

**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, FEBRUARY 4, 2009 AND THURSDAY, FEBRUARY 5, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, February 4, 2009, Municipal Plaza Building with the following Councilmembers present: Cisneros, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** McNeil and Galvan.

1. BRIEFING AND POSSIBLE ACTION REGARDING “3 PLUS 9”, THE CITY’S FY 2009 BUDGET AND FINANCE STATUS FOR THE FIRST THREE MONTHS AND UPDATED ESTIMATES ON REVENUES AND EXPENDITURES FOR THE REMAINING NINE MONTHS.

City Manager Sheryl Sculley stated that the report included General Fund and Other Fund Revenue and Expenditures for the First Quarter of Fiscal Year (FY) 2009. She reported that civilian departments had been asked to identify budget reductions in the amount of 2%, while uniform departments would identify 1% reductions as proactive measures to a possible downturn in the economy.

Peter Zaroni, Director of Management and Budget, presented the 3+9 First Quarter Budget Update. He provided an overview of budget highlights and discussed the FY 2009 General Fund Service Enhancements. He outlined \$42 million that had been directed to seven priority areas. He reported that \$15.5 million or 9% had been added to the Reserves in 2009, and indicated that the City Council goal was to achieve 10% in Reserves by 2010. He provided an update on the following Budget Initiatives: Streets and Infrastructure; Police Protection; Fire Services; Neighborhood-Related Improvements; Youth, Seniors, Homelessness, and Parks and Libraries; Workforce, Business and Economic Development; and Environmental Sustainability.

Mr. Zaroni discussed the current local economic conditions, and acknowledged Dr. Steve Nivin with the Strategic Alliance for Business and Economic Research Institute (SABER) in providing data for this report. He confirmed that San Antonio’s Economy is faring better than other cities in the United States. He added that the unemployment rate in San Antonio of 5.7% was much better than the national average. He spoke of the Business Cycle Index that measures key economic indicators in a particular region including employment/unemployment rate, wages and retail sales. He discussed home sales and residential housing activity. He also elaborated on the Budget and Finance Report for the General Fund. Mr. Zaroni also spoke of the CPS Natural Gas Recovery Costs from October, 2007 through February, 2009 and discussed the General Fund interest earnings and expenditures.

Mr. Zaroni discussed the Solid Waste Services Fund and the benefits of the Automated Collection System. He acknowledged a 100% increase in recycling tonnage since its implementation. He reported on the Solid Waste Revenues and noted that recycling revenues were expected to drop 84%. With regard to the Storm Water Operating Fund he reported that the FY 2009 Budget did not increase the Storm Water Fee and included \$500,000 to address six of 31 prioritized low water crossings.

Mr. Zanoni discussed the Planning and Development Services Enterprise Fund and noted that the Fund had experienced a decrease in permitting activity and revenues in late 2006 and throughout 2007. He stated that a two-year Deficit Reduction Strategy was implemented in 2008 to eliminate the deficit by the end of FY 2009. He spoke of current Commercial and Residential Building Permits and provided an overview of the revenues and expenditures for the Planning and Development Services Fund.

Mr. Zanoni reported on the Hotel Occupancy Tax (HOT) Related Funds. He provided a ten-year history of the HOT and noted that among the U.S. Hospitality Industry, occupancy was down 4%. He added that a decline on HOT Collections was anticipated for January and February, while March through August would remain flat. He confirmed that HOT Funded Departments were in the process of developing plans to slow spending.

Mr. Zanoni spoke of the Airport Fund and cited its Revenues and Expenditures. He discussed the Enplanement Forecast, and noted that the San Antonio International Airport was projecting a 5% decrease from FY 2008. He referenced the Department's Contingency Plan, indicating that the Department has implemented measures to reduce spending.

Lastly, Mr. Zanoni explained that the General Fund remained balanced as a result of a better than expected beginning balance, and confirmed that no cuts in service or personnel were anticipated in FY 2009. He indicated that if budgeted revenue conditions worsened, options to balance the budget would be evaluated against service priorities. He further noted that revenues could potentially decline from the projections that had been made in August, 2008. He discussed plans to manage the Budget to include a decline in spending from FY 2009 General Fund Budget Enhancements. It was stated that the Financial Reserves were a critical component of financial management and would increase the City's credit worthiness, resulting in higher credit ratings. He provided an overview of the City's Performance Measures, and stated that each Department would maintain three to six measures focused on outcomes and efficiencies.

Councilmember Rowe asked that staff continue to monitor the budget and economic trends and suggested an Economist help forecast the San Antonio Economy in the upcoming months. Councilmember Herrera expressed concern with the possibility of decreasing graffiti efforts and asked how the CPS Energy shortfall would be addressed. Mr. Zanoni stated that the shortfall was being mitigated through the positive beginning FY 2009 Budget Balance of \$22 million. Councilmember Herrera stressed the importance of not utilizing Reserve Funds at this time and asked of the projected shortfall. It was noted that the budgets for FY 2009 and FY 2010 were balanced but the \$35 million in possible reductions and deferrals were options in case of worsening economic conditions.

Councilmember Cibrian stated that she appreciated the opportunity to eliminate waste and expressed support for the prioritization of Public Safety and Street Maintenance and Repair. She further noted that it was important to look at strict prioritization of the budget and that moving the economy forward was important for the City. Councilmember Cortez asked about the impact to the Police and Fire Departments. Ms. Sculley replied that nothing had been slowed to date and that 58 of the 100 new Police Officers approved in the FY 2009 Budget had been hired. He also inquired about possible savings through the 2007 Bond Program. Ms. Sculley reported that the savings on bond projects had been minimal.

Councilmember Clamp noted the importance of Performance Measures and stated that Public Safety was critical and should remain a top priority. He requested that the San Antonio Unemployment Rate be

broken down by Industry and recommended that the \$22 million beginning Budget Balance be directed to an operational reserve account. Ms. Sculley commented that it was important to focus on priority areas identified as major service deliveries. Councilmember Rodriguez inquired about the projected variance in CPS Energy Revenues. Mr. Zanoni stated that the downfall was due to the decreasing cost of natural gas. Councilmember Rodriguez expressed support and no reductions for Public Safety. He further commented that as City Departments reviewed potential budget cuts, CPS and SAWS should also review their budgets to identify potential savings.

2. UPDATE AND OVERVIEW OF CONSTRUCTION PROJECTS AT SAN ANTONIO INTERNATIONAL AIRPORT:

- **TERMINAL B CONSTRUCTION**
- **BAGGAGE HANDLING SYSTEM**
- **ROADWAY CONSTRUCTION**
- **CENTRAL UTILITY PLAN**
- **TERMINAL C SCHEDULE**

Said item was not addressed.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:25 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 5, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Pastor Chris Emmitt, Community Bible Church, guest of Councilmember Louis Rowe, District 9.

Item 2. Mayor Hardberger led the Pledge of Allegiance to the Flag of the United States.

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

Item 3. MINUTES

Councilmember McNeil made a motion to approve the Minutes for the January 15, 2009 Regular City Council Meeting. 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the captions for Items 4A and 4B:

ITEM 4. CONSIDERATION OF THE FOLLOWING RELATED TO THE 2009 STATE LEGISLATIVE PROGRAM:

A. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE 81ST REGULAR STATE LEGISLATIVE SESSION.

Carlos Contreras presented said item providing a list of recent Senate Committee Assignments. He highlighted three City Priority Issues as follows: 1) Military Installation Protection Act; 2) Transportation; and 3) Economic Development. He reported that staff was working with the Lobbyist Teams to ensure that a bill was structured to pass in the Legislature, yet accomplish the goals of protecting Camp Bullis. He noted that a draft report of the Joint Land Use Study Committee was expected to be issued on February 17, 2009.

Regarding Transportation, Mr. Contreras stated that the teams were developing local option funding legislation to provide cities with opportunities to fund local transportation projects. He added that the teams were also working on creating a rail division within the Texas Department of Transportation. Within Economic Development, he noted that a bill had been filed to reauthorize cities and counties to grant tax abatements for economic development purposes. Lastly, Mr. Contreras explained that the City would begin to secure final bill sponsors once the House Committee Appointments were made and that there had been 1,600 bills filed to date.

No action was required for Item 4A.

2009-02-05-0076

B. BRIEFING AND POSSIBLE ACTION ON AN AMENDMENT TO THE CITY'S 2009 STATE LEGISLATIVE PROGRAM REGARDING PROPOSED AMENDMENTS FROM THE FIRE AND POLICE PENSION FUND BOARD OF TRUSTEES.

Ben Gorzell outlined the Fire and Police Pension Fund, noting that it provides pension benefits for San Antonio Fire Fighters, Police Officers, and their beneficiaries. He stated that the Fund was governed by a 9-Member Board and that contributions and benefit levels were established under State Statute. He reported that the Fund had suffered cumulative losses of \$590 million since September 30, 2008. He explained that Actual Valuation as of October 1, 2008 in Unfunded Liability totaled \$254.1 million and the Amortization of Unfunded Liability was 12.03 Years. He noted that the Actuarial Smoothing of Investment Gains and Losses results in the deferral of \$221 million in investment losses from FY 2008.

Mr. Gorzell presented the following eleven proposed amendments: 1) Allow buy back of probationary time up to six months; 2) Provide 100% of CPI Cost of Living Adjustment for those who retired between October 1, 1997 and September 30, 1999; 3) Extend the four year DROP Option to five years; 4) Benefit changes for Marriage After Retirement Spouses; 5) Eligibility changes for Marriage After Retirement Widows; 6) Remove requirement for disability retirees to provide a copy of their tax return; 7) Allow Police and Fire Chiefs to opt-out of the Pension Fund; 8) Amend the Family Code; 9) Correct Section 5.03 (a-1) (4); 10) Provide for estates to be entitled 13th and 14th Checks; and 11) Benefit changes to surviving spouses and dependent children. He stated that Items 1-3 would make benefit changes and add \$11.4 million to the Fund's Unfunded Liability and .36 years to the years to amortize. He added that the remaining eight items were administrative in nature or had a minimum cost impact on the Fund.

Mr. Gorzell provided a chart outlining the \$221 million deferred losses from Years 2008-2019 utilizing an 8% Projected Investment Return. He stated that staff recommendation was that the City Council not

include any amendments that increase the Unfunded Liability of the Fund in the City's 2009 State Initiatives Plan. Frank Burney also presented on said item and stated that he served as the Fire and Police Pension Fund Attorney. He reported that the Fund has had a Comprehensive Legislative Plan for the past 20 years and had begun to review the Plan for this Legislative Session. He noted that in September, 2008 due to market conditions, the Plan had been revised. He added that the Plan presented today was consistent with the Plan adopted by the Fund and that the Board Members made good decisions for the retirees of the Fund.

Jack M. Finger spoke in opposition to the legislative requests for Haven for Hope and Meet and Confer. He expressed concern with Transportation Initiatives that could include funding for toll roads. He also spoke against the staff recommendation for the Fire and Police Pension Fund.

Nazirite Ruben Flores Perez expressed support for Meet and Confer and noted various contamination issues at Camp Bullis. He stated that he was in favor of Transportation Initiatives.

Councilmember Herrera expressed support and moved to adopt the proposed Ordinance including the amendments to the City's 2009 State Legislative Program. Councilmember Cortez seconded the motion.

Councilmember Rodriguez acknowledged the Fire and Police Pension Fund Board of Trustees in attendance and thanked them for their hard work. Councilmember Cortez also acknowledged the Board of Trustees and noted that the Board had worked diligently to make the Fund one of the strongest in the State of Texas. Councilmember McNeil recognized the Police and Fire Retirees for their service to the City of San Antonio and asked if any adjustments were being made to the portfolio due to the current market conditions. Mr. Warren Schott, Executive Director of the Fire and Police Pension Fund, stated that the Fund focused on long-term investments so no immediate changes were being made. Councilmember Ramos expressed her support for said item.

Councilmember Cibrian recognized Larry Reed, Chair of the Board of Trustees and asked about the \$11 million that the Board had agreed to move forward with. Mr. Reed replied that due to the large hit that the Fund had taken, the original package of \$50 million had been reduced to \$11.4 million. He added that the number one priority was to provide 100% CPI Cost of Living Adjustment (COLA) for those who retired between October 1, 1997 and September 30, 1999. He noted that the Fire and Police Associations had voted in support of said Plan. Councilmember Cibrian expressed her support and thanked the Board for their work. Councilmember Galvan expressed support for the Plan. Councilmember Rowe requested individual actuarial values for the three amendments and asked for the standard for pensions. Mr. Gorzell replied that the buy back of probationary time added \$819,000 to the unfunded liability; the COLA added \$8.4 million to the unfunded liability; and extending the four year DROP Option to five years added \$1.7 million to the unfunded liability. He noted that a good standard for pensions was to review the amount of years needed to finance the unfunded liability. He explained that under 30 years was a good benchmark and that the City was doing well at 24 ½ Years. Councilmember Cisneros expressed support and thanked all that worked on said Plan.

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

POINTS OF PERSONAL PRIVILEGE

Councilmember Rowe highlighted the Go Red for Women Campaign. He encouraged all to become aware of the many heart issues that affect women.

Councilmember Clamp recognized Emily Billa, Justin Clark, and Kristen Huerta, students from East Central High School participating in the Junior Achievement Job Shadow Day with District 10.

Councilmember Ramos recognized Catherine Walla and Christina Mayorga, students from East Central High School participating in the Junior Achievement Job Shadow Day with District 3.

Councilmember Galvan spoke of the San Antonio to DC Trip and thanked the Chamber of Commerce for the well-organized trip. She also recognized City Staff Carlos Contreras and Chris Callanen for their efforts.

Councilmember Cortez recognized Ariel Denson and Jessica De Leon, students from East Central High School participating in the Junior Achievement Job Shadow Day with District 4.

Councilmember Rowe added that he was pleased with the meeting with the Army Corp of Engineers regarding the San Antonio River Improvements Project and noted that the project was consistent with the requirements of the Stimulus Package.

Councilmember Cisneros recognized David Benavides and Courtney Eden, students from East Central High School participating in the Junior Achievement Job Shadow Day with District 1.

Councilmember Cibrian recognized Councilmember Cortez for winning the Celebrity Cowchip Throwing Contest held at the Cowboy Breakfast on January 30, 2009. Councilmember Cortez stated that he appreciated the camaraderie and noted that it was for a worthwhile cause.

CONSENT AGENDA: Items 5 - 19

Consent Agenda Items 6, 7B, 11A, 11B, 14A, 14B, 15A, 15B, 16, 17A, 17B, 18 and 19 were pulled for Individual Consideration. Councilmember Ramos moved to approve the remaining Consent Agenda Items. Councilmember Rowe seconded the motion.

Mr. Colin Strather spoke in opposition to Item 7A and asked for the reason that it had been pulled from the agenda. Ms. Sculley replied that staff had received additional information the day before and would like to review it thoroughly before bringing a recommendation to the City Council. Mr. Strather stated that he was a spokesperson for HKG Duty Free based out of Laredo, Texas, and noted that the principles had been in the duty-free business on the US-Mexico Border for over 20 years. He expressed concern that the contract being recommended would provide the City with less revenue than HKG had proposed. He stated that HKG had not been shut down by Customs as had been inaccurately communicated, and that all of their products were legitimate and licensed. Mayor Hardberger stated that HKG should contact the City Manager's Office regarding any irregularities in the RFP Process and noted that he would also look into the process.

Jack M. Finger spoke in opposition to Item 14 regarding the agreement with CPS Energy and Jeremy Rifkin, and the San Antonio Green Jobs Program. He also expressed concern with Item 15 regarding Solar Energy Programs.

Nazirite Ruben Flores Perez spoke in favor of the Solar Energy Programs in Item 15 and expressed concern with Item 16 regarding the San Antonio Aquifer Management Plan due to water contamination.

Ms. Vacek read written testimony from Faris Hodge, Jr. Mr. Hodge wrote that he was concerned that the costs for the various contracts listed on Item 5 were not published. He wrote in opposition to Items 14 and 15 because he felt they were a waste of taxpayer dollars. Lastly, he wrote against the increase in General Admission Fees to the Witte Museum on Item 18.

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.

2009-02-05-0077

Item 5. AN ORDINANCE ACCEPTING THE FOLLOWING BIDS TO PROVIDE THE CITY WITH THE FOLLOWING COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2009 FOR A COMBINED ESTIMATED COST OF \$903,000.00, INCLUDING: (A) AIR KON SERVICE, INC. FOR MAINTENANCE OF HEATING, VENTILATION & AIR CONDITIONING SYSTEMS FOR THE METROPOLITAN HEALTH DISTRICT AND CUSTOMER SERVICE/311; (B) RELIANCE TRUCK & EQUIPMENT, LTD. FOR E-Z PACK RECYCLING BODY PARTS AND SERVICE; (C) GEN-PROBE SALES & SERVICE, INC. FOR TESTING KITS; (D) HUBB SYSTEMS, LLC D/B/A DATA911 FOR SELF-CONTAINED RUGGEDIZED COMPUTERS; AND (E) GREATER SAN ANTONIO TRANSPORTATION COMPANY FOR SUPPLEMENTAL TAXI SERVICES FOR SENIORS AND CITIZENS WITH NON-EMERGENCY MEDICAL SERVICE NEEDS.

2009-02-05-0079

Item 8. AN ORDINANCE CONSENTING TO THE CHANGE IN OWNERSHIP OF NEWS & GIFT SHOPS INTERNATIONAL LLC, AN OPERATOR OF EIGHT STORES AT SAN ANTONIO INTERNATIONAL AIRPORT, FROM PMG INTERNATIONAL LTD. TO HDS RETAIL NORTH AMERICA LP.

2009-02-05-0080

Item 9. AN ORDINANCE DECLARING AS SURPLUS AND AUTHORIZING THE SALE OF AN APPROXIMATELY 0.06 ACRE TRACT OF LAND OUT OF LOT 42, BLOCK 1, NCB 2444 NEAR THE INTERSECTION OF GUADALUPE AND BRAZOS STREETS, LOCATED IN COUNCIL DISTRICT 5, TO JOHN J. GAGLIANO FOR \$1,437.70.

2009-02-05-0081

Item 10. AN ORDINANCE AUTHORIZING A FIVE-YEAR LEASE RENEWAL TO CASA DE NUEVO LEON FOR OFFICE SPACE AT 203 SOUTH ST. MARY'S STREET, LOCATED IN COUNCIL DISTRICT 1, AT AN INITIAL MONTHLY RENT OF \$2,281.50.

Item 12. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT FOLLOWING THE RECEIPT OF EIGHT AFFIRMATIVE VOTES:

- A. APPOINTING SARA V. SAMANO (DISTRICT 1) TO THE ANIMAL CARE SERVICES ADVISORY BOARD FOR A TERM OF OFFICE TO EXPIRE FEBRUARY 4, 2011.
- B. APPOINTING CLIFFORD W. WHITTINGSTALL (DISTRICT 10, CATEGORY: ARCHITECT) TO THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2009.

2009-02-05-0084

Item 13. AN ORDINANCE DECLARING AS SURPLUS TWELVE BUILDINGS LOCATED AT SAN ANTONIO INTERNATIONAL AIRPORT AND AUTHORIZING PHASED DEMOLITION OF THE BUILDINGS.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-02-05-0078

Item 6. AN ORDINANCE APPROVING CHANGE ORDER NO.CIMS-10 IN THE AMOUNT OF \$54,109.00 TO THE \$4,372,975.10 CONSTRUCTION CONTRACT, AS CHANGED, WITH TEXAS STERLING, L.P. FOR ADDITIONAL WORK FOR THE GOLIAD ROAD-PECAN VALLEY TO MILITARY PHASE I PROJECT, LOCATED IN COUNCIL DISTRICT 3.

Councilmember Ramos expressed concern with the change orders in Phase I and noted that the road was already deteriorating. She requested that staff photograph the area and address warranty issues with the contractors.

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

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

The City Clerk read the following:

Item 7. CONSIDERATION OF THE FOLLOWING ITEMS IN RELATION TO CONCESSION AGREEMENTS AT SAN ANTONIO INTERNATIONAL AIRPORT:

PULLED FROM AGENDA BY STAFF

- A. AN ORDINANCE AUTHORIZING A FIVE-YEAR RETAIL CONCESSION AGREEMENT WITH INTERNATIONAL DUTY FREE STORES/UETA WITH MINIMUM ANNUAL GUARANTEED RENTALS OF \$290,000.00.

TABLED

- B. AN ORDINANCE AUTHORIZING A FIVE-YEAR FOOD AND BEVERAGE CONCESSION AGREEMENT WITH HOST INTERNATIONAL, INC. WITH MINIMUM ANNUAL GUARANTEED RENTALS OF \$231,000.00.

Councilmember Ramos requested information on the Request for Proposal process utilized for Item 7B. Mr. Sawaya stated that the RFP had been posted for 30 days and that a pre-bid conference had been held on October 17, 2008. He reported that there were 14 attendees and that none had expressed concern with the deadline. He explained that in addition to being posted on the City Website and on TVSA-Channel 21, the Unison Consulting Group had sent an e-mail blast to over 100 e-mail addresses and airport concessionaires. Councilmember Ramos requested that Aviation Staff meet with her to further discuss the process and concerns. Councilmember Galvan stated that she also had concerns and asked that she be included in said discussion. Councilmember Cibrian asked for information on the current concessionaire. Mr. Sawaya stated that it was George Gervin Sports Bar and had been operating successfully at the Airport for several years.

Councilmember Ramos moved to table said item from the agenda. Councilmember Galvan 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 Ordinances for Items 11A and 11B as follows:

Item 11. CONSIDERATION OF THE FOLLOWING ORDINANCES FOR THE CURRENT AND FUTURE LOCATIONS OF FIRE STATION NO. 27, BOTH NEAR THE INTERSECTION OF HILLCREST AND BANDERA IN COUNCIL DISTRICT 7:

2009-02-05-0082

- A. AN ORDINANCE DECLARING AN APPROXIMATELY 5,978 SQUARE FEET PARCEL OUT OF THE CURRENT FIRE STATION NO. 27 PROPERTY SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING ITS SALE FOR \$185,400.00 TO TXDOT FOR STREET WIDENING.

2009-02-05-0083

- B. AN ORDINANCE DECLARING A PUBLIC NECESSITY AND AUTHORIZING THE ACQUISITION, BY NEGOTIATION OR CONDEMNATION FOR FAIR MARKET VALUE, OF AN APPROXIMATELY 3.13 ACRE PARCEL FOR A NEW FIRE STATION 27 LOCATED IN NCB 8394.

Councilmember Rodriguez asked if the current Fire Station would remain operational while the new one was being built and how the surplus property would be utilized. Deputy Fire Chief Rodney Hitzfelder confirmed that the current Fire Station would remain operational and that the new Fire Station was scheduled for completion in January, 2011. He explained that staff would canvass City Departments to see if they needed the property. If the property was not needed, it could be used for the community or sold. Councilmember Rodriguez stated that the Church on Hillcrest Street had expressed interest in acquiring additional land for ingress and egress purposes and asked that staff be mindful of that request.

Councilmember Rodriguez moved to adopt the proposed Ordinances for Items 11A and 11B. Councilmember Cisneros seconded the motion.

The motion to approve Items 11A and 11B 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 Ordinances for Items 14A and 14B as follows:

Item 14. CONSIDERATION OF THE FOLLOWING ITEMS TO IMPLEMENT THE CITY OF SAN ANTONIO'S MISSION VERDE PLAN:

2009-02-05-0085

- A. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH CPS ENERGY AND JEREMY RIFKIN ENTERPRISES TO PROVIDE ECONOMIC POLICY CONSULTING SERVICES FOR AN AMOUNT UP TO \$131,400.00 AS THE CITY'S CONTRIBUTION.

2009-02-05-0086

- B. AN ORDINANCE AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH THE COUNCIL FOR ADULT AND EXPERIENTIAL LEARNING INC., FOR AN AMOUNT UP TO \$88,600.00, TO DEVELOP A SAN ANTONIO GREEN JOBS PROGRAM.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 14A and 14B. Councilmember Cibrian seconded the motion.

Councilmember McNeil asked of the process for allocating funds and the reason why said items did not go before the respective City Council Committee. Ms. Sculley stated that this was a recommendation from staff and that the City Council could decide if the item was to be approved. She added that as the City Manager, she was recommending approval of the items.

Councilmember McNeil stated that she was in support of the project but not of the process and requested that future projects utilizing Economic Development funds that have not been committed be taken to the respective Council Committee for recommendation. Councilmember Rodriguez requested additional information on the Green Jobs Program. Mr. Richard Varn explained that there needed to be a place to gather efforts and the Council for Adult and Experiential Learning Inc. (CALE) would be working with the community colleges and other job training programs to build the curriculum. He added that without the proper curriculum and training, the City would not be able to readily respond to initiatives such as the Stimulus Package and other related efforts. Councilmember Rodriguez acknowledged the partnership with ACCD and asked that outreach efforts also be made at the high school level.

Councilmember Cibrian expressed her support for the projects and noted that the information had been presented to the City Council at a B Session. She added that other projects had been funded through the Economic Development Fund and had not been presented to a Council Committee prior to being presented to the full Council. Councilmember Clamp concurred with Councilmember McNeil and expressed concern that the projects had not been discussed with the Economic and Community Development Council Committee. He asked the City Attorney about the City Manager's authority on policy issues as stated in the City Charter. Mr. Michael Bernard stated that the City Manager could recommend to the Council such actions as deemed desirable at a meeting of the body. Councilmember Clamp requested additional information on each of the recommended projects. Mr. Richard Varn provided an overview of the collaboration with CPS Energy and Jeremy Rifkin, and the San Antonio Green Jobs Program. Councilmember Clamp inquired about the costs for Mission Verde Initiatives and

expressed concern that CPS Energy would raise rates to fund the projects. Mr. Larry Zinn outlined the projected costs and noted that there were no costs associated with the majority of the Mission Verde Initiatives.

Councilmember Ramos expressed support for the projects but noted she was also concerned that it had not followed the Council Committee Process. She asked about deliverables for the \$131,400 contract. Mr. Varn reported that a Charette would be conducted with community leaders and outside experts for specific recommendations that would be proposed to CPS Energy.

Mayor Hardberger recessed the meeting at 12:00 noon to break for lunch and noted that the meeting would resume at 1:30 pm.

Mayor Hardberger reconvened the meeting at 1:35 pm and continued to address Items 14A and 14B.

Councilmember Galvan stated that she was in support of the work that needed to be accomplished but was opposed to the process. She asked how Mr. Rifkin and the CALE were selected to perform the work and about the urgency of the projects. Ms. Sculley replied that CPS Energy was contracting with Mr. Rifkin and had asked the City to partner with them on the endeavor and share costs. Mr. Varn added that the partnership with CALE was being done due to the unique work and to avoid duplication of efforts. He added that there was no urgency, but it would be better to start work sooner than later. Mayor Hardberger stated that due to the current economic conditions and the upcoming Stimulus Package, it was important to begin work on the efforts as soon as possible.

Councilmember Cortez expressed his support for the projects and noted that the items had been thoroughly presented at a B Session. He asked for additional information on Mr. Rifkin's expertise. Mr. Varn stated that Mr. Rifkin was the lead advisor to the European Union and several other world leaders, and has a global team to help implement his energy approaches. Councilmember Herrera expressed her support and noted that the Stimulus Package would include funds for Job Training Programs and would like for San Antonio to receive and utilize them for Green Jobs. Councilmember Cisneros also expressed support for the projects and stressed the importance of having a skilled "Green" workforce ready when funds are made available.

Councilmember Rowe stated that he had attended a conference where Mr. Rifkin had been a guest speaker and noted that Mr. Rifkin had great ideas. Councilmember Rowe made a friendly amendment to meet and revisit the process for bringing items before the City Council within the next 30 days. Councilmembers Cortez and Cibrian accepted the friendly amendment. Councilmember Cibrian stated that today's action was not a change of policy and not all projects follow the Council Committee Process.

Mayor Hardberger outlined the merits of the projects. He stated that the experts from CALE were dedicated to creating green jobs and would help us get them. He explained that this was a new industry before us and we should not get left behind. He reported that Jeremy Rifkin was a world wide economist and the best in his field. He stated that Mr. Rifkin's latest book discussed the issues of the US falling behind Europe in matters such as these. Mayor Hardberger added that it was possible that when you work on something long enough, you assume that everybody is aware of it. Many individuals have been working on this for over a year and it was also presented at a B Session. Lastly, he stated that the way to look at the future was to look at alternative energy resources and San Antonio should be a leader.

The motion to approve Items 14A and 14B prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Herrera, Rodriguez, Cibrian, Rowe, and Mayor Hardberger. **NAY:** None. **ABSENT:** Galvan and Clamp.

The City Clerk read the Ordinances for Items 15A and 15B as follows:

Item 15. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE CITY OF SAN ANTONIO'S SOLAR ENERGY PROGRAMS:

2009-02-05-0087

- A. AN ORDINANCE AUTHORIZING TWO AGREEMENTS WITH SOLAR SAN ANTONIO, IN AN AMOUNT UP TO \$125,000.00, TO SUPPORT SOLAR ENERGY PUBLIC OUTREACH EFFORTS AND TECHNICAL ASSISTANCE FOR THE DEPARTMENT OF ENERGY'S "SOLAR CITIES" PROGRAM.

2009-02-05-0088

- B. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH THE METROPOLITAN PARTNERSHIP FOR ENERGY, IN AN AMOUNT UP TO \$67,500.00, TO PROVIDE TECHNICAL ASSISTANCE FOR THE DEPARTMENT OF ENERGY'S "SOLAR CITIES" PROGRAM.

Councilmember Cibrian recognized Mr. Bill Sinkin, Chair of Solar San Antonio, who thanked Mayor Hardberger for his leadership. Councilmember Cibrian expressed support for said items and noted that San Antonio was a leader on Solar Energy in the State of Texas. She noted that last year, the City of San Antonio had been named as a Solar America City and announced that the National Solar America City Conference would be held in San Antonio on March 30-April 2, 2009.

Councilmember Rodriguez asked for information on the Renewable Energy Center Concept. Mr. Laurence Doxsey stated that the concept had been initiated by Mr. Sinkin and that ACCD and the Clean Technology Forum had expressed interest. The concept demonstrates renewable energy opportunities for education and associated products, has expanded to include clean energy, and bridges with the One-Stop Center concept. Councilmember Rodriguez asked if the City would reach a point at the residential level where solar energy was easier to use and incentives would be offered. Mr. Doxsey confirmed that the idea was part of the Solar Cities Grant.

Councilmember Cibrian moved to adopt the Ordinances for Items 15A and 15B. Councilmember Cisneros seconded the motion.

The motion to approve Items 15A and 15B 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:

2009-02-05-0089

Item 16. AN ORDINANCE AUTHORIZING REVISIONS TO THE SAN ANTONIO AQUIFER MANAGEMENT PLAN TO UPDATE DROUGHT RESTRICTION TRIGGERS CONSISTENT WITH THE EDWARDS AQUIFER AUTHORITY'S CRITICAL PERIOD REGULATIONS.

Karen Guz, Director of Conservation with San Antonio Water Systems (SAWS) addressed Councilmember Cortez's question relative to the process to be followed on conservation. Ms. Guz stated that SAWS had begun educating citizen groups, stakeholder groups, and had conducted a public meeting to ensure that ratepayers understood the issue. She noted that if the vote was favorable, education would continue through press releases and community organizations. She outlined the process that led to the recommendation and noted that the Citizen Committees and Board of Trustees had endorsed it unanimously. Councilmember Cortez thanked SAWS for their proactive efforts.

Councilmember Clamp asked if the restrictions were voluntary. Ms. Guz explained that the City had options on how to comply with the Edwards Aquifer Authority but was required to cut back use of the aquifer by 20% in Stage One. She noted that conservation was voluntary but if the 660 trigger was reached, the restrictions would no longer be optional. Councilmember Clamp asked about the reduction of pumping within rate structures. Mr. Doug Evanson stated that the triggers would only kick in during times of drought but noted that even with restrictions, SAWS would be in excess of budgeted levels of pumping.

Councilmember Cibrian stated that adjusting the triggers at this time was important to the community and commended SAWS for their efforts. Councilmember Rodriguez expressed his support and asked if SAWS was providing incentives to good stewards of the community. Ms. Guz replied that SAWS had a goal of saving one billion gallons of water in 2009 through proactive education and incentive programs.

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

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

The City Clerk read Ordinances for Items 17A and 17B as follows:

Item 17. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE CAMP BULLIS JOINT LAND USE STUDY:

2009-02-05-0090

- A. AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE GRANT APPLICATION SUBMITTED TO THE OFFICE OF ECONOMIC ADJUSTMENT INCREASING THE REQUESTED AMOUNT OF GRANT FUNDING BY \$50,000.00.

2009-02-05-0091

- B. AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE PROFESSIONAL SERVICE AGREEMENT WITH MATRIX DESIGN GROUP INCREASING THE SCOPE OF WORK AND AUTHORIZING AN ADDITIONAL \$44,337.00.

Councilmember Cibrian stated that the Camp Bullis Joint Land Use Study was moving forward and that a draft report had been reviewed by the Technical Advisory Committee. She noted that the Joint Land Use Study would be released in May, 2009. She explained that the grant would be funded through the Federal Office of Economic Adjustment and asked about the additional services received through the contract amendment. Mr. James Henderson stated that the amendment would authorize reimbursement to the Matrix Design Group for their work on the Seven Initiatives passed by the City Council in August, 2008.

Councilmember Cibrian expressed support and moved to adopt the proposed Ordinances for Items 17A and 17B. Councilmember McNeil seconded the motion.

The motion to approve Items 17A and 17B 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:

2009-02-05-0092

Item 18. AN ORDINANCE APPROVING AN INCREASE IN GENERAL ADMISSION FEES TO THE WITTE MUSEUM.

Councilmember Cortez asked the reason for the admission increase. Mr. Xavier Urrutia stated that the last increase to the Witte occurred in 2003 and that said increase would be used for general operating expenses. He noted that the facility had increased their capacity and annual attendance. Ms. Marise McDermott explained that operational costs had increased 67% since the last increase and that over 60,000 individuals had visited the Witte on Free Tuesdays the previous year.

Councilmember Cibrian requested an update on the Witte Museum Capital Campaign. Ms. McDermott reported that the Capital Campaign was doing very well and that the Parking Facility would be open on March 6, 2009. She noted that \$19 million had been raised to date across three phases and would soon begin schematic design. Councilmember Galvan asked if the rate increase would affect student rates. Mr. Urrutia confirmed that there would be no change to student rates. Ms. McDermott added that there were scholarships available to those who could not afford to pay the fee and reiterated that no student would be turned away.

Councilmember Cortez moved 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 Ordinance:

CONTINUED TO FEBRUARY 19, 2009

Item 19. AN ORDINANCE AUTHORIZING THE RENAMING OF "SOUTH SMITH STREET" BETWEEN THE CROSS STREETS OF COLIMA STREET AND CHIHUAHUA STREET TO THE NEW NAME OF "GUADALUPE YBARRA STREET", AS REQUESTED BY COUNCILWOMAN GALVAN, COUNCIL DISTRICT 5.

Councilmember Galvan moved to continue Item 19 for two weeks. Councilmember McNeil 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.

Item 20. CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- A. Literacy Programs Update
- B. Traffic Synchronization and Modernization (TSSM) Project Update

The TSSM Project was included in the budget two years ago and is beginning the second year of a five-year project. The project will enhance and upgrade signalized intersections and will synchronize traffic signals on major streets. Phase I has been completed and more than 250 signals have been synchronized to date. Phase II includes the synchronization of another 253 traffic signals for the community, and Phases III-V will continue in subsequent years. The project is scheduled for completion by 2012 and over 1,000 traffic lights will have been synchronized.

The City of San Antonio continues to offer Basic Literacy Programs for City Employees. The Program was implemented in 2007, and over 1,200 employees have taken advantage of this opportunity since its inception.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 3:20 pm to convene in Executive Session for the purposes of:

- A. Deliberate the purchase, exchange, lease or value of real property and discuss related legal issues pursuant to Texas Government Code Sections 551.072 (real property) and 551.071 (consultation with attorney).
- B. Discuss legal issues related to *Grethel Echartea v. City of San Antonio*, Cause No. SA-07-CA-0781-OG, Bexar County, Texas pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Pro Tem Ramos reconvened the Regular Meeting at 4:25 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

CONSENT ZONING

Councilmember Cisneros made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no citizens had registered to speak: Z-1, Z-6 and Z-7. Councilmember Clamp seconded the motion.

Mr. Jack M. Finger spoke against Item Z-2 stating that it was inappropriate to construct a medical center in the area. He also spoke in opposition to Item Z-3 because of the 50% impervious cover and Item Z-5 due to the underground storage tank. He expressed concern with Item Z-6 due to opposition from the Neighborhood Association.

Ms. Vacek read written testimony from Mr. Charles English on Item Z-6. Mr. English wrote that the Jefferson Heights Association, Houston Heights, and Dunbar Place Neighborhoods were opposed to the Arts and Entertainment Zoning. He cited a conflict with the Jefferson Heights Association By-Laws as a registered association with the City and noted that the Jefferson Heights Neighborhood had not participated in any discussions regarding the zoning change.

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

2009-02-05-0093

Item Z-1. **ZONING CASE # Z2009026 (District 6):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District and "R-6 GC-2" Residential Single-Family Highway 151 Gateway Corridor Overlay District-2 to "C-3" General Commercial District and "C-3 GC-2" General Commercial Highway 151 Gateway Corridor Overlay District-2 on 0.3202 of an acre out of NCB 17640 located between State Highway 151 and Rogers 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: 0.3202 OF AN ACRE OUT OF NCB 17640 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-6 GC-2" RESIDENTIAL SINGLE-FAMILY HIGHWAY 151 GATEWAY CORRIDOR OVERLAY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT AND "C-3 GC-2" GENERAL COMMERCIAL HIGHWAY 151 GATEWAY CORRIDOR OVERLAY DISTRICT.

2009-02-05-0097

Item Z-6. **ZONING CASE # Z2009028 S (District 2):** An Ordinance changing the Zoning District Boundary from "I-2 EP-1" Heavy Industrial Event Parking Overlay District, "I-1 EP-1" General Industrial Event Parking Overlay District, "C-3 EP-1" General Commercial Event Parking Overlay District, "HS H IDZ" Historic Significant, Infill Development Zone Dignowity Hill Historic District, and "HS IDZ" Historic Significant, Infill Development Zone District to "AE-3 S EP-1" Arts and Entertainment, Event Parking Overlay District with a Specific Use Authorization for Truck Repair and Maintenance, "AE-3 S EP-1" Arts and Entertainment, Event Parking Overlay District with a Specific Use Authorization for Warehousing, "HS H AE-3" Historic Significant, Arts and Entertainment Dignowity Hill Historic District, and "HS AE-3" Historic Significant, Arts and Entertainment District on P-10 and Lot 19, Block 2, NCB 10578; Lot 5, NCB 10233; Lots 1 thru 18, Block A, NCB 593; Lots 1 thru 18, Block 1, NCB 595 located at 3641 E. Houston Street, 403 Kraft Street, and 1617 and 1631 E. Commerce Street. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: P-10 AND LOT 19, BLOCK 2, NCB 10578; LOT 5, NCB 10233; LOTS 1 THRU 18, BLOCK A, NCB 593; LOTS 1 THRU 18, BLOCK 1, NCB 595 TO WIT: FROM "I-2 EP-1" HEAVY INDUSTRIAL EVENT PARKING OVERLAY DISTRICT, "I-1 EP-1" GENERAL INDUSTRIAL EVENT PARKING OVERLAY DISTRICT, "C-3 EP-1" GENERAL COMMERCIAL EVENT PARKING OVERLAY DISTRICT, "HS H IDZ" HISTORIC SIGNIFICANT, INFILL DEVELOPMENT ZONE DIGNOWITY HILL HISTORIC DISTRICT, AND "HS IDZ" HISTORIC SIGNIFICANT, INFILL DEVELOPMENT ZONE DISTRICT TO "AE-3 S EP-1" ARTS AND ENTERTAINMENT, EVENT PARKING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR TRUCK REPAIR AND MAINTENANCE, "AE-3 S EP-1" ARTS AND ENTERTAINMENT, EVENT PARKING OVERLAY DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR WAREHOUSING, "HS H AE-3" HISTORIC SIGNIFICANT, ARTS AND ENTERTAINMENT DIGNOWITY HILL HISTORIC DISTRICT, AND "HS AE-3" HISTORIC SIGNIFICANT, ARTS AND ENTERTAINMENT DISTRICT PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-02-05-0098

Item Z-7. **ZONING CASE # Z2009023 CD (District 5):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-2 CD" (CD-Auto Repair Facility) Commercial District with a Conditional Use for an Auto Repair Facility on 0.27 of an acre out of Lot 27 and Lot 28, Block A, NCB 2873 located at 730 Nogalitos 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: 0.27 OF AN ACRE OUT OF LOT 27 AND LOT 28, BLOCK A, NCB 2873 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2 CD" COMMERCIAL DISTRICT WITH A CONDITIONAL USE FOR AN AUTO REPAIR FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

2009-02-05-0094

Item Z-2. **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.

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

274 AND 275, 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 TO WIT: FROM "C-1 NCD-3" LIGHT COMMERCIAL, INGRAM HILLS NEIGHBORHOOD CONSERVATION DISTRICT TO "C-2NA NCD-3" COMMERCIAL NONALCOHOLIC SALES INGRAM HILLS NEIGHBORHOOD CONSERVATION DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Rodriguez moved to adopt the proposed Zoning Item with the following conditions: 1) Removal of Lots 281 and 282 from the zoning change; and 2) Hours of Operation will be 7 am to 7 pm Monday through Saturday for Doctor's Offices and unrestricted for Urgent Care. Councilmember Cibrian seconded the motion.

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

2009-02-05-0095

Item Z-3. **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.

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: 13.5873 OF AN ACRE OUT OF NCB 17627 AND NCB 18598 TO WIT: 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).

Mr. Chris Looney presented the proposed Zoning Case.

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

1. Building Setbacks: Declarant agrees that no office or commercial building shall be constructed within one-hundred and fifteen feet from the common property line between the western property line of the Subject Property and the eastern property line of the Shavano Ridge neighborhood. Such building setback area shall include a fifty foot natural landscape buffer adjacent to the common property line described above. To ensure that the natural landscaping located within the buffer area is not disturbed, Declarant agrees to place temporary construction fencing along the perimeter of the buffer area.

2. Building Height: Declarant agrees to limit the height of any office or commercial building, located between the building setback line established in item #1 above and two-hundred feet of the common property line between the western property line of the Subject Property and the eastern

property line of the Shavano Ridge neighborhood, to no more than two stories. "Two stories" shall mean no more than thirty-eight feet in height, measured from the finished interior floor to the roofline at the top of the parapet wall of the building, excluding spires, belfries, cupolas, or domes not used for human habitation, chimneys, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances usually located on the roof level, provided that such features are limited to the height necessary for their proper functioning.

3. Windows: In order to provide privacy and reduce glare, Declarant agrees to use "sky" windows on the second story of all office or commercial buildings orientated to face the common property line between the western property line of the Subject Property and the eastern property line of the Shavano Ridge neighborhood and within two-hundred feet of the common property line. "Sky" windows shall mean that no clear (non-opaque) windows will be used within five feet of the second-story interior floor. Additionally, subject to approval by the City and pursuant to the codes and regulations of the City, such windows shall not be constructed out of reflective glass. This window restriction shall only apply to office or commercial buildings located between the building setback line established in item #1 above and two-hundred feet of the common property line between the western property line of the Subject Property and the eastern property line of the Shavano Ridge neighborhood.

4. Hours of Operation: Declarant agrees to limit the hours of operation for offices and commercial businesses located on the Subject Property so that no office or commercial business may remain open later than 10:00 pm.

5. Hours of Construction: Declarant agrees to limit the hours of outside construction activities to 7:00 am to 7:00 pm, Monday through Friday, and 9:00 am to 5:00 pm on Saturday. In no event shall outside construction activities occur on a Sunday.

6. Loading Dock Locations: Declarant agrees to restrict the location of all loading docks within two-hundred feet of the common property line between the western property line of the Subject Property and the eastern property line of the Shavano Ridge neighborhood so that no loading dock is orientated to face such common property line.

7. Traffic Control: Declarant agrees to comply with the requirements of the Traffic Impact Analysis completed for the Subject Property and submitted to the City of San Antonio based on the City of San Antonio requirements in place at the time of platting the Subject Property.

8. Zoning Case Support: In consideration for the restrictions granted in this Declaration, the Association shall agree not to oppose, and to support, Declarant's application for rezoning of the Property in zoning case number Z2008147 that is pending before the City of San Antonio's Zoning Commission and the City Council. Councilmember Rodriguez seconded the motion.

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

2009-02-05-0096

Item Z-4. **ZONING CASE #Z2008206 (District 10):** An Ordinance amending the Zoning District Boundary from "I-1 IH-1" General Industrial National Highway System High Priority Northeast Gateway Corridor Overlay District to "C-3 IH-1" General Commercial National Highway System High Priority Northeast Gateway Corridor Overlay District on Lot 11, NCB 13804 located at 10811 IH 35 North. Staff and Zoning Commission recommend approval.

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

11, NCB 13804 TO WIT: FROM "I-1 IH-1" GENERAL INDUSTRIAL NATIONAL HIGHWAY SYSTEM HIGH PRIORITY NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT TO "C-3NA IH-1" GENERAL COMMERCIAL NONALCOHOLIC SALES NATIONAL HIGHWAY SYSTEM HIGH PRIORITY NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT (0.168 ACRES) AND "C-3 IH-1" GENERAL COMMERCIAL NATIONAL HIGHWAY SYSTEM HIGH PRIORITY NORTHEAST GATEWAY CORRIDOR OVERLAY DISTRICT (4.222 ACRES).

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Bobby Perez spoke on behalf of the applicant. He stated that they would like to amend the zoning request to a C3 NA Zoning save and except for the two areas designated on Exhibit B to the Covenants and Restrictions that account for approximately 4,000 square feet total on both sides to permit the use of a lounge as recommended by Staff and the Zoning Commission. He clarified that the Zoning would be amended to C3 NA IH-1 and C-3 IH-1, and that the Deeds and Restricted Covenants had been executed and filed.

Councilmember Clamp moved to adopt the proposed Zoning Item as amended by the applicant. Councilmember Cortez seconded the motion.

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

CONTINUED TO MARCH 5, 2009

Item Z-5. **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. Elizabeth Earnley, AGUA, stated that she had requested that the Council consider gaining volunteer access to the property in order to inspect it for sources of Aquifer contamination. She understood that it had not been allowed but that the City had requested a volunteer bird survey because they suspected that there were Golden Cheeked Warblers on the property. She asked that the City identify all nonconforming properties and enlist them in a program for volunteer inspections.

Councilmember Clamp moved to continue the proposed Zoning Item to March 5, 2009. Councilmember Cibrian seconded the motion.

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

Mayor Pro Tem Ramos recessed the meeting at 4:42 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

CITIZENS TO BE HEARD

Mayor Pro Tem Ramos presided over Citizens to be Heard.

Mr. Robert Ritterbach spoke in opposition to the City Manager's pay increase of \$20,000 and stated that a salary of \$300,000 was too high. He noted that the money could be better spent on streets and infrastructure and other such issues. He expressed concern with the \$200,000 allocated toward tree planting and noted the issues with handicap ramps on Independence Avenue located in District 10.

Ms. Patsy Cheyney spoke in reference to House Bill 804. She noted that she had addressed the Council at the January 29, 2009 Council Meeting regarding the same topic and explained that the bill would allow for the medical treatment of minor children when guardians are not available to make decisions.

Mr. George Carson spoke in opposition to the University of Texas at San Antonio's desire to become a flagship university because if this occurred, they would only accept elite individuals. He urged the Council to advocate more for Texas A&M-San Antonio and provided an overview of the history of Texas A&M University.

Mr. Mark Perez noted his concerns with the Planning and Development Services Department. He stated that Tetco was operating seven businesses without Certificates of Occupancy and each was a Class C Misdemeanor. He asked the City to closely monitor these types of businesses.

Mr. Antonio Diaz, Co-Founder of the Caser Chavez March for Justice thanked the City Councilmembers dating back to 1996 for their continuous support. He reported that there had been a split in the group and requested that the City maintain communication with his group.

Ms. Isamary Bauer expressed concern that her electricity had been shut off. She also asked for assistance in rezoning her property.

Mr. Danny Lents, Founder of IdTheftAwareness.com, expressed concern with Ordinance 99517 because of the increased risk of identity theft for guests at San Antonio Hotels. He stated that his identity had been stolen and since then, he has provided identity theft classes all over the United States. He requested that the Council consider removing verbiage from said Ordinance requiring hotels to retain personal identification numbers from registrants.

Mr. Faris Hodge, Jr. stated that it was important for a translator to be present at Council Meetings for people who do not speak Spanish. He read several Open Records Requests regarding the Fire and Police Retirement Healthcare Fund, ADA requirements for Main Plaza, Alamodome Parking Lot Funds, and amount of funds in the Reserve Fund. He noted that he was pleased that Senior Citizens were receiving more canned foods from the Food Bank and sang a song to the Council.

Mr. Wayne Hensley stated that he was a resident of the Samm Shelter and that there were serious drug issues at the shelter. He expressed concern that the Police Department was not doing more to eradicate the situation and added that EMS Services to the shelter were inadequate.

ADJOURNMENT

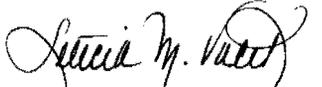
There being no further business to discuss, Mayor Pro Tem Ramos adjourned the meeting at 6:42 pm.

A P P R O V E D



PHIL HARDBERGER
MAYOR

Attest:



LETICIA M. VACEK
City Clerk