with digital billboards and not being able to address the issue with the Electrical Board. She requested that the Planning and Zoning Commissions allow citizen input regarding digital billboards.

Michael Halvorsen, First Vice-President of the San Antonio Association of Building Engineers (SAABE), expressed support for said ordinance on behalf of SAABE.

Michael Copp, Educational Director for SAABE, also expressed his support for the ordinance.

Stan Davis, SAABE Member, spoke in favor of the ordinance.

Ed Marvel, SAABE Member, expressed support for said ordinance.

Les Moynahan, Executive Director of the National Association of Electrical Contractors (NECA), expressed support for said ordinance.

Diane Hoskins, Executive Director of Professional Engineers in Private Practice (PEPP), spoke in favor of said ordinance.

Steven Schultz, Associated Builders and Contractors, Inc. (ABC), expressed support for the ordinance and thanked the Development Services Staff for allowing them to participate in the process.

Robert Steele, SAABE Member, spoke in support of said item.

Carlton Wolf expressed support for the ordinance.

Charles Mikolajczyk expressed support for the ordinance.

Kurt Seidel, President of the San Antonio Apartment Association (SAAA), expressed support for the ordinance and urged the Council to vote in favor without any amendments.

Tomi Sue Beecham, San Antonio Building Owners and Managers Association (SABOMA), spoke in support of the ordinance and thanked all that worked on said item. She urged the Council to approve the item as recommended.

Ms. Vacek noted that there were 16 written testimonies in opposition to the item and one in favor. Mayor Hardberger asked that she read a sampling.

Torrey Stanley Carleton, Executive Director of the San Antonio Chapter of the American Institute of Architects (AIA San Antonio), wrote that they recommended that the City provide oversight and regulation of all billboards to include digital billboards. She wrote that signs and billboards should be under the purview of the Planning Commission, and that Article VI Section 35-612 of the Unified Development Code (UDC) be revised to include the oversight and regulation of all off-premise signage. She also wrote that the AIA Board of Directors believed that strategic planning was critical to San Antonio's growth and development and that tools used for urban design and planning were key factors in shaping the physical environment. Therefore, the location and size of billboards should be subject to public review.

Chris Dixon wrote that the Electrical Supervisory Board should continue to provide input to staff as it implements Chapter 10 regarding billboards. He expressed concern and opposition to the revision that there can be no appeal unless City Staff and the Electrical Board Chair agree to it.

Bonnie Conner wrote in opposition to the ordinance because it would change the role of the Electrical Supervisory Board and it would not provide an appropriate process for citizen participation.

Everett Ives also wrote that the Electrical Supervisory Board should continue to provide input to staff as it implements Chapter 10 regarding billboards and expressed concern with the revision that there can be no appeal unless City Staff and the Electrical Board Chair agree to it.

Councilmember Rowe moved to adopt staff's recommendation as presented. Councilmember Cortez seconded the motion.

Councilmember Herrera expressed concern that the small business community was excluded from the process. She requested that the 2008 NEC be implemented on April 1, 2009 and that Section 10-66B of Chapter 10 that deals with the composition of the board be addressed by the Subcommittee for Boards and Commissions.

Mr. Ralph Velasquez of the San Antonio Craftsmen Association and Albert Cisneros of the Bexar County Electrical Association expressed their concerns with the proposed Chapter 10 Ordinance.

Councilmember Ramos stressed the importance of the Electrical Board and the need to ensure its appropriate structure and composition. Councilmember Rodriguez thanked all involved in the process and noted that the Electrical Board would be addressed through the Subcommittee for Boards and Commissions. Councilmember Cibrian requested that the City Attorney confirm that the Electrical Board did not have supervisory authority over City Staff. Michael Bernard confirmed that the Board did not have supervisory

authority over the staff on administrative policy matters, but only on certain appeals. Councilmember Clamp inquired about off-premise digital billboards and Mr. Sanchez responded that they were addressed by the Board of Adjustments.

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

The City Clerk read the following Ordinance:

2009-01-15-0002

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 ANNUAL COST OF \$2,753,000.00, INCLUDING: (A) CLEAR GLASS OF SAN ANTONIO, INC. FOR REPLACEMENT OF AUTOMOTIVE GLASS; (B) ACE SPRING SERVICE, INC. FOR AUTOMOBILE & TRUCK SPRINGS PARTS AND SERVICE; (C) A TO Z TIRE & BATTERY (ITEMS: 1, 3, 4, 6, 9 AND 12), SOUTHERN TIRE MART (ITEM: 5), GRAYS WHOLESALE TIRE (ITEMS: 7, 8, 11 AND 13 - 19), WINGFOOT COMMERCIAL TIRE SYSTEMS, L.L.C. (ITEM: 26) FOR TRUCK AND INDUSTRIAL TIRES; (D) ROMCO EQUIPMENT COMPANY FOR CLARKE, MICHIGAN & VOLVO EQUIPMENT PARTS; (E) GRANDE TRUCK CENTER FOR DIFFERENTIAL COMPONENT PARTS AND REBUILT EXCHANGE UNITS; (F) AIRPORT LIGHTING SYSTEMS FOR CROUSE-HINDS AIRFIELD LIGHTING PARTS; (G) SAN ANTONIO EQUIPMENT REPAIR INC. FOR REFURBISHING OF AMBULANCE STRETCHERS, COMBINATION CHAIR AND COT HOLDERS; (H) JOE HARRISON MOTOR SPORTS FOR HONDA MOTORCYCLE PARTS & SERVICE; (I) CONTINENTAL BATTERIES FOR AUTOMOTIVE STORAGE BATTERIES; (J) LONE STAR RADIATOR CO., INC. FOR RADIATORS, FUEL TANKS, HEATER CORES, COOLERS & EVAPORATOR UNIT PARTS AND SERVICE; (K) INTERVET/SCHERING HOMEAGAIN, L.L.C. FOR MICROCHIP IMPLANTS, & REGISTRATION; (L) LEXICON BILINGUAL RESOURCES FOR ENGLISH TRAINING MATERIALS; (M) FACILITY SOLUTIONS GROUP FOR LIGHTING PRODUCTS AND SERVICES; AND (N) **HICKMAN COMMUNITY SERVICES, L.L.C. FOR ROOFING SERVICES (ITEM N WAS PULLED FROM THE AGENDA).**

Ms. Vacek noted that Item 7(N) had been pulled from the agenda.

Councilmember Clamp made a motion to adopt the proposed Ordinance excluding Item 7N. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0003

Item 8. AN ORDINANCE ACCEPTING THE OFFER FROM JOHNSON CONTROLS, INC. FOR THE REPLACEMENT OF TWO CHILLERS, TWO COOLING TOWERS, AND THE CHILLED WATER COIL AT THE FRANK WING MUNICIPAL COURT BUILDING FOR A COST OF \$472,000.00.

Councilmember Cisneros recused herself on Item 8 by excusing herself from the Council Chambers and noting that she submitted the recusal form for said item to the City Clerk.

Councilmember Clamp made a motion to adopt the proposed Ordinance. Councilmember McNeil seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0004

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM IKON OFFICE SOLUTIONS TO PROVIDE THE PURCHASING AND GENERAL SERVICES DEPARTMENT WITH THREE NETWORK PRINTERS, INCLUDING MAINTENANCE AND SUPPLIES FOR FIVE YEARS, FOR A COST OF \$796,525.00, CONTINGENT UPON EXECUTION OF A LEASE PROGRAM SCHEDULE OR OTHER FINANCIAL OBLIGATIONS; AND AUTHORIZING THE TRADE-IN OF THE USED EQUIPMENT FOR \$50,000.00.

Councilmember Clamp requested that staff review the budget and possibly delay the purchase of non-essential items due to current economic conditions. Ms. Sculley stated that staff was working on the 3+9 Budget Report for the first quarter of the Fiscal Year and that contingency spending plans were being prepared. Councilmember McNeil requested that staff look into awarding more contracts to local businesses to help sustain the economy. Councilmember Cibrian requested information on CPS Revenues. Councilmember Galvan also requested that more local contracts be awarded.

Councilmember Clamp made a motion to adopt the proposed Ordinance. Councilmember Cortez seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0008

Item 13. AN ORDINANCE ACCEPTING THE BID FROM LA BOIT, INC. TO PROVIDE THE ANIMAL CARE SERVICES DEPARTMENT WITH A MOBILE SPAY/NEUTER CLINIC FOR A COST OF \$238,805.00.

Councilmember Cortez requested additional information on the purchase of the Mobile Spay/Neuter Clinic. Interim Animal Care Services Director Vincent Medley stated that with the purchase of the mobile unit, staff would bring spay and neuter to the community and more aggressively target the areas of highest need being Districts 3, 4, and 5. He noted that staff would work with the Homeowner's Associations and Community Organizations to identify problem areas. Councilmember Cortez asked about the new Intact Dog Permit Fee and the public education component. Mr. Medley reported that the Intact Dog Permit Fee being assessed as of January 1, 2009 was \$50.00 annually and that information was being provided to the public through Homeowner's Associations, the media, and employees.

Councilmember Cortez made a motion to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

At this time, Mayor Hardberger asked that Items 14 and 31 be addressed together.

The City Clerk read the following ordinances:

2009-01-15-0009

Item 14. AN ORDINANCE AUTHORIZING A \$357,043.00 PROFESSIONAL SERVICES CONTRACT WITH RABA KISTNER CONSULTANTS, INC. FOR CONSTRUCTION AND MATERIAL TESTING AND OBSERVATION SERVICES FOR PROJECT 4, VOLUME 1 - TERMINAL B FOUNDATIONS, STRUCTURE AND INTERIORS AT THE SAN ANTONIO INTERNATIONAL AIRPORT.

2009-01-15-0026

Item 31. AN ORDINANCE RATIFYING A \$37,089.00 AMENDMENT TO A PROFESSIONAL SERVICE AGREEMENT WITH HNTB CORPORATION, INC. FOR ENGINEERING SERVICES TO RE-DESIGN THE SECURITY SYSTEM FOR THE LONG TERM PARKING GARAGES AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself on Items 14 and 31 by excusing himself from the Council Chambers and noting that he submitted the recusal forms for said items to the City Clerk.

Councilmember Cisneros made a motion to adopt the proposed Ordinances for Items 14 and 31. Councilmember Clamp seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0010

Item 15. AN ORDINANCE AUTHORIZING AN ADVANCED FUNDING AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION FOR REIMBURSEMENT OF APPROXIMATELY \$1,276,640.00 TO THE CITY OF SAN ANTONIO FOR THE COMMERCIAL AVENUE SIDEWALKS PROJECT, AN AUTHORIZED LOCAL AGENCY MANAGED PROJECT, LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos requested additional information on the project. Mr. Mike Frisbie stated that the project was being managed by the City on behalf of the Texas Department of Transportation (TxDOT). Councilmember Ramos expressed concern with several TxDOT Projects and issues that have not been addressed. She requested that the road be returned to its original condition after project completion and that a monthly project update be submitted to her office.

Councilmember Ramos made a motion to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0013

Item 18. AN ORDINANCE ACCEPTING THE LOWEST, RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT TO R.L. JONES, L.P. IN THE AMOUNT OF \$608,036.50 OF WHICH \$152,035.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM, FOR THE RECONSTRUCTION OF RIVERDALE DRIVE (MAIDEN LANE TO HILLCREST DRIVE), AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) LOAN PROGRAM FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 7; AND APPROPRIATING FUNDS.

Councilmember Rodriguez requested additional information on the project. Mr. Majed Al-Ghafry stated that the project addresses drainage issues in the area. It was reported that an independent drainage study had been completed of the area to ensure that all drainage issues were addressed and that the project would begin in February, 2009.

Councilmember Rodriguez made a motion to adopt the proposed Ordinance. Councilmember Cibrian seconded the motion.

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

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 11:55 am to break for lunch and convene at 1:30 pm in Executive Session for the purposes of:

- A. Discuss legal issues related to the expenditure of bond proceeds pursuant to Texas Government Code Section 551.071 (consultation with attorney).
- B. Discuss legal issues related to interlocal agreements pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:20 pm at which time he noted that the City Council had been briefed on the above-styled matters but took no action. He addressed Item 26.

The City Clerk read the following Ordinance:

2009-01-15-0021

Item 26. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF \$3,969,292.50 IN GRANTS FUNDS FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR VARIOUS AIRPORT IMPROVEMENTS AT STINSON MUNICIPAL AIRPORT, APPROPRIATING MATCHING FUNDS IN THE AMOUNT OF \$254,385.91, AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS.

Councilmember Ramos asked that the Little League Fields, Texas A&M University-San Antonio, and the Verano Development be taken into consideration when developing the Land Use Plan for the area. Ms. Nina Nixon-Mendez stated that the Land Use Plan was in draft form and there were no anticipated changes to any of the Harlandale Properties or Stinson Park.

Councilmember Ramos made a motion to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0022

Item 27. AN ORDINANCE AUTHORIZING A CONTRACT WITH AND ACCEPTING \$31,000.00 FROM THE UNITED WAY OF SAN ANTONIO AND BEXAR COUNTY, ON BEHALF OF THE ALAMO AREA COMPUTER INFORMATION SYSTEM (AACIS), TO PROVIDE SPANISH COMPUTER LITERACY TRAINING AT COMPUTER TECHNOLOGY CENTERS FOR THE PERIOD JANUARY 25, 2009, THROUGH SEPTEMBER 30, 2009.

Councilmember Cortez asked how the classes would help develop a skilled workforce for the City. Mr. Dennis Campa stated that the Computer Classes were multilingual and would assist individuals whose primary language was Spanish. He explained that basic keyboarding and Microsoft Office would be taught as a gateway to begin learning English. He added that over 800 students would participate in the program and that classes would be held in the evenings and on weekends.

Councilmember Cortez made a motion to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

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

The City Clerk read the following ordinances:

Item 28. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO HOMELAND SECURITY GRANT PROGRAM FUNDS:

2009-01-15-0023

- A. AN ORDINANCE RATIFYING THE ACCEPTANCE OF \$6,740,477.00 FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT, FOR THE 2008 HOMELAND SECURITY GRANT PROGRAM (HSGP) TO PREVENT, RESPOND AND RECOVER FROM ACTS OF TERROR AND NATURAL DISASTERS.

2009-01-15-0024

- A. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF GRANT FUNDS UP TO \$8,000,000.00 FROM THE OFFICE OF THE GOVERNOR, DIVISION OF EMERGENCY MANAGEMENT, FOR

THE 2009 HOMELAND SECURITY GRANT PROGRAM (HSGP) TO PREVENT, RESPOND AND RECOVER FROM ACTS OF TERROR AND NATURAL DISASTERS.

District Chief Nim Kidd stated that the grant was a continuation grant and that some of the larger equipment that would be purchased included a rescue truck, medical special operations vehicles, and SWAT Vehicles for the San Antonio Police Department. He explained that the grant application submission process had been revised and that all purchases utilizing grant funds would be brought to the Council. Councilmember Cibrian noted that a rescue truck for Fire Station #51 was part of the grant application to reduce response times in District 8.

Councilmember Cibrian made a motion to adopt Items 28A and 28B as recommended by staff. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0025

Item 30. AN ORDINANCE AUTHORIZING THE SUBMISSION OF TWO GRANT APPLICATIONS TO THE TEXAS PARKS & WILDLIFE DEPARTMENT, AND THE ACCEPTANCE, UPON AWARD, OF UP TO \$1,000,000.00 FOR PHASE II OF VOELCKER PARK DEVELOPMENT.

Councilmember Cibrian requested information on how grant funds would be utilized. Mr. Xavier Urrutia stated that the grants would be used for Phase II of the Voelcker Park Development. He noted that the indoor recreation grant would be used to fund the Urban Ecology Center and the outdoor recreation grant would fund additional trails and fields, educational signage and parking. Councilmember Rowe expressed support for the grants and noted that the community was excited about the Voelcker Development.

Councilmember Cibrian made a motion to adopt the proposed Ordinance. Councilmember Rowe seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0027

Item 32. AN ORDINANCE APPROVING THE FINAL PROJECT AND FINAL FINANCING PLANS FOR THE HUNTERS POND TIRZ, TAX INCREMENT REINVESTMENT ZONE NUMBER TWENTY-FIVE, CITY OF SAN ANTONIO, TEXAS; AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY, BEXAR COUNTY, THE TIRZ BOARD OF DIRECTORS AND HUNTERS POND, LP, THE DEVELOPER, AND THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY, BEXAR COUNTY AND THE TIRZ BOARD OF DIRECTORS.

Mr. David Garza reported that staff had been negotiating Cost of Services and Vested Rights issues with the Developer. He stated that they had agreed that the Cost of Services would commence in the year 2020 rather

than 2016. Councilmember Ramos thanked all that worked on the project and noted that it would bring 352 new homes to the district and included infrastructure and small park projects. She requested that staff provide her office with a status report in June, 2009.

Councilmember Ramos made a motion to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0028

Item 33. AN ORDINANCE AUTHORIZING A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT FOR FEDERAL REPRESENTATION SERVICES WITH HOLLAND & KNIGHT L.L.P. AND PATTON BOGGS L.L.P., MODIFYING THE SERVICES TO BE PROVIDED AND EXTENDING THE TERM THROUGH DECEMBER 31, 2009.

Councilmember Cibrian requested additional information on the contract amendment. Mr. Andrew Smith reported that additional reporting provisions had been included, as well as a requirement that the firms present directly to the Intergovernmental Relations Council Committee (IGR). He explained that at the end of the year, the Intergovernmental Relations Director would evaluate the deliverables and present findings to the IGR. Councilmember Cibrian expressed support and stressed the importance of providing a transparent process and holding the representation accountable. Mayor Hardberger recognized Mr. Smith for his efforts. Councilmember McNeil also thanked Mr. Smith for his work and commitment to the City of San Antonio.

Councilmember McNeil made a motion to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-01-15-0029

Item 34. AN ORDINANCE AUTHORIZING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO ESTABLISH TERMS AND CONDITIONS FOR WATERSHED IMPROVEMENT PROJECTS WITHIN THE SAN ANTONIO CITY LIMITS AS PART OF THE BEXAR COUNTY FLOOD CONTROL CAPITAL IMPROVEMENT PROGRAM.

Councilmember Cortez asked for additional information on the Interlocal Agreement. Mr. Richard Mendoza stated that the agreement set the guidelines for flood control projects that had been identified in the Bexar County Capital Improvement Program. He noted that the projects were regional and had been selected through a collaborative cooperative process within the Watershed Management Team. He added that Bexar County paid for the design and construction and the City of San Antonio was responsible for the maintenance and operation of the systems.

Councilmember Cortez made a motion to adopt the proposed Ordinance. Councilmember Ramos seconded the motion.

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

The City Clerk read the following item:

Item 37. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- C. APPOINTING GERALD W. LEE AND LOU MILLER AND REAPPOINTING GAVINO R. RAMOS, JR. TO THE VIA METROPOLITAN TRANSIT AUTHORITY FOR THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 31, 2010.

Councilmember Cortez thanked all of the individuals that applied to serve on the VIA Metropolitan Transit Authority. He stated that the Infrastructure and Growth Council Committee had interviewed the applicants and determined the best representatives based on the various VIA projects, goals, and objectives.

Councilmember Cortez made a motion to approve the appointment of Lou Miller to the VIA Metropolitan Transit Authority. Councilmember Cibrian seconded the motion.

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

Councilmember Cortez made a motion to approve the appointment of Gerald W. Lee to the VIA Metropolitan Transit Authority. Councilmember Galvan seconded the motion.

The motion to approve the appointment of Gerald W. Lee prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Galvan, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** McNeil and Clamp. **ABSENT:** Herrera.

Councilmember Cortez made a motion to approve the reappointment of Gavino Ramos to the VIA Metropolitan Transit Authority. Councilmember Galvan seconded the motion.

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

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. Solid Waste Management Department Program Update

Ms. Sculley provided an update on the Recycling and Automation Programs, as well as the Compressed Natural Gas Facility that was dedicated on January 14, 2009. She reported that over the past three years, the

City had increased city-wide recycling by more than 200%. She spoke of the two-cart automation process, noting that 80% of the City would be automated by the end of the Fiscal Year.

Ms. Sculley explained that staff was initiating a campaign on the Brush and Bulky Waste Program and that advertisements would be published in the Express-News and La Prensa. She stated that staff was also working on short, medium, and long-range plans for solid waste collection and a more aggressive recycling program. She noted that the first hazardous waste collection in the community was held on December 13, 2008 and over 700 citizens had taken materials to the facility. She added that three more would be held throughout the year in the three remaining quadrants.

Lastly, Ms. Sculley reported that 30 compressed natural gas vehicles would be added to the City's solid waste fleet and thanked Mayor Hardberger and T. Boone Pickens for their attendance at the Ribbon Cutting Ceremony.

Councilmember Rodriguez asked for an update on neighborhoods with alley collection. Ms. Sculley replied that the City was still on schedule for automated conversion of alleys and explained the challenges with necessary equipment. Councilmember Galvan requested signage so that individuals are aware that there is no alley access during alley collection and a timeline for automated conversion in District 5.

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

Item 39. CONSIDERATION OF AN APPEAL OF THE ZONING BOARD OF ADJUSTMENT DECISION TO DENY THE APPROXIMATELY 18 FOOT VARIANCE REQUEST OF STEPHEN C. BENKE IN ORDER TO PLACE A 49.999 FOOT ON-PREMISE SIGN AT 4018 VANCE JACKSON. STAFF RECOMMENDS DENIAL.

Mr. Rod Sanchez presented said item and noted that the Board of Adjustment had denied the item by a vote of 8-2. He noted that staff recommendation was for denial in order to protect the abutting neighborhood.

Mayor Hardberger called upon those citizens registered to speak.

Mr. Ed Juarez, representative for SA Signs, stated that under most circumstances, Mr. Steve Benke would be allowed a 50-foot sign. Due to the residential area, he was not allowed the 50-foot sign and that caused a hazard to his property. He reported that they had discussed the issue with the Del View Neighborhood Association who approved the 50-foot sign, but noted their opposition to the proposed design.

Mr. Joe Pina stated that he was an attorney that rented space from Mr. Benke and noted the merits of the extra advertising space on the new sign design.

Mr. Jack M. Finger spoke against Items 39 and 40 and stated that if special permission was granted to some, then others will want the same privilege. He spoke in favor of Item Z-17 and against Items P-2 and Z-16 because more than 10% of the surrounding neighbors were in opposition. He also spoke against Items Z-7 and Z-10 because of the high impervious cover.

Councilmember Cisneros moved to approve said appeal with the condition that the owner would consult with the Del View Neighborhood Association on the design of the sign and that the sign not be erected until both parties supported the design. Councilmember Cortez seconded the motion.

Mr. Steven Benke replied that he was agreeable and was exactly what had been discussed in a meeting with the Del View Neighborhood Association held the previous day. He added that another meeting was scheduled with the Del View Neighborhood Association two weeks from yesterday. He also agreed to work closely with the Del View Neighborhood Association and continue communication with the entire neighborhood.

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

Item 40. CONSIDERATION OF AN APPEAL OF THE ZONING BOARD OF ADJUSTMENT DECISION TO DENY THE 17 FOOT VARIANCE REQUEST OF THE UNIVERSITY OF THE INCARNATE WORD TO PLACE A 49 FOOT SIGN AT 9729 DATAPPOINT DRIVE. STAFF RECOMMENDS APPROVAL.

Mr. Rod Sanchez presented said item and stated that staff recommendation was for approval because the property was completely surrounded by commercial uses.

Councilmember Cibrian expressed her support and moved to approve said appeal as recommended by staff. Councilmember Ramos seconded the motion.

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

2009-01-15-0002R

Item 41. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A ZONING DISTRICT BOUNDARY CHANGE TO DESIGNATE 429 E. CARSON AS HISTORIC SIGNIFICANT (DISTRICT 2). STAFF AND HISTORIC AND DESIGN REVIEW COMMISSION RECOMMEND APPROVAL.

Councilmember McNeil expressed her support and moved to approve the proposed Resolution. Councilmember Cisneros seconded the motion.

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

CONSENT ZONING

Councilmember Herrera made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve: Z-1, Z-2, Z-3, Z-5, Z-6, Z-10, Z-11, Z-14, Z-15, P-2, Z-16, Z-18, Z-19, Z-20, and Z-21. Councilmember Rowe seconded the motion.

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

Item Z-1. **ZONING CASE # Z2008258 CD (District 5):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District, "I-1" General Industrial District, "MF-33" Multi-Family District and "R-4" Single-Family Residential District to IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Auto and Light Truck Repair Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Bail Bond Agency Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Bar/Tavern Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and the Warehousing Land Use; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and an Eight-Unit Dwelling; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Three-Family Dwelling; IDZ with Uses Permitted in "C-2" Commercial District and "R-4" Single-Family Residential District and a Two-Family Dwelling; "C-2" Commercial District; "R-4" Single-Family Residential District with a Conditional Use for a Non-Commercial Parking Lot; "R-4" Single-Family Residential District with a Conditional Use for a Three-Family Dwelling; "R-4" Single-Family Residential District with a Conditional Use for a Two-Family Dwelling and "R-4" Residential Single-Family District on multiple properties generally bound by Ruiz Street to the north, West Commerce to the south, North Medina and North Frio Streets to the east and North Colorado Street to the west. Staff recommends approval. Zoning Commission recommends approval with amendments.

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 PROPERTIES GENERALLY BOUND BY RUIZ STREET TO THE NORTH, BUENA VISTA STREET TO THE SOUTH, NORTH SAN MARCOS STREET TO THE EAST AND NORTH COLORADO STREET TO THE WEST. TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT, "I-1" GENERAL INDUSTRIAL DISTRICT, "MF-33" MULTI-FAMILY DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT TO IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE AUTO AND LIGHT TRUCK REPAIR LAND USE; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE BAIL BOND AGENCY LAND USE; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE BAR/TAVERN LAND USE; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND THE WAREHOUSING LAND USE; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND AN EIGHT-UNIT DWELLING; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND A THREE-UNIT DWELLING; IDZ WITH USES PERMITTED IN "C-2" COMMERCIAL DISTRICT AND "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT AND A TWO-UNIT DWELLING; "C-2" COMMERCIAL DISTRICT; "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT WITH A CONDITIONAL USE FOR A NON-COMMERCIAL PARKING LOT; "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT WITH A CONDITIONAL USE FOR A THREE-DWELLING UNIT; "R-4" SINGLE-FAMILY RESIDENTIAL DISTRICT WITH A CONDITIONAL USE FOR A TWO-DWELLING UNIT AND "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-01-15-0036

Item Z-2. **ZONING CASE # Z2009002 (District 6):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "R-5" Residential Single Family District on Lot 40, Block 3, NCB 13945 located at 1535 South Callaghan 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: LOT 40, BLOCK 3, NCB 13945 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "R-5" RESIDENTIAL SINGLE FAMILY DISTRICT.

2009-01-15-0037

Item Z-3. **ZONING CASE # Z2009012 (District 6):** An Ordinance amending the Zoning District Boundary from "C-3R" General Commercial District, Restrictive Alcohol Sales to "C-2" Commercial District on Lot 14, Block 2, NCB 7467 located at 764 West Old Highway 90. 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 14, BLOCK 2, NCB 7467 TO WIT: FROM "C-3R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES TO "C-2" COMMERCIAL DISTRICT.

2009-01-15-0038

Item Z-5. **ZONING CASE # Z2009011 CD (District 7):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "MF-33 CD" (CD-Day Care Center) Multi-Family District with a Conditional Use for a Day Care Center on Lot 22 and the east 15.34 feet of Lot 21, Block 14, NCB 1956 located at 1730 West Huisache Avenue. 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 22 AND THE EAST 15.34 FEET OF LOT 21, BLOCK 14, NCB 1956 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "MF-33 CD" (CD-DAY CARE CENTER) MULTI-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A DAY CARE CENTER PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-01-15-0039

Item Z-6. **ZONING CASE # Z2009015 CD (District 7):** An Ordinance amending the Zoning District Boundary from "C-2" Commercial District to "C-2 CD" (CD- Outside Storage) Commercial District with a Conditional Use for Outside Storage of Merchandise on Lot 1, Block 23, NCB 17635 located at 7363 Leslie 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: LOT 1, BLOCK 23, NCB 17635 TO WIT: FROM "C-2" COMMERCIAL DISTRICT TO "C-2 CD" (CD-OUTSIDE STORAGE) COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR OUTSIDE

STORAGE OF MERCHANDISE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-01-15-0042

Item Z-10. **ZONING CASE # Z2008171 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "MF-33 ERZD" Multi-Family Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District on a 1.5999 acre tract of land out of Lot 28 and Lot 29, Block 1, NCB 17600 located at 21026 Encino Commons. 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 1.5999 ACRE TRACT OF LAND OUT OF LOT 28 AND LOT 29, BLOCK 1, NCB 17600 TO WIT: FROM "MF-33 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-3 ERZD" GENERAL COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

2009-01-15-0043

Item Z-11. **ZONING CASE # Z2008209 (District 9):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "MF-25" Multi-Family District on Parcel 22 and Parcel 8, NCB 16325 located at the 12800 Block of West Avenue. Staff and Zoning Commission recommend approval.

Item Z-11 passed with the following restrictions and conditions:

1. All exterior lighting installed on the "Burdened Property" shall be installed, regulated and maintained by the "Declarant" or person in control thereof in such a manner that the direct beam of any such light shall be oriented so that it will not glare upon any "Benefitted Property" and any illumination from direct or indirect lighting in, on, or over the ground at or beyond the boundary of the "Burdened Property" will be minimized. Preferably no street lighting; however, if city requires it, it must be dark sky lighting or low intensity.
2. A Site Plan is attached hereto as Exhibit "A." Twenty-eight lots within the "12.294 acre burdened tract" are designated on the Site Plan as "one-story" and no structure constructed on those twenty-eight lots may exceed one-story in height. The lots within the "12.294 acre burdened tract" that are not designated on the Site Plan as "one-story" shall be allowed structures not to exceed two stories in height. No structure on the "16.681 acre burdened tract" shall exceed two and one-half stories and the height of said structures shall be governed by the City of San Antonio's Unified Development Code. A legal description of the 12.294 acre burdened tract is attached hereto as Exhibit "B," a legal description of the 16.681 acre tract is attached hereto as Exhibit "C," and Exhibit "D" attached hereto contains references to the volume and page numbers of the plats of the "Benefitted Properties" as recorded in the Real Property Records of Bexar County Texas.
3. As shown on the Site Plan, no more than 10.5 "dwelling units" per acre may be constructed on the "12.294 acre burdened tract" and no more than 15 "dwelling units" per acre may be constructed on the "16.681 acre burdened tract." In this provision the term "dwelling unit" shall have the meaning that is described the City of San Antonio's Unified Development Code as of the date of these covenants, and shall be limited to those types of "dwelling units" described in section 4 of these "Restrictions & Conditions," which is set out immediately below.
4. The "Burdened Property" shall be for residential use only and the development shall only include "Townhomes," or attached "Garden Homes," constructed on individually subdivided lots.

5. Developer shall construct all units with 100% masonry exterior on the front facade. All other facades shall be constructed of masonry, hardy plank, L.P. Smart Siding or substantially equivalent materials.
6. To the extent that it is practical from an engineering perspective, Developer shall be required to locate all buildings containing living units towards the property on which the current multi-family project ("Indian Hollow") is located, and to locate the entry road for the "Burdened Property" on the side toward the Bluff View Subdivision.
7. A buffer of 30 feet in width shall be maintained adjacent to and along the property line of the "Burdened Property" and the "Benefitted Properties." Said 30 foot Buffer Area shall only be used for landscaping, or natural vegetation which may not be removed.
8. No permanent dumpster or trash receptacle shall be located on the "Burdened Property."
9. Privacy fencing, 6 feet in height, will be erected and maintained by Declarant, or his successors, along the property line between the "Benefitted" and "Burdened" properties.
10. These COVENANTS, CONDITIONS AND RESTRICTIONS shall become effective upon the approval of Zoning Case No. Z 2008209 by the City Council of the City of San Antonio, and the "12.294 acre burdened tract" being rezoned to a zoning designation that allows 10.5 "dwelling units" per acre and such zoning being maintained on the property.
11. The "Burdened Property" shall have a mandatory Homeowners Association.
12. The name of the development of the 29.605 acre "Burdened Property" shall not include the words "Bluff, "Bluffview" or "Camino Real."

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: PARCEL 22 AND PARCEL 8, NCB 16325 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MF-25" MULTI-FAMILY DISTRICT.

2009-01-15-0044

Item Z-14. **ZONING CASE # Z2009021 (District 10):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District and "C-3 IH-1" General Commercial Northeast Gateway Corridor Overlay District-1 to "I-1" General Industrial District and "I-1 IH-1" General Industrial Northeast Gateway Corridor Overlay District-1 on a 3.696 acre tract of land out of NCB 15911 located at 11357 IH 35 North. 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: 3.696 ACRES OUT OF NCB 15911 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3 IH-1" GENERAL COMMERCIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1 TO "I-1" GENERAL INDUSTRIAL DISTRICT AND "I-1 IH-1" GENERAL INDUSTRIAL NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT-1.

2009-01-15-0045

Item Z-15. **ZONING CASE # Z2008282 (District 1):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single-Family District to "NC" Neighborhood Commercial District on Lot 17, Block 3, NCB 9764 located at 802 La Manda Boulevard. 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 17, BLOCK 3, NCB 9764 TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

2009-01-15-0046

Item P-2. **PLAN AMENDMENT # 09002 (District 1):** An Ordinance amending the land use plan contained in the Midtown Neighborhood Plan, a component of the Master Plan of the City, by changing the use of a 0.1993 acre tract of land located at 140 Princeton from Low Density Residential land use to Neighborhood Commercial land use. Staff and Planning Commission recommend approval. **Associated Zoning Case # Z2008283**

2009-01-15-0047

Item Z-16. **ZONING CASE # Z2008283 (District 1):** An Ordinance changing the zoning district boundary from R-6" Residential Single Family District to "O-1" Office District on Lot 12, Block 4, NCB 2047, located at 140 Princeton. 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 12, BLOCK 4, NCB 2047 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

2009-01-15-0049

Item Z-18. **ZONING CASE # Z2009007 (District 1):** An Ordinance amending the Zoning District Boundary from "H HS RM-4" Historic Significant Residential Mixed King William Historic District to "H HS R-6" Historic Significant Residential Single-Family King William Historic District on Lots 17 and 18, Block 5, NCB 746 located at 432 and 434 King William. 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: LOTS 17 AND 18, BLOCK 5, NCB 746 TO WIT: FROM "H HS RM-4" HISTORIC SIGNIFICANT RESIDENTIAL MIXED KING WILLIAM HISTORIC DISTRICT TO "H HS R-6" HISTORIC SIGNIFICANT RESIDENTIAL SINGLE-FAMILY KING WILLIAM HISTORIC DISTRICT.

2009-01-15-0050

Item Z-19. **ZONING CASE # Z2009019 CD (District 3):** An Ordinance amending the Zoning District Boundary from "I-1 RIO-5" General Industrial River Improvement Overlay District-5 to "C-2NA CD RIO-5" (CD- Auto Repair Facility) Commercial Nonalcoholic Sales River Improvement Overlay District-5 with a Conditional Use for an Auto Repair Facility on a 0.14 acre tract of land out of Lot 1 and Lot 2, Block 3, NCB 7605 located at 4806 South Presa Street. 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: 0.14 ACRES OUT OF LOT 1

AND LOT 2, BLOCK 3, NCB 7605 TO WIT: FROM "I-1 RIO-5" GENERAL INDUSTRIAL RIVER IMPROVEMENT OVERLAY DISTRICT-5 TO "C-2 NA CD RIO-5" (CD- AUTO REPAIR FACILITY) COMMERCIAL NONALCOHOLIC SALES RIVER IMPROVEMENT OVERLAY DISTRICT-5 WITH A CONDITIONAL USE FOR AN AUTO REPAIR FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-01-15-0051

Item Z-20. **ZONING CASE # Z2009020 (District 4):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single Family District to "MH" Manufactured Home District on Lot 44, Block 4, NCB 15619 located at 5119 Hillburn 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 44, BLOCK 4, NCB 15619 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "MH" MANUFACTURED HOME DISTRICT.

2009-01-15-0052

Item Z-21. **ZONING CASE # Z2009016 S (District 4):** An Ordinance amending the Zoning District Boundary from "C-3R" General Commercial District, Restrictive Alcohol Sales to "C-3R S" General Commercial District, Restrictive Alcohol Sales with a Specific Use Authorization for a Check Cashing Facility on a 0.040 acre tract of land out of NCB 14491 located at 9326 Southwest Loop 410. 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: 0.040 ACRES OUT OF NCB 14491 TO WIT: FROM "C-3R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES TO "C-3R S" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES WITH A SPECIFIC USE AUTHORIZATION FOR A CHECK CASHING FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

2009-01-15-0034

Item P-1. **PLAN AMENDMENT # U09002 (District 5):** An Ordinance updating the Downtown West Neighborhood Plan, a component of the Master Plan of the City, by changing the use of approximately 78 acres of land bound by Ruiz and Frio to the north, Salado Street to the east, Colorado to the west, and Buena Vista to the south to reflect guidelines set out in the Community Building and Neighborhood Planning Program, adopted by City Council in October 1998 and further specified in Article IV of the Unified Development Code adopted in 2001 and amended in 2004. Staff and Planning Commission recommend approval. **Associated Zoning Case: Z2008258CD**

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

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

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

CONTINUED TO FEBRUARY 5, 2009

Item Z-4. **ZONING CASE # Z2009003 (District 7):** An Ordinance amending the Zoning District Boundary from "C-1 NCD-3" Light Commercial, Ingram Hills Neighborhood Conservation District-3 to "C-2NA NCD-3" Commercial Nonalcoholic Sales Ingram Hills Neighborhood Conservation District-3 on Lots 274, 275, 281 and 282, Block E, NCB 11551, save and except the part of said lots conveyed to the City of San Antonio in Volume 10700, Page 313, Real Property Records, Bexar County, Texas, located at 4530 Callaghan Road and 5922 Silvercrest Drive. Staff recommends denial. Zoning Commission recommends approval.

Councilmember Rodriguez moved to continue the proposed Zoning Item until February 5, 2009. Councilmember Cibrian seconded the motion.

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

CONTINUED TO FEBRUARY 5, 2009

Item Z-7. **ZONING CASE # Z2008147 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "R-6 CD ERZD" Residential Single-Family Edwards Recharge Zone District with a Conditional Use for a Private High School to "O-1 ERZD" Office Edwards Recharge Zone District (1.6350 acres) and "O-2 ERZD" Office Edwards Recharge Zone District (11.9523 acres) on a 13.5873 acre tract of land out of NCB 17627 and NCB 18598 located at 4150 DeZavala Road. Staff and Zoning Commission recommend approval.

Councilmember Cibrian moved to continue the proposed Zoning Item until February 5, 2009. Councilmember Cisneros seconded the motion.

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

2009-01-15-0040

Item Z-8. **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.

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 40, NCB 11622 TO WIT: FROM "O-2" OFFICE DISTRICT TO "C-1" LIGHT COMMERCIAL DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Erick Petersen stated that he was a representative of the property owner. He noted that the property had served as a childcare facility for five years and that purchase of the property had caused various issues. He

thanked Councilmember Cibrian and her staff for their assistance in working with the neighbors to establish deed restrictions and approve the rezoning.

Councilmember Cibrian noted that the Del Donore Homeowner's Association was in support of the zoning case with deed restrictions.

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

1. **Fence:** Within one year of the effective date of this Declaration, Declarant, following manufacturer's instructions, shall have installed commercially available beige-colored PVT vertical privacy slats each measuring approximately sixty-eight inches in length along no less than 95% of the length of the Property's existing chain-link fence facing Donore Place on the Association side of the Property. At any time, the chain-link fence and privacy slats may be removed if replaced with a solid fence or wall.
2. **Hours of Operation:** Declarant shall not open a permitted business to the public on the Property earlier than 6:00 am or later than 8:30 pm on any given day.
3. **Uses:** Although the City of San Antonio may permit the following uses in "C-1" Commercial zoning districts, the following uses are not permitted primary land uses on the Property: a) Video game arcade; b) Convenience store; c) Dairy products retail; d) Fish market retail; e) Food store; f) Grocery store; g) Laundry and/or dry cleaning service (self service nor pickup); h) Palm reading services; i) Transit park-and-ride; j) Reducing salon; k) Group daycare home; l) Fruit and/or produce retail; m) Music store; n) Newsstand; o) Tobacco retail store; p) Adult day care; q) Bed and breakfast; r) Boarding house; or s) Any food service establishment including but not limited to: restaurant, cafeteria, delicatessen, ice cream parlor, buffet, or barbeque.
4. **Zoning Case Support:** In consideration for the restrictions granted in this Declaration, the Association shall agree to not oppose, and to Support, Declarant's application(s) for rezoning of the Property from "0-2" Office to "C-1" Commercial that are pending or may be held before the City of San Antonio's Zoning Commission and the City Council. Councilmember Rodriguez seconded the motion.

The motion to approve with conditions of the above-stated deed restrictions prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Ramos, Galvan and Rowe.

2009-01-15-0041

Item Z-9. **ZONING CASE # Z2008255 ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "MH ERZD" Manufactured Housing Edwards Recharge Zone District to "NC ERZD" Neighborhood Commercial Edwards Recharge Zone District on a 0.124 acre tract of land out of Lot 6, Block 5, NCB 15659 located at 13315 Babcock Road. Staff recommends denial. Zoning Commission recommends approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.124 ACRES OUT OF LOT 6, BLOCK 5, NCB 15659 TO WIT: FROM "MH ERZD" MANUFACTURING HOUSING EDWARDS RECHARGE ZONE DISTRICT TO "NC ERZD" NEIGHBORHOOD COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Elyzabeth Earnley, AGUA, spoke in favor of said item. She thanked Councilmember Cibrian and the property owner for working on a compromise that would minimize the impact to the Aquifer.

Councilmember Cibrian thanked AGUA for their support and the property owner for their willingness to work with her office to protect the Aquifer.

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

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

CONTINUED TO FEBRUARY 5, 2009

Item Z-12. **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 until February 5, 2009. Councilmember Rowe seconded the motion.

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

CONTINUED TO FEBRUARY 5, 2009

Item Z-13. **ZONING CASE # Z2008213 S ERZD (District 10):** An Ordinance amending the Zoning District Boundary from "C-2" ERZD Commercial Edwards Recharge Zone District to "C-2 S ERZD" Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Wireless Communication System on a 0.0367 acre tract of land out of CB 5014 located at 15943 Bulverde Rd. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Elyzabeth Earnley, AGUA, expressed concern with said item. She stated that the property was grandfathered and currently used for auto repair and boat storage. She noted that San Antonio Water Systems (SAWS) had not been allowed to conduct a full site inspection and the City should request permission from the owner to do so in exchange for allowing the specific use permit.

Councilmember Clamp moved to continue the proposed Zoning Item until February 5, 2009. Councilmember Cisneros seconded the motion.

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

2009-01-15-0048

Item Z-17. **ZONING CASE # Z2009005 (District 1):** An Ordinance amending the Zoning District Boundary from "RM-4 NCD-5" Residential Mixed Beacon Hill Area Neighborhood Conservation District-5

to "HS RM-4 NCD-5" Historic Significant Residential Mixed Beacon Hill Area Neighborhood Conservation District-5 on Lots 20, 21, 22, and 23, Block 35, NCB 1827 located at 1002 West Magnolia. Staff and the 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: LOTS 20, 21, 22, AND 23, BLOCK 35, NCB 1827 TO WIT: FROM "RM-4 NCD-5" RESIDENTIAL MIXED BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT-5 TO "HS RM-4 NCD-5" HISTORIC SIGNIFICANT RESIDENTIAL MIXED BEACON HILL AREA NEIGHBORHOOD CONSERVATION DISTRICT-5.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Liz Victor, Beacon Hill Neighborhood Association, noted the Association's support for the rezoning and thanked all involved.

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

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

CEREMONIAL ITEMS

Mayor Hardberger presented a proclamation for the MLK March and Commemoration Day to be held on Monday, January 19, 2009. The Annual MLK March celebrates the accomplishments and legacy of Dr. Martin Luther King Jr. It was noted that San Antonio hosts the largest march in the United States and is expected to draw more than 100,000 adults and children. A commemorative program is scheduled at the park immediately following the march, along with many activities and food booths.

Mayor Hardberger presented a resolution of respect to the family of Mr. David Arevalo, a noted Eastside Community Activist that passed away on December 12, 2008. Mr. Arevalo was best known for his fight over contaminated soil on the proposed sight of the Alamodome. He also organized the Denver Heights Youth Sports Foundation, where he coached football for more than 25 years, and helped coordinate the annual community-wide National Night Out event at the Alamodome.

The Keep San Antonio Beautiful Green Team Challenge and Project ReDirectory Winners were recognized. The Green Team Challenge competition targets selected elementary schools chosen from each Council District and encourages students to design and improve their campuses and surrounding neighborhood areas through cleanup activities and environmental awareness. More than \$10,000 in landscape improvements and other prizes will be awarded. Project ReDirectory is a program designed to encourage students to collect outdated telephone books and help divert thousands of old directories from our landfills. The project provides a great opportunity for schools to earn prize money for their efforts as they help protect the environment.

CITIZENS TO BE HEARD

Mayor Pro Tem Herrera presided over Citizens to be Heard and called upon those registered to speak.

Mr. Mark Perez spoke of environmental issues in the city and stated that Alamo Iron Works and Newell Recycling contaminated the land that they worked on. He also spoke of a factory owned by Tetco that was allowed to operate and released dangerous toxins into the environment. He noted that said factory had closed but new contaminating factories had been established including Kimberly Clark.

Mr. William Chadwick, LaRouche PAC, noted that he worked with economist Lyndon LaRouche. He stated that over the past few years, the United States had seen a financial collapse where individuals were going bankrupt and manufacturing companies were shutting down. He stated that the LaRouche PAC was trying to push legislation through Congress called the Homeowner and Bank Protection Act that would reorganize banks rather than rely on bailouts. Mr. Dennis Dalton explained that the Homeowner and Bank Protection Act would freeze foreclosures for an indefinite period of time. He stated that the Act would also call for the immediate return of the United States to an agro-industrial nation, specifically high science and technology.

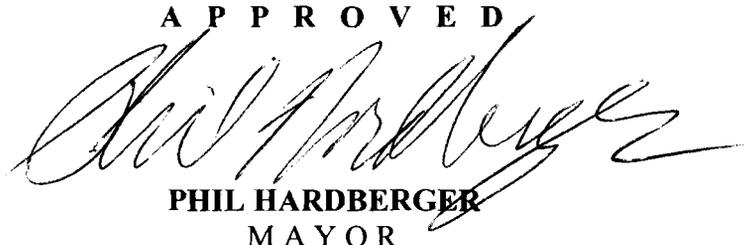
Mr. Faris Hodge, Jr. stated that he was drafting a letter to be sent to the Attorney General. He spoke of Open Records Requests that he had submitted and was awaiting a response. Lastly, he stated that the City Manager had revised the process of hiring City employees, but only the City Council had the authority to do so.

Mr. Nazirite Ruben Flores Perez noted that he had received an award for service on the San Antonio River Authority Board. He stated that they were investing large amounts of money in the Leon, Salado, and Martinez Creeks and that the United States Government was conducting tests and checking for Mercury in those areas.

ADJOURNMENT

There being no further business, Mayor Pro Tem Herrera adjourned the meeting at 6:55 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest: 
LETICIA M. VACEK
City Clerk