

**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 WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, FEBRUARY 18, 2009 AND THURSDAY, FEBRUARY 19, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **February 18, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. BRIEFING ON THE DEVELOPMENT AND OPENING OF THE HAVEN FOR HOPE HOMELESS CAMPUS.

Mr. Dennis Campa stated that in January 2005, the City Council had adopted a ten-year plan to end chronic homelessness as required for any City receiving housing funds from Housing and Urban Development (HUD). He recognized former Councilmember Patti Radle and Mr. Bill Greehey for leading said initiative. Mr. Campa explained that the original campus concept called for the development of a homeless shelter to replace the SAMM and Dwyer Avenue Shelters, as well as the relocation of existing supportive services to a single campus. He noted that the initial budget was estimated at \$30 million. He reported that the campus scope had been revised to include a Prospects Courtyard, expanded medical services, emergency family housing, medical respite housing, and adjacent detox units. He provided a project timeline and the Haven for Hope Capital Budget.

Mr. Campa spoke of the merits of the Public Safety Triage Detox Facility. He noted that previously there had not been a sobering, detox, and residential system for substance abusers and that the State had provided \$6.1 million in one-time funding to the Center for Health Care Services (CHCS). He spoke of the FY 2010 Funding Request, noting that \$3.6 million would be required in City investments to support services provided at Haven for Hope and \$1 million would be required for both CHCS and Haven for Hope Operations. Mr. Campa noted that the City had proposed that Bexar County co-invest in the latter two projects. Lastly, he provided an overview of next steps.

Mayor Hardberger recognized the support and efforts of the current and previous City Council for the Haven for Hope Project. He stated that there had been a \$9 million deficit in the project budget and that the current Council had assisted through the donating of bond funds that had been allocated to their districts. He recognized Councilmember Cortez for his efforts in encouraging others to contribute to the project. Councilmember Cortez recapped the donations for each district totaling \$1,475,000.00.

Former Councilmember Dr. Robert G. Marbut, Haven for Hope President, recognized Ms. Meghan Garza-Oswald, Mr. Steve Oswald, and Ms. Mary Rose Brown for their efforts related to Haven for Hope. He spoke of the three most common histories of the homeless population in San Antonio as follows: 1) Veterans; 2) Domestic Violence Victims; and 3) Foster Care Children. He addressed the following seven Critical Success Factors: 1) Altering the culture of warehousing to transforming; 2) Locating and integrating all critical services at one location; 3) Master Case Management; 4) Rewarding positive behavior; 5) Not allowing the condition of homelessness to be made comfortable;

6) Not rewarding negative behavior; and 7) Zero tolerance for loitering and panhandling. Dr. Marbut recognized partners of Haven for Hope and spoke of the Operating Budget and Construction Timeline.

Mr. Greehey complimented staff for their work and the Council and City Manager for their leadership. He stated that the project was completed in three years and would be a model for others across the country. He noted his reasons for becoming involved in the project and thanked everyone involved for their support. Ms. Radle stated that homelessness was a constant issue and appreciated the continued generosity. She recognized Mr. Greehey, Mayor Hardberger, and Ms. Sculley for their efforts.

Councilmember Herrera stated that she had visited the Haven for Hope Campus and it was a huge accomplishment to have completed it in three years. She spoke of the impact that homelessness has on families and the help the center would provide to individuals with substance abuse problems. She added that it would also relieve Hospital and Police Department Staff. Lastly, she asked that shelter funding be included in future budgets. Councilmember Galvan expressed support for the project and highlighted the services that would be provided at the facility. She thanked Mr. Greehey, Ms. Radle, and the Council for their contributions to the project.

Councilmember Cibrian stated that the Council had exhibited leadership through said effort. She stated that she had contributed a large amount because homelessness affected the entire City. She thanked former Councilmember Robert Marbut for his leadership in said effort and all involved in the project. Councilmember Rowe expressed his support for Haven for Hope and thanked everyone involved in the project. Councilmember Ramos added her support to the project and recognized the previous Council for their vision. Councilmember Cisneros noted the importance of the project to the Community and thanked those who supported it. Councilmember Cortez stated that he had toured the facility and would support the inclusion of Haven for Hope in future budgets.

2. BRIEFING ON THE SAN ANTONIO TREE CANOPY STUDY.

Ms. Sculley spoke to the history of the Urban Ecosystem Analysis (UEA) Studies. She noted that in 2006, amendments to the tree ordinance had been brought to the Council and it was decided that a Tree Canopy Analysis should be performed. The results of the study were presented in December, 2008.

Mr. Xavier Urrutia spoke of the RFP Process and stakeholder review and introduced consultant Cheryl Kollin who presented said item. Ms. Kollin outlined the Project Objectives as follows: 1) Identify land cover change trends; 2) Identify 2007 land cover and quantify its ecosystem benefits; 3) Literature review of city policies; 4) Literature review of tree canopy goals; and 5) Recommend tree canopy goals. She noted that the goal was to provide San Antonio with the data and tools to make better informed decisions. She spoke of the methods used to obtain data and provided Landsat Analysis Maps depicting tree canopy loss. She noted that the biggest loss was over the Edwards Aquifer Recharge Zone. She spoke of the benefits lost due to loss of tree canopy and correlating dollar values. She presented the following statistics for the City of San Antonio in 2007: 38% Tree Canopy, 28% Open Space, 30% Impervious Cover, 3% Bare Soil, and 1% Water.

Ms. Kollin stated that tree canopy had not increased and that new technology had allowed for better data capture. She reported the Ecosystem Benefits using the 2007 analysis as follows: 1) \$30 million in air quality value per year; 2) \$623 million in stormwater mitigation value; 3) 4.8 million tons in carbon storage; and 4) 38,000 tons in carbon sequestration per year. She presented the land cover by

geographic area and land use sectors and added that analysis had also been conducted on individual Council Districts.

Ms. Kollin noted the reasons for setting tree canopy goals and stated that Roanoke, VA; the Sacramento Region and Rocklin, CA; Baltimore, MD; and Flower Mound, TX were all on the cutting edge for recognizing and setting goals. She presented the following recommended increases for Tree Canopy Percentage and stated the resulting increased values: 1) Establish tree canopy goals and periodically monitor progress; 2) Use CITY green to model scenarios; 3) Share data with all city departments; and 4) Educate the public by building awareness of ecosystem services and opportunities to get involved.

Mayor Hardberger stated that the Council was working on a plan to plant 250,000 trees over a five-year period. He noted that given today's recommendations; that still would not be enough. He asked of the best methods for allocating the trees throughout the City. Ms. Kollin recommended looking at different land uses and separating public and private land. She also encouraged citizen and business involvement for private land.

Councilmember Cibrian thanked the Mayor for his leadership on said initiative and noted the significance to the community. She spoke of community-wide tree initiatives in other cities and the necessary public/private partnership to accomplish desired goals. She asked for additional information on the Edwards Aquifer Recharge Zone. Ms. Kollin stated that using the high resolution imagery, they were able to determine the canopy at 55%. She stated that this was a very good percentage and the recommendation was to maintain this number. Councilmember Cibrian asked how the Council could mitigate tree loss while trying to achieve their goals. Ms. Kollin stated that it would be difficult to gauge future tree loss and recommended continuous monitoring of the tree canopy to evaluate progress. Councilmember Cibrian noted the various methods the Council had implemented to prevent tree canopy loss. Mayor Hardberger recognized Councilmember Cibrian for her efforts in tree preservation.

Councilmember Herrera noted the importance of planting trees and spoke of the Go Green Spring Fling Tree Giveaway. Mr. Urrutia noted that in 2008, the City had distributed and planted more than 2,600 trees through various initiatives. Councilmember Herrera noted that the challenge in the effort was the maintenance required to grow a tree past infancy and asked that staff devise a way to aid citizens in maintaining their trees. Mayor Hardberger noted that there were various community groups that aided citizens in caring for their trees. Councilmember Clamp asked how the 250,000 trees would be distributed. Mayor Hardberger stated that a plan would have to be developed to address the needs of all Council Districts. He noted that it should be coordinated so that all citizens could benefit. Councilmember Clamp recommended that a City-wide Tree Planting Initiative be planned to involve residents from throughout the community. Councilmember Cortez recognized Councilmember Cibrian for her work on said effort. Councilmember Galvan spoke of tree planting projects and initiatives in the community.

Mayor Hardberger stated that there could be an opportunity to pay for trees through the Stimulus Package since they assist with energy efficiency. Ms. Sculley noted that it was on the list, but had not confirmed if it was eligible. Councilmember Cisneros requested the Tree Mitigation Fund Balance and the possibility of matching funds.

3. UPDATE ON THE FEDERAL ECONOMIC STIMULUS BILL.

Item 3 was not addressed.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:17 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **February 19, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. C.J. Littlefield, Assistant Pastor, New Union Missionary Baptist Church, Guest of Mayor Phil Hardberger.

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, Clamp, and Mayor Hardberger. **ABSENT:** Rowe.

Item 3. MINUTES

Councilmember Herrera made a motion to approve the Minutes for the February 5, 2009 Regular City Council Meeting. Councilmember Rodriguez seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following related to Item 4:

Item 4. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE 81ST REGULAR STATE LEGISLATIVE SESSION.

Mr. Carlos Contreras stated that the Legislature had been in session for 36 days and over 2,500 bills had been filed. He reported that House Committee Appointments had been made and distributed a list to the Council. He provided an overview of the Viva San Antonio Event held in Austin, Texas, in which Mayor Hardberger, Councilmember McNeil, and he had attended. He noted that discussion had taken place regarding Transportation, the spending of Stimulus Funds, and allocation by the Texas Department of Transportation (TxDOT). He added that the City was working hard to ensure that San Antonio received their fair share from the transportation funds allocated to TxDOT.

Mr. Contreras reported that Senator Van De Putte was close to filing a bill on the Military Installation Protection Act and that the City's Lobby Team was working closely with her staff to ensure that the issues of importance to Camp Bullis were included in the bill. He stated that staff was also working with Representative McClendon on House Bill 143 to provide additional comments. Regarding Transportation, Mr. Contreras noted that there were three potential bills on local option funding. Representative Villarreal has met with the Bexar County Delegation to garner support for his bill; Senator Carona from Dallas has filed a statewide bill that includes San Antonio and Bexar County; and Senator Wentworth has filed a local option bill that staff will review and analyze.

Mr. Contreras stated that regarding the Texas Municipal Retirement System (TMRS), there are a number of bills that have been filed and staff will continue to review and monitor them. In reference to Graffiti, he reported that there were four bills that had been filed and staff was looking closely at House Bill 385 relating to the additional penalties for graffiti. He noted that of the 20 City Initiatives, 11 bills have been filed, three are ready to be filed, and the remaining are in Legislative Council for drafting. He added that with regard to the protection of municipal interests, there have been a number of bills filed on eminent domain and staff is monitoring them closely. He reported that the Texas Municipal League had indicated their opposition to all of the eminent domain bills.

Mr. Contreras stated that regarding Councilmember Cisneros' question about the VIA Merger Bill, he would be meeting with VIA Representatives to further discuss the bill. He noted that Councilmember McNeil would also meet with VIA Representatives to gain an understanding of the process. In reference to issues with Dangerous Dogs as indicated by Councilmembers Ramos and Rodriguez, Mr. Contreras reported that Representative Dutton had filed a bill relating to the handling and caring of Pit Bulls and staff would be looking for ways to expand the bill. In response to Councilmember Galvan, he spoke of the various Graffiti Bills, and noted that there had been several bills filed relating to prostitution.

Mr. Nazirite Ruben Flores Perez addressed the Council and stated that the San Antonio River Authority was concerned that their organization had been placed on the sunset list. He expressed support for the City's Legislative Initiatives and specifically Meet and Confer.

Councilmember Cibrian thanked Mr. Contreras for the update on the State Legislative Agenda and asked about the remaining legislation that had not been filed. Mr. Contreras replied that the Lobby Team was working with the appropriate entities to ensure that the bills get filed and noted that in some cases, they were waiting for Legislative Council to finish their drafts. Councilmember Cibrian stressed the importance of legislation to protect Camp Bullis and asked that the Intergovernmental Affairs Department help formulate additional strategies in this regard. She added that Military Encroachment Legislation and the Protection Act should be a permanent part of the legislative agenda moving forward. Additionally, she expressed concern with Graffiti and asked for an update on related bills. She also highlighted the importance of bills related to Economic Development and bills affecting taxpayers.

Councilmember McNeil thanked Mr. Contreras for the information and stated that the weekly updates were helpful in directing efforts and staying abreast of changes. She noted that it would be important for San Antonio to be represented in Austin and that the City should come to a consensus on the local option bill on whether or not to include toll roads. Councilmember Galvan expressed support for Graffiti Legislation and stated that juveniles that have been convicted of graffiti crimes should be part of the clean-up effort. She noted that in regard to prostitution, funding should be included for rehabilitation and correction efforts and expressed concern with the lack of programs to address said issue.

Councilmember Rodriguez expressed concern with Graffiti Issues and asked of a possible sales tax on the sale of spray paint that could be used for Graffiti Abatement Programs. He stated that he was in support of legislation to address the issue of Dangerous Dogs and noted that he would be traveling to Austin with District 7 Residents to voice their concerns. Councilmember Ramos stated she was pleased with the representation from San Antonio on the House Committee Appointments and asked that staff continue to monitor and report on legislation related to Graffiti, Dangerous Dogs, and the Texas A&M-San Antonio Campus.

No action was required on said item.

Mayor Hardberger stated that Councilmember Rodriguez was recusing himself from Items 5A and 5B and had exited the Council Chamber.

The City Clerk read the following related to Items 5A & 5B:

Item 5. CONSIDERATION OF THE FOLLOWING ORDINANCES:

2009-02-19-0118

- A. AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF SAN ANTONIO, TEXAS ELECTRIC AND GAS SYSTEMS REVENUE REFUNDING BONDS, NEW SERIES 2009A" OR ONE OR MORE ADDITIONAL SERIES IN A PRINCIPAL AMOUNT NOT TO EXCEED \$450,000,000.00 PURSUANT TO THE DELEGATION PROVISIONS HEREOF; PROVIDING THE TERMS, CONDITIONS, AND SPECIFICATIONS FOR SUCH BONDS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; MAKING PROVISIONS FOR THE PAYMENT AND SECURITY THEREOF ON A PARITY WITH CERTAIN CURRENTLY OUTSTANDING OBLIGATIONS; STIPULATING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF ADDITIONAL REVENUE BONDS ON A PARITY THEREWITH; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, AN ESCROW AND TRUST AGREEMENT, AND A BOND PURCHASE AGREEMENT; COMPLYING WITH THE REQUIREMENTS OF THE DEPOSITORY TRUST COMPANY; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE SALE OF THE BONDS; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

2009-02-19-0119

- B. AN ORDINANCE ESTABLISHING A REVOLVING FINANCE PROGRAM FOR THE CITY'S ELECTRIC AND GAS SYSTEMS TO BE KNOWN AS THE "FLEXIBLE RATE REVOLVING NOTE PRIVATE PLACEMENT PROGRAM"; APPROVING AND AUTHORIZING THE ISSUANCE, FROM TIME TO TIME, UNDER SUCH PROGRAM OF OBLIGATIONS IN AN AGGREGATE PRINCIPAL AMOUNT AT ANY TIME OUTSTANDING NOT TO EXCEED \$100,000,000.00 TO PROVIDE INTERIM FINANCING TO PAY PROJECT COSTS FOR ELIGIBLE PROJECTS RELATING TO THE CITY'S ELECTRIC AND GAS SYSTEMS; AUTHORIZING SUCH OBLIGATIONS TO BE ISSUED, SOLD, AND DELIVERED IN THE FORM OF TAXABLE OR TAX EXEMPT NOTES, BEARING INTEREST AT FIXED OR VARIABLE RATES, AND PRESCRIBING THE TERMS, FEATURES, AND CHARACTERISTICS OF SUCH OBLIGATIONS; MAKING PROVISION FOR THE PAYMENT AND SECURITY THEREOF; AUTHORIZING THE EXECUTION OF CONTRACTS IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH OBLIGATIONS, INCLUDING ONE OR MORE NOTE PURCHASE AGREEMENTS; DELEGATING THE AUTHORITY TO CERTAIN MEMBERS OF THE CITY PUBLIC SERVICE BOARD STAFF TO EXECUTE CERTAIN DOCUMENTS RELATING TO THE PERIODIC SALE OF THESE OBLIGATIONS WITHIN THE LIMITATIONS AND PROCEDURES SPECIFIED HEREIN; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; ENACTING OTHER

MATTERS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

Mr. Ben Gorzell, Director of Finance, explained the components of each of the Ordinances and noted that the City had worked closely with CPS Energy on said items. He introduced Paula Gold-Williams, Chief Financial Officer of CPS Energy.

Ms. Gold-Williams spoke of the stagnant market and the hesitation from investors to loan money and make investments. She acknowledged that CPS Energy was reviewing their entry into capital markets and trends for the future. She discussed two proposed transactions; the first being the issuance of fixed-rate bonds to refund \$450 million of outstanding commercial paper (CP) and the second being the establishment of a \$100 million revolving line of credit (LOC). She indicated that CP was intended to be utilized for interim financing needs for CPS Energy's capital program and that LOC would be utilized for contingency liquidity enhancement for capital funding. She provided bond summary statistics, and expanded on financial data to include debt-to-equity ratio. She indicated that the note would be secured by Certificates of Deposit held by a financial institution and/or an inferior lien on revenues. She explained the LOC Request for Proposal process, noting that nine banks were solicited but only three responses were received. She concluded by stating that the CPS Energy Board of Trustees had approved the proposals and City Council approval was now necessary in order to move forward.

Mayor Hardberger called upon those citizens registered to speak.

Arturo Lopez and Aurora Valek, Representatives of COPS/Metro Alliance, expressed concern about the lack of clear and detailed information on CPS Energy's plans to pursue additional investments in nuclear energy. They further expressed concern with rate increases that could result from this type of project and the impact of nuclear energy on the community. They urged Council to bring clarity to the issue and requested a presentation by CPS Energy to COPS/Metro Alliance.

Steve Bartley of CPS Energy agreed to make the presentation and noted that CPS Energy would share information that was publicly available.

Aaron Seaman, San Antonio Hispanic Chamber of Commerce, noted that as San Antonio continued to grow, additional sources of affordable and reliable energy would be needed. He expressed support for the work of CPS Energy in providing reliable and affordable energy in an environmentally responsible manner. He urged CPS Energy and the City to continue to work together to maintain San Antonio's position of having one of the lowest energy bills in the nation.

Councilmember Cortez asked of CPS Energy Bond Ratings and Commercial Paper. Ms. Gold-Williams stated that the bond ratings remained the same and explained Commercial Paper. She further discussed the benefits of having higher bond ratings. Mr. Milton Lee, CPS Energy Chief Executive Officer, acknowledged that they would continue to educate the community of CPS Energy's Strategic Energy Plan that includes nuclear energy as an option. Councilmember Cortez noted the importance of exploring nuclear energy as an option to diversify the energy needs for the City. He asked that it be done publicly to ensure transparency for the community. Mr. Lee confirmed that CPS Energy would fully engage the community regarding their Strategic Energy Plan. He spoke of the huge investment CPS Energy made on the South Texas Project (STP)-Units 1 and 2, which have provided great benefits to the community. He stressed the importance of maintaining the value associated with the units, and

protection of the investment. He reported that a Resolution had been passed by the CPS Energy Board of Trustees which now requires that for every three dollars spent on new nuclear development, one dollar would be allocated toward renewable and energy efficient resources.

Councilmember Cortez motioned to approve Items 5A and 5B. Councilmember Cibrian seconded the motion.

Mayor Hardberger commented on the STP Units and their relation to the low rates offered by CPS Energy. Councilmember Cibrian spoke of the many meetings held with CPS Energy and commended CPS Energy for providing critical information. She stated that it was important for ratepayers to have input, as it would be the single largest investment in the history of the City of San Antonio. She further noted that there would not be any cost overruns on the nuclear energy project and outlined various tasks charged to CPS Energy by the City Council. She urged CPS Energy to assist customers in saving money and asked that the community be kept informed and allowed to provide input.

Councilmember Ramos expressed concern with the \$60 million allocated toward the nuclear study and stressed the importance of keeping open dialogue with the public on said issue. In response to Councilmember Ramos, Mr. Lee stated they have held numerous meetings with the community on the issue and anticipated bringing forward a recommendation during the summer.

Councilmember Clamp thanked CPS Energy Staff for the presentation made to District 10 Residents and stated that nuclear energy was a critical issue for the community. He concurred with Councilmember Cibrian that ratepayer input was important and noted that it would take collective efforts of all Councilmembers to educate and inform the public. He stated that every decision made would have an impact on CPS rates and therefore; there should be communication with the entire community. In response to Councilmember Clamp, Mr. Lee confirmed that if the City did not move forward with nuclear energy, the partner would seek other partners in order to develop STP Units 3 and 4.

Councilmember McNeil thanked CPS Energy for educating the Council on said issues. She stated that it was important to keep options open when dealing with nuclear energy. She asked for clarification on the interest rate on the bonds. Councilmember Galvan recognized the efforts of COPS/Metro Alliance and encouraged CPS Energy to meet with their representatives soon. She stressed the importance of listening to the community and keeping them informed. She expressed concern on whether there would be enough affordable energy for future generations and emphasized the significance of acting now for long-term benefits.

Mayor Hardberger stated that it was a mandatory issue for the City to address at this time. Mr. Lee acknowledged the City's continued growth and noted that even with CPS Energy's efforts on renewables and energy conservation, conventional and traditional sources were needed.

Councilmember Herrera stressed the importance of community education and involvement and asked that ratepayers be engaged in this next phase. Councilmember Cisneros expressed her support for said effort and commended CPS for educating the public. She stated that CPS Energy's rates were the lowest in the state and recognized Mayor Hardberger for his work on Sustainability Programs.

Councilmember Cortez moved to adopt the proposed Ordinances for Items 5A and 5B. Councilmember Cibrian seconded the motion.

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

The City Clerk read the following Ordinance:

2009-02-19-0120

Item 6. AN ORDINANCE AMENDING THE FY 2009 – FY 2014 CAPITAL IMPROVEMENTS PROGRAM AND THE FY 2009 – FY 2013 INFRASTRUCTURE MANAGEMENT PROGRAM BY APPROPRIATING A TOTAL OF \$30 MILLION IN ADDITIONAL INFRASTRUCTURE PROJECTS AND BY APPROVING THE RELATED PROJECT LIST AND SCOPE OF WORK WITHIN THE PROGRAMS; AND AUTHORIZING AMENDMENTS TO EXISTING FUNDING AGREEMENTS TO INCLUDE FUNDS FOR THE RELATED PROJECT ADDED PURSUANT TO THIS ORDINANCE.

Mr. Peter Zaroni, Office of Management and Budget Director, stated that said Ordinance would authorize additional infrastructure projects and funding. He explained that the Finance Department had conducted and coordinated a comprehensive review of all capital project accounts. Further, staff had consulted with Bond Counsel, Arbitrage Consultants, and Financial Advisors regarding the disposition of \$30 million. He outlined the review of all capital projects accounts and discussed the increased oversight in Capital Improvements Management. He spoke of the six-year Capital Improvements Program (CIP) and the five-year Infrastructure Management Program (IMP).

Mr. Zaroni provided a project summary for each of the following: 1) Streets, Curbs and Sidewalks; 2) Drainage Improvements; 3) Voelcker Park Improvements; 4) Park and Open Space Improvements; 5) Sportsplex and Special Needs Park; 6) Base Realignment and Closure (BRAC) Related Improvements; 7) Haven for Hope; and 8) Libraries and Community Improvements. He explained that the Ordinance would allow the execution of amendments to existing funding agreements and noted that staff would finalize IMP Projects and bring the contracts to the Council once the bid process was completed. He further stated that the CIMS Department would expand contracts for existing projects.

Mayor Hardberger thanked the Finance Department, Budget Department and City Manager for their hard work and management efficiency. He stated that the additional funding represented a dedication and perseverance to ensuring that taxpayer dollars were well used.

Ms. Sheryl Sculley thanked the City Council and explained that details had been sorted out with Bond Counsel, Arbitrage Consultants, and the Bond Attorneys to allow the City Council flexibility in spending identified Capital Improvement funds throughout the community. She recognized Mr. Zaroni, Mr. Gorzell and the staff of the Budget and Finance Departments for their work. She noted that staff had revised and improved business processes so that there was not an accumulation of fund balances in the future.

Mayor Hardberger called upon those citizens registered to speak.

Mr. Alfred Sanchez congratulated Mayor Hardberger for the great work he has performed as Mayor. He expressed concern that District 4 had not received funding for needed infrastructure improvements.

Councilmember Cortez responded to Mr. Sanchez's comments and clarified that District 4 had received \$2.5 million for thirteen individual projects in District 4 to include streets, parks and other projects.

Mr. Jack M. Finger spoke of the Haven for Hope Project and expressed concern with the implementation of a 1,000-foot open container buffer zone around the campus. He noted that there could be issues with the neighborhood regarding trash and loitering. He asked of the homeless population in the downtown area and if they would be moved to the Haven for Hope Campus. He also spoke of the zero tolerance for loitering and panhandling.

Councilmember McNeil expressed support and noted that it was an extraordinary and unique opportunity for Councilmembers to have additional resources available to address the needs of their community. She thanked the Council for their support of the Base Realignment and Closure (BRAC) and the investment in 12,000 jobs coming to the community. She stated that BRAC would play a key role in stabilizing the economy for years to come. She spoke of the strong military presence in the community and the need to engage and support them.

Councilmember Cibrian noted the importance of moving projects forward and providing prompt responses to the community. She stressed the importance of being informed of the timeline for completion of the projects and having a regular reporting mechanism in place. She spoke of the Haven for Hope Project and noted that it was an important investment for the City of San Antonio.

Councilmember Ramos thanked the City Manager and City Staff for identifying additional funds for Capital Improvements, noting that they would have a positive effect throughout the community. She encouraged projects to be worked on immediately so that the impact could be realized in a timely manner. She cited various projects in District 3 and asked that City Staff assist her in finding matching funds to enhance some of the projects. She discussed a meeting held with COPS/Metro and the dialogue regarding construction needs within the Harlandale District. In response to Councilmember Ramos, Mr. Zaroni indicated that through further Council action, the project list could be amended.

Councilmember Herrera highlighted the opportunities resulting from the funds and discussed the impact of BRAC to citizens in District 6. She stressed the importance of leveraging dollars and noted various facets of the Haven for Hope Project. She expressed gratitude for the opportunities she has been afforded to travel the country to learn what other cities are doing. She referenced various projects in District 6 and discussed the low water crossing initiative. Councilmember Galvan stated that the funds would be well used in her community and cited issues with streets and infrastructure in District 6. She thanked the City Manager for her efforts and Public Works Staff for their assistance in allocating project funds. She spoke of the Haven for Hope Project, the increase in homelessness, and the importance of representing those that could not represent themselves.

Councilmember Cisneros thanked staff for their efforts and the great work in researching and realizing these funds. She spoke of the infrastructure needs in the community and noted issues with streets, curbs and sidewalks in District 1. In response to Councilmember Cisneros, Mr. Al-Ghafry spoke of combining projects and utilizing current contractors through change orders. Councilmember Cortez thanked all involved in said effort and asked of bond balances. Ms. Sculley confirmed that the City has changed its business process so that once a project is complete, leftover funds are placed in an early redemption fund or into a balance where they retire debt at the conclusion of the Bond Program. Councilmember Cortez expressed support and stressed the importance of accountability for each dollar spent on bond projects. He highlighted infrastructure projects that would be addressed in District 4 and

thanked staff for their assistance in identifying the needs of Medina Base Road. He spoke of the Haven for Hope Project and noted that it was an important initiative.

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

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

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:00 noon to break for lunch and convene in Executive Session at 1:30 pm for the purposes of:

- A. Discuss legal issues related to the Community Infrastructure and Economic Development (CIED) Fund pursuant to Texas Government Code Sections 551.071 (consultation with attorney).
- B. Deliberations regarding economic development negotiations pursuant to Texas Government Code Section 551.087 (economic development).
- C. Deliberate the duties, appointment, and employment of the City Internal Auditor, pursuant to Texas Government Code Section 551.074 (personnel matters).

Mayor Hardberger reconvened the Regular Meeting at 3:25 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

The City Clerk read the following Ordinance:

2009-02-19-0121

Item 7. AN ORDINANCE AMENDING THE PLANNING AND DEVELOPMENT SERVICES FUND WITHIN THE FY 2009 CITY OPERATING BUDGET; IMPLEMENTING THE CITY'S REDUCTION IN FORCE POLICY; AND REVISING THE DEPARTMENT'S PERSONNEL ALLOTMENT.

Mr. Rod Sanchez stated that the Planning and Development Services Fund was established in FY 2007 as an Enterprise Fund and had unexpectedly experienced a decrease in permitting activity and revenues that same year. He explained that fees were adjusted in an attempt to bring the budget into alignment, but there was a negative balance at the end of 2008. He reported that in January, 2008, a two-year Deficit Reduction Strategy was implemented, but current FY 2009 conditions require further adjustments. He noted the reduction in new Residential Permits and the slight increase in new and existing Commercial Permits. He stated that the Planning and Development Services Budget was 20% lower than expected leaving two options; Increase Fees or Reduce Staff. He stated that staff recommended the following: 1) Eliminate twenty-one positions, thirteen that were filled; 2) Eliminate nineteen vacant unfunded positions; and 3) Reduce vehicle maintenance and fuel costs. He noted that this action would require implementation of the City's Reduction in Force (RIF) Policy. Mr. Sanchez referenced the filled positions that would be affected and the various departments that those employees would be redirected to. He added that no employees would lose employment or current salary and that the Human Resources Department would be coordinating the transition to ensure success.

Ms. Sculley reiterated that no employee would lose their job or current pay rate. She explained that the revenues from the Enterprise Fund funded the salaries of the employees and could no longer be afforded due to the decreased activity and revenues. She added that the elimination of positions would not decrease service levels.

Councilmember McNeil confirmed that no employee would lose their job. She noted that the economy had a severe effect on the department and fund and was the cause for the redirections. She expressed her support for said item and thanked Mr. Sanchez for his work.

Councilmember Galvan asked how the employees were matched to their new positions. Ms. Nikki Ramos replied that staff had looked for current City vacancies with similar titles, pay scales, education requirements, and qualifications. Ms. Ramos added that the employees had not been required to apply for the positions and could not be promoted in the transfer. Councilmember Galvan expressed concern with maintaining current service levels. Mr. Sanchez reiterated that with decreased activity, fewer positions were needed.

Councilmember Cibrian noted the importance of protecting City employees and spoke of the importance of economic development in job creation. She thanked Mr. Sanchez for his work and expressed her support for said item.

Councilmember McNeil moved to adopt the proposed Ordinance. Councilmember Herrera seconded the motion.

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

CONSENT AGENDA: Items 8 - 32

Consent Agenda Items 15, 16, 18, 19, 20, 21, 27, 28, 29, 30, and 31 were pulled for Individual Consideration. Councilmember McNeil moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

At this time, Mayor Pro Tem Ramos recognized the individuals registered to speak.

Mr. Colin Strother stated that he was a representative for HKG Duty Free and spoke in opposition to Item 21. He reported that HKG Duty Free had offered to pay the City \$50,000 more than the staff recommendation and total redesign of the location. He expressed concern that International Duty Free Stores/UETA had filed incorrect Discretionary Disclosure Forms and reported that HKG Duty Free had filed an Ethics Complaint regarding violations of the bidding procedures by not submitting timely and accurate Discretionary Disclosure Forms.

Ms. Marisol Robles, Vice-President of External Affairs of the San Antonio Hispanic Chamber of Commerce, expressed support for Item 29 regarding the amendment to Chapter 28 of the City Code of San Antonio. She stated that it was a pro-business amendment and should be supported due to challenging economic conditions.

Mr. Jack Cruthirds, Director of Business Development for Duty Free Americas, stated that they were the largest duty-free company in the United States with over \$500 million in annual sales. He noted that

they operated 111 stores in various airports and on the Mexican and Canadian Borders, and that airport stores generated over \$160 million in sales each year. He reported that they had operated in San Antonio since 1967 and over the last three years, had increased revenue in the store by 59%. He explained the differences in the operation of airport stores and those located on the border and highlighted their experience in operating successful duty-free stores.

Mr. Baltazar Serna, Jr. stated that he was a Registered Lobbyist and asked if Mr. Colin Strother was registered as a Lobbyist. He reported that International Duty Free Stores/UETA had complied with the Ethics Code and filed the appropriate Discretionary Contract Disclosure Form. He noted that it had been updated and supplemented prior to Council Action as is allowable by the Ethics Code. He added that HKG had supplemented their form that day and stressed the importance of experience and continuity. Lastly, he provided the Council with an article from the Laredo Times outlining issues with HKG Duty Free.

Mr. Nazirite Ruben Flores Perez spoke in support of the May 9, 2009 General Election and the opportunity for Early Voting.

Mr. Jack M. Finger spoke in reference to Item 21 and expressed concern that International Duty Free Stores/UETA had not fully disclosed numerous contributions by their Lobbyist. He stated that he was opposed to said item because many of the Councilmembers had received campaign contributions from their Lobbyist.

Ms. Vacek read written testimonies from Faris Hodge, Jr. For Item 23, he wrote that the City should purchase Riverview Towers because it costs too much to lease it. For Item 30, Mr. Hodge wrote that it was time for a change and he would like to be the next Mayor of San Antonio. He expressed concern with the cost of the May 2009 General Election and wrote that the City and County should have public hearings at 6:30 pm.

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

2009-02-19-0122

Item 8. 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 \$815,000.00, INCLUDING: (A) ALAMO AG-CON EQUIPMENT, INC. FOR MEDIUM AND HEAVY DUTY MOWING EQUIPMENT PARTS AND SERVICE; (B) SOUTHWEST WHEEL FOR AUTOMOTIVE WHEELS AND RIMS; (C) APPLIED CONCEPTS, INC. FOR POLICE PATROL VEHICLE & MOTORCYCLE RADAR UNITS; AND (D) GLAXOSMITHKLINE, SANOFI-PASTEUR, INC. AND CT INTERNATIONAL FOR VACCINES AND BIOLOGICALS.

2009-02-19-0123

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM RAMTECH BUILDING SYSTEMS, INC. TO FURNISH, DELIVER AND INSTALL A PORTABLE OFFICE BUILDING FOR THE SOLID WASTE MANAGEMENT DEPARTMENT AT THE SOUTHEAST SERVICE CENTER FACILITY FOR A COST OF \$106,371.00.

2009-02-19-0124

Item 10. AN ORDINANCE ACCEPTING THE OFFER FROM ADVANCED RESCUE SYSTEMS TO PROVIDE THE FIRE DEPARTMENT WITH THREE REPLACEMENT SETS OF HYDRAULIC RESCUE TOOLS FOR A COST OF \$59,070.00.

2009-02-19-0125

Item 11. AN ORDINANCE AUTHORIZING A CONTRACT WITH KABA BENZING AMERICA, INC., TO PROVIDE THE CITY OF SAN ANTONIO WITH AN SAP-INTEGRATED TIME COLLECTION SOLUTION, FOR AN ESTIMATED TOTAL COST OF \$927,000.00.

2009-02-19-0126

Item 12. AN ORDINANCE ACCEPTING THE BID FROM ARCHITECTURAL BRASS TO PROVIDE THE CONVENTION, SPORTS, AND ENTERTAINMENT FACILITIES DEPARTMENT WITH SIXTY-SEVEN RECYCLING CONTAINERS FOR A COST OF \$75,375.00.

2009-02-19-0127

Item 13. AN ORDINANCE AUTHORIZING THE PURCHASE OF PRIMARY PROPERTY INSURANCE COVERAGE FROM GREAT AMERICAN INSURANCE COMPANY OF NEW YORK AND EXCESS COVERAGE FROM RSUI INDEMNITY COMPANY FOR THE CONVENTION CENTER, FOR A THREE YEAR PERIOD BEGINNING FEBRUARY 28, 2009, FOR A COMBINED PREMIUM OF \$1,143,377.00 FOR THE FIRST YEAR, WITH ANNUAL ADJUSTMENTS BASED ON REPORTED VALUES OF CITY PROPERTY.

2009-02-19-0128

Item 14. AN ORDINANCE SELECTING AMERICAN ROOFING & METAL CO., INC. FOR NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,790,866.00 FOR THE HENRY B. GONZALEZ CONVENTION CENTER RE-ROOFING PROJECT, PHASE II.

2009-02-19-0131

Item 17. AN ORDINANCE SELECTING T.S. BYRNE CONSTRUCTION SERVICES FOR NEGOTIATION AND EXECUTION OF A CONSTRUCTION MANAGER AT RISK PROFESSIONAL SERVICES AGREEMENT, IN AN AMOUNT UP TO \$120,000.00 FOR PRE-CONSTRUCTION DESIGN SERVICES FOR THE LILA COCKRELL THEATER RENOVATIONS PROJECT, A HOTEL OCCUPANCY TAX REVENUE BONDS FUNDED PROJECT.

2009-02-19-0136

Item 22. AN ORDINANCE AUTHORIZING THE SECOND RENEWAL OF A TWO-YEAR LEASE BEGINNING MARCH 1, 2009 WITH GOODWILL INDUSTRIES FOR APPROXIMATELY 400 SQUARE FEET AT 727 NORTHWEST LOOP 410, LOCATED IN COUNCIL DISTRICT 9, FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO PROVIDE IMMUNIZATIONS AND PREVENTIVE HEALTH SERVICES FOR A MONTHLY RENT OF \$320.00.

2009-02-19-0137

Item 23. AN ORDINANCE AUTHORIZING THE FOURTH RENEWAL OF A TWO-YEAR LEASE BEGINNING MARCH 1, 2009 WITH RIVERVIEW TOWER PARTNERS, LTD. FOR APPROXIMATELY 14,920 SQUARE FEET IN RIVERVIEW TOWER, 111 SOLEDAD STREET,

FOR USE BY THE CITY ATTORNEY'S OFFICE AND THE HUMAN RESOURCES DEPARTMENT, FOR A MONTHLY RENT OF \$18,650.00.

2009-02-19-0138

Item 24. AN ORDINANCE AUTHORIZING AN AMENDMENT AND RENEWAL FOR FIVE YEARS OF A LEASE WITH BUSTER AND BUDDY, L. P. FOR OFFICE SPACE AT THE DAILEY AND WELLS HEADQUARTERS BLDG., 3440 E. HOUSTON, LOCATED IN COUNCIL DISTRICT 2, FOR USE BY THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT, FOR A MONTHLY RENT OF \$10.00.

2009-02-19-0139

Item 25. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS, IN THE AMOUNT OF \$216,308.00 FROM THE DEPARTMENT OF DEFENSE FOR THE 2009 OPERATION OF THE PROCUREMENT TECHNICAL ASSISTANCE CENTER; AUTHORIZING IN KIND SERVICES IN THE AMOUNT OF \$158,091.00; AND AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE, UPON AWARD, FOR GRANT FUNDING IN YEAR 2010.

2009-02-19-0140

Item 26. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$85,120.00 FROM THE RAILROAD COMMISSION OF TEXAS TO OFFSET THE TOTAL PURCHASE PRICE OF \$772,791.00 FOR 10 MEDIUM DUTY PROPANE TRUCKS.

PULLED

Item 32. AN ORDINANCE APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF DRESDEN, SAXONY IN GERMANY CONFIRMING AN ECONOMIC AND CULTURAL ALLIANCE AS A PRECURSOR TO A POTENTIAL SISTER CITIES RELATIONSHIP.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

At this time, Mayor Pro Tem Ramos addressed Item 21.

The City Clerk read the following Ordinance:

2009-02-19-0135

Item 21. AN ORDINANCE AUTHORIZING A FIVE-YEAR CONCESSION AGREEMENT WITH INTERNATIONAL DUTY FREE STORES/UETA AT SAN ANTONIO INTERNATIONAL AIRPORT WITH A MINIMUM ANNUAL GUARANTEE OF \$290,000.00.

Councilmember Cortez requested clarification from the City Attorney regarding the campaign contributions and Discretionary Contracts Disclosure Forms submitted by International Duty Free Stores/UETA. Mr. Michael Bernard stated that the contributions had been made during a period of time that was allowable under the City's Ethics Code. He added that the Discretionary Contracts Disclosure Forms were correctly submitted and filed prior to Council Action as required. Councilmember Cortez asked of the Request for Proposal (RFP) process and Mr. Mike Sawaya reported that a scoring team had been convened that reviewed respondents' experience, background, concept, theme development, and

quality of improvements to the store. He explained that the compensation was scored through a formula and that financial stability was also reviewed. He noted that UETA had operated at the Airport since 1967, maintained a successful operation, and delivered a high level of service. He provided the scoring sheet and evaluated the bidders in each category.

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

Councilmember Clamp asked if said item could be reviewed by the Ethics Review Board prior to any action being taken. Mr. Bernard explained that the role of the Ethics Review Board was to investigate complaints filed and not the RFP process. He added that he would discourage sending the item to the Ethics Review Board to justify the continuance of the matter. Councilmember Cibrian asked for additional information regarding the staff recommendation. Mr. Sawaya reported that staff recommendation was to move forward with UETA because they were an experienced operator and could provide the best services for the Airport. He agreed that issuing a new RFP could be compromising to the process. In response to Councilmember Cibrian, Mr. Bernard stated that he would not recommend the issuance of another RFP because nothing in the Ethics Complaint could void the contract.

Councilmember Rodriguez stated that he was concerned with the legality of the contributions but after clarification from the City Attorney, he would be supporting the staff recommendation. Councilmember Clamp asked if the approval of said item would affect the outcome of the Ethic's Review Board and Mr. Bernard confirmed that it would not. Mayor Hardberger stated that he supported the staff recommendation in the past and continued to support it today. He noted that the scoring was acceptable and that there was no need to issue another RFP.

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

At this time, Mayor Pro Tem Ramos addressed Item 30.

The City Clerk read the following Ordinance:

2009-02-19-0147

Item 30. AN ORDINANCE ORDERING THE GENERAL CITY ELECTION TO BE HELD ON SATURDAY, MAY 9, 2009 AND RUN-OFF ELECTION TO BE HELD ON SATURDAY, JUNE 13, 2009, IF NECESSARY; AND ALSO SETTING FORTH ELECTION PROCEDURES.

Ms. Vacek presented said item and outlined recommended revisions to the Early Voting Site List. She reported that the revisions included the following: District 2 – Utilize CPS Building located at 903 S. WW White Road instead of St. Benedict's Catholic Church; District 3 – Utilize the Cisneros Senior Community Center located at 517 SW Military Drive instead of Shopper's City Mall; District 5 – Add Memorial Library located at 3222 Culebra; and District 9 – Add Stone Oak Presbyterian Church located at 20024 Crescent Oaks. She stated that the Main Early Voting Site had been relocated from the Bexar County Justice Center to the Bexar County Elections Office and provided the five City Sites that would utilize Deaf Link Voting Equipment. She noted that there were 259 Election Day Polling Sites and outlined the other entities participating in the Election. Ms. Vacek highlighted key dates and stated that the fiscal impact was \$700,000 that did not include the cost of a Run-Off Election or additional sites.

Mayor Pro Tem Ramos recognized Ms. Jacque Callanen, Bexar County Elections Administrator.

Councilmember McNeil expressed support for said item and asked if San Antonio Residents could vote at the Windcrest Early Voting Site. Ms. Callanen stated that anyone registered to vote could do so at any Early Voting Site. Councilmember Cibrian expressed concern that the Shavano Baptist Church could no longer be utilized as an Early Voting Site and that a replacement site had not been identified. She stated that her office had worked to include the University of Texas at San Antonio (UTSA) as an Early Voting Site and asked that staff work with her in the future to ensure that the recommended sites are acceptable. Ms. Vacek stated that the sites being recommended should be utilized in the future for consistency and noted that Bexar County had limited technology available to add Early Voting Sites. Councilmember Clamp recognized Ms. Callanen and expressed support.

Councilmember Galvan thanked staff for adding the Memorial Library Early Voting Site and noted that it would provide a good opportunity for St. Mary's University Students and Staff to vote. Councilmember Herrera requested that Bexar County Elections Meetings be held on a day other than Thursdays so that City Staff could attend. Councilmember Cortez requested information on the Bexar County Justice Center and why it was not being utilized as the Main Early Voting Location. Ms. Callanen reported that the building was being expanded and was under construction; therefore, it could not be utilized at this time. Councilmember Cortez recognized Ms. Vacek for her work on the Election and thanked her for always providing timely information. Councilmember Galvan asked where the Bexar County Elections Office was located and expressed concern with accessibility to voters. Ms. Callanen replied that it was across the street from the San Antonio Police Department on Nueva Street and was accessible. She added that the Bexar County Justice Center could be utilized again after Year 2009. Councilmember Ramos requested that staff review the possibility of utilizing City Hall if the Bexar County Justice Center could not be utilized in the future.

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

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

At this time, Mayor Pro Tem Ramos addressed Item 34.

The City Clerk read the following Ordinance:

2009-02-19-0149

Item 34. AN ORDINANCE AUTHORIZING THE INSTALLATION OF AN HONORARY STREET SIGN, TO READ "REVEREND ARISTIDE BROWN WAY", AT 774 "G" STREET LOCATED IN COUNCIL DISTRICT 2.

Councilmember McNeil recognized Reverend Aristide Brown, Senior Pastor of the Greater Treemount Temple Baptist Church for 33 years. She stated that during his tenure, Mr. Brown had spearheaded a number of improvements including sidewalks, fire hydrants, and restoration of a single-family dwelling now serving as a Daycare Center. She noted that he had provided needy families with rental and utility assistance and initiated a Feeding and Clothing Ministry. She thanked Mr. Brown for his work and partnerships in the community and recognized Mr. Brown's sons that were also in attendance.

Mr. Brown expressed appreciation and gratitude for the naming of a portion of G Street in his honor. He stated that he had served in the Korean and Vietnam Wars and had preached for over 45 years.

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

The City Clerk read the following Ordinance:

2009-02-19-0129

Item 15. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$537,125.00 TO ATLAS CONSTRUCTION FOR THE DENMAN ESTATE DEVELOPMENT PROJECT LOCATED IN COUNCIL DISTRICT 8, AN AUTHORIZED 2007-2012 BOND PROGRAM PROJECT.

Mr. Mike Frisbie reported that said project was a partnership between the City and the University of the Incarnate Word (UIW). He explained that it was a 20-acre site of which the City owned 12 ½ acres and UIW would construct a Retreat Center on the property. He noted that the City would invest in parking improvements and once completed, UIW would take over operation and maintenance of the site.

Councilmember Cibrian expressed support and noted that she had worked with UIW to ensure that the 7.7 acres of land was preserved and not sold as a multi-family development. She stated that through the agreement, UIW would provide continued maintenance and save the City \$50,000 in annual maintenance costs. She added that a Korean Pagoda had been donated by the City's Korean Sister City and would be placed over the lake at the Denman Estate.

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

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

The City Clerk read the following Ordinance:

2009-02-19-0130

Item 16. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$10,628,811.15 TO V.K. KNOWLTON CONSTRUCTION & UTILITIES, INC., TO PERFORM CONSTRUCTION WORK FOR THE OCTAVIA #63 PHASE II PART C PROJECT, LOCATED IN COUNCIL DISTRICT 5, AN AUTHORIZED 2007-2012 BOND PROGRAM PROJECT.

Councilmember Galvan thanked staff for moving forward with a new contractor and asked when work on the project would commence. Mr. Mike Frisbie stated that construction would begin in March, 2009. Councilmember Galvan stressed the importance of completing the project on time and on budget. Councilmember Ramos added that the project bordered District 3 and recognized the construction company for their work.

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

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

The City Clerk read the following Ordinance:

2009-02-19-0132

Item 18. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,161,000.00 WITH K-BAR SERVICES, INC. FOR THE SALADO CREEK GREENWAY PROJECT'S SOUTHERN SEGMENT (RIGSBY ROAD TO SOUTH SIDE LIONS PARK) LOCATED IN COUNCIL DISTRICTS 2 AND 3.

Councilmember Ramos recognized Mr. Xavier Urrutia for his work on said project and asked for a timeline. Mr. Urrutia replied that construction on the project would begin within a week and that completion was anticipated by the end of 2009.

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

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

The City Clerk read the following Ordinance:

2009-02-19-0133

Item 19. AN ORDINANCE AWARDDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$131,550.00 TO THE LEVY COMPANY, LP. FOR THE MILLER'S POND PARK TRAIL IMPROVEMENTS PROJECT LOCATED IN COUNCIL DISTRICT 4.

Councilmember Cortez requested additional information on the project. Mr. Xavier Urrutia stated that funds were available from the initial project and through a donation from USAA. He explained that funds would be utilized for additional lighting and trails as had been requested by the community. He noted that the lighting improvements would be complete in June, 2009 and the remaining project enhancements would be completed by November, 2009. Councilmember Cortez recognized Carol Abitz, President of the Southwest Community Neighborhood Association and the Miller's Pond Advisory Board for their input and participation in the process.

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

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

The City Clerk read the following Ordinance:

2009-02-19-0134

Item 20. AN ORDINANCE AWARDDING AN INDEFINITE DELIVERY CONSTRUCTION CONTRACT IN THE AMOUNT OF \$4,379,706.25 TO EZ BEL CONSTRUCTION, LLC, FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION PROJECTS LOCATED CITY-WIDE.

Councilmember Cortez asked of the type of services that would be received through said contract and the Council Districts they were located in. Mr. Majed Al-Ghafry stated that the contract included projects from the Advanced Transportation District (ATD), Neighborhood Access Mobility Program (NAMP), Housing and Urban Development (HUD), Infrastructure Management Plan (IMP), and Capital Improvement Program (CIP) and would be performed city-wide. Councilmember Cortez asked if EZ Bel Construction had performed other work for the City and of the quality of their work. Mr. Al-Ghafry reported that EZ Bel Construction was working on various projects throughout the City and there had been no complaints regarding their performance. Councilmember Cortez further asked if the construction work was being coordinated with the utility companies so that the streets were not torn up after completion. Mr. Al-Ghafry confirmed that staff was coordinating with San Antonio Water Systems (SAWS), CPS Energy, and others so that there was minimal disruption to the residents and businesses in the area.

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

The City Clerk read the following Ordinance:

Item 27. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO FOUR GRANT APPLICATIONS TO THE DEPARTMENT OF ENERGY (DOE) UNDER THE CLEAN CITIES PROGRAM:

2009-02-19-0141

- A. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$312,500.00, FOR THE PURCHASE OF 18 NEW HEAVY DUTY PROPANE VEHICLES AND SEVEN NEW MEDIUM-HEAVY DUTY PROPANE VEHICLES AT AN ESTIMATED INCREMENTAL COST OF \$12,500.00 PER TRUCK.

2009-02-19-0142

- B. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD IN THE AMOUNT OF \$182,400.00, FOR THE PURCHASE OF 24 CONVERTER KITS AT A COST OF \$169,680.00 AND \$12,720.00 FOR INSTALLATION COSTS.

2009-02-19-0143

- C. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$260,000.00, FOR

THE PURCHASE OF 65 LIGHT-DUTY PROPANE TRUCKS AT AN INCREMENTAL COST OF \$4,000.00 PER TRUCK.

2009-02-19-0144

- D. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD IN AN AMOUNT UP TO \$107,194.00, WITH \$26,904.00 FOR THE PURCHASE AND INSTALLATION OF FOUR VEHICLE REFUELING APPLIANCES AND \$80,290.00 FOR THE INCREMENTAL COST TO PURCHASE 14 COMPRESSED NATURAL GAS (CNG) LIGHT-DUTY SEDANS.

Councilmember Cibrian expressed support for said items and noted that the City had received rebates totaling \$102,000 for its propane usage and had an estimated annual fuel savings of \$7,350. Mr. Florencio Peña stated that the City would be competing among the nation and was hopeful to receive the grants.

Councilmember Cibrian moved to adopt the proposed Ordinances for Items 27A, 27B, 27C and 27D. Councilmember Clamp seconded the motion.

The motion to approve Items 27A, 27B, 27C and 27D prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Rodriguez and Rowe.

The City Clerk read the following Ordinance:

2009-02-19-0145

Item 28. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND ACCEPTANCE OF FUNDS, UPON AWARD, UP TO \$1,000,000.00, FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE DWI/SPEED ENFORCEMENT SELECTIVE TRAFFIC ENFORCEMENT PROGRAM, AND AUTHORIZING AN IN-KIND MATCH OF \$144,990.00, AND A CASH MATCH OF \$16,215.00.

Councilmember Herrera asked for additional information on said grant and clarification of the term Selective Traffic Enforcement. Chief William McManus reported that the San Antonio Police Department had received the grant every year since 2001. He noted that they utilized depreciation of vehicles; cost to upgrade their radar systems; and court overtime toward the in-kind match and that the cash match was a grant requirement. He explained that six to eight Police Officers were assigned to the program every night and that Selective Traffic Enforcement meant that they were dedicated to Driving While Intoxicated (DWI) and Speed Enforcement.

Councilmember Herrera expressed support and moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-02-19-0146

Item 29. AN ORDINANCE AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ALTERING THE DEFINITION OF "REFACE", PROVIDING FOR REFACING NONCONFORMING REGISTERED "TRADEMARK SIGNS" IN ORDER TO PREVENT MISIDENTIFICATION WITH THE REGISTERED TRADEMARK, AND PROVIDING FOR PUBLICATION.

Councilmember Cibrian noted that said item had been presented to the Infrastructure and Growth Council Committee and asked if staff had received input from stakeholders. Mr. Rod Sanchez stated that there had been many issues with On-Premise Signs regarding the authorization to make minor changes. He explained that staff was making the Ordinance more flexible to allow minor changes to signs as long as height and width requirements were met. He noted that the proposed Ordinance had been provided to Scenic San Antonio but they had not responded. Councilmember Cibrian thanked staff for their work and for allowing citizen input in the process. Councilmember Cortez also expressed support and thanked staff for addressing issues brought forth by the Business Community.

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

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

The City Clerk read the following Ordinance:

2009-02-19-0148

Item 31. AN ORDINANCE AUTHORIZING AN APPLICATION FOR REIMBURSEMENT OF UP TO \$728,353.00 FROM THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS FOR EXPENSES INCURRED FOR THE 2008 ROCK N ROLL MARATHON AND AUTHORIZING THE REMITTANCE OF \$116,537.00 TO THE COMPTROLLER IN ACCORDANCE WITH STATE LAW.

Councilmember Herrera requested an overview of the process. Mr. Jim Mery reported that the Sporting Event Trust Fund was passed through legislation and authorized cities and municipalities to bid on hosting large events. He noted that the purpose was to stimulate Economic Development and Tourism in an effort to increase the tax base. He explained that once an event was awarded to the City, an analysis was done in terms of an incremental tax increase. He further noted that the City would receive the \$116,537 as remitted, as well as the \$728,353 for expenses incurred. Councilmember Herrera expressed support and noted that she had participated in the 2008 Rock N Roll Marathon and intended to participate again this year.

Ms. Sculley stated that in addition to the great financial impact, the Rock N Roll Marathon encouraged fitness among the community.

Councilmember Cibrian expressed support and challenged Councilmember Cortez to participate in the 2009 Rock N Roll Marathon. Councilmember Cortez accepted the challenge and stated that he looked forward to training for the event.

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

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

Item 33. CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

A. Burglary Vehicle Task Force Update

The Burglary Vehicle Task Force was implemented in December, 2008 to reduce the number of vehicle break-ins. It was reported that over \$40,000 worth of property was recovered and 100 individuals were arrested. For the first time since Year 2004, the burglary of vehicles decreased during the Holiday Season.

B. Federal Stimulus Update

The total amount approved in the bill signed by President Obama on February 17, 2009 totaled \$789 billion. Of that amount, \$463 billion will be utilized for spending in Transportation, Infrastructure, Health Care, Education Assistance, Housing, and Energy Efficiency Programs. The balance of \$326 billion is for Personal and Business Tax Abatements and Tax Breaks. Staff will match the Council Priorities with the categories for Federal Applications and bring recommendations to the City Council the first week of March, 2009.

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

CONTINUED TO MARCH 5, 2009

Item 35. AN ORDINANCE AUTHORIZING THE RENAMING OF "SOUTH SMITH STREET" TO "GUADALUPE YBARRA STREET" BETWEEN THE CROSS STREETS OF COLIMA STREET AND CHIHUAHUA STREET, AS REQUESTED BY COUNCILWOMAN GALVAN, COUNCIL DISTRICT 5.

Councilmember Galvan moved to continue the proposed Zoning Item to March 5, 2009. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2009-02-19-0150

Item 36. AN ORDINANCE AUTHORIZING THE RENAMING OF "CLINKER HEIGHTS STREET" TO "DAVID EDWARDS DRIVE" BEGINNING AT "SCHERTZ ROAD" AND CONTINUING UNTIL IT DEAD ENDS AT "QUARRY PARK", AS REQUESTED BY COUNCILMAN CLAMP, COUNCIL DISTRICT 10.

Mr. Rod Sanchez explained that said road led to the new Northeast (ISD) Independent School District Stadium at the Longhorn Quarry and was surrounded by Northeast ISD property. He stated that the item had been presented to the Governance Committee and that a public hearing was held on January 21, 2009 with no opposition. He noted that staff recommended approval.

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

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

CONTINUED TO MARCH 5, 2009

Item Z-1. **ZONING CASE # Z2009034 S (District 1):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "C-3 S" General Commercial District with a Specific Use Authorization to allow a Pay Day Loan Agency on 0.0476 of an acre out of Lot 18, NCB 13718 located at 834 Northwest Loop 410. Staff and Zoning Commission recommend approval.

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

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

DENIED

Item Z-2. **ZONING CASE # Z2008193 (District 8):** An Ordinance amending the Zoning District Boundary from "R-20" Residential Single-Family District to "PUD R-6" Planned Unit Development Residential Single-Family District on Lots 1, 2, 3, and 4, Block 1, NCB 11670 located at 11327 Dreamland. Staff and Zoning Commission recommend denial.

Mr. Chris Looney presented the proposed Zoning Case.

Mayor Hardberger called upon those citizens registered to speak.

Mr. Jack Maguire stated that he lived within 200 feet of said property and asked that the Council vote in opposition to the zoning item. He spoke in favor of the property's current zoning and added that the neighbors were in opposition to a perimeter wall, denser development, increased traffic, and drainage problems.

Mr. Oscar G. Galvan noted his opposition to said item.

Mr. Joel Garcia stated that he resided within 200 feet of said property and shared a property line of approximately 157 feet. He expressed concern that the property owner could not develop the property with the current zoning and spoke of the danger of setting a precedent with the rezoning. He noted that in the Beverly Hills Subdivision, a defining characteristic was the average lot size of 40,000 square feet.

Mr. Jack M. Finger noted that twenty-seven of thirty-five notices had been returned in opposition of Item Z-2 and that other individuals in the vicinity also opposed the rezoning. He expressed opposition to Item Z-1 noting that the recommended use was not consistent with the area. He also spoke against the hotel proposed in Item Z-3.

Ms. Joyce White stated that she hoped that the trees on said property would be preserved. She noted that there was already heavy traffic in the area and expressed opposition to denser development.

Ms. Faye R. Fox noted her opposition to said item.

Ms. Catherine Donahue noted her opposition to said item.

Ms. Lucy Peveto stated that she was a representative of Mr. Richard Higby, who owned two acres immediately to the west of said property. She expressed concern that when the applicant was notified of resident concerns, he replied that no concessions would be made. She noted that the request to include sixteen homes on the property was out of character with the neighborhood.

Mr. Francisco Mañon spoke of his attempt to develop the property in 2004 and noted that he wanted to rezone the property R4 and utilize the corridor as a commercial area.

Mr. Mike Drewry spoke of the issues of sustainability and green development and their impact on the proposed zoning. He stated that Mr. Lee owned 4.5 acres of land on a major intersection in the northwest section of town and development in that area was imminent. He noted that the property was located a few hundred yards from major freeways and had been zoned in 1938. He stated that he was not in agreement with the R6 Designation but that a Mixed Use Zoning should be considered. He expressed concern with the increased cost of City-provided services by pushing housing to the outskirts of the City.

Mr. Ted Lee expressed concern with correspondence addressed to Mayor Hardberger and Councilmember Rowe requesting that they pressure Mr. Lee into withdrawing his zoning item. He noted that the issue to rezone the property had come up five times in the last twenty years and all had been rejected. He stated that when the property was originally zoned in 1937, the area was considered to be in the country. There is now R6 Zoning and apartments on either side of the property. He claimed that Councilmember Cibrian had committed her opposition to said item through personal alliances and therefore; staff and the Zoning Commission recommendation were biased and illogical.

Mr. Monroe A. Lane stated that neighborhood plans were devised to ensure the character of an area. He noted that he and many of his neighbors had lived in their homes for over thirty years and the area had not changed during that time. He asked for the Council's support in denying said item so that the integrity of the neighborhood could be preserved.

Councilmember Cibrian thanked everyone in attendance for stating their views. She stated that she knew that there would be consequences but must support the neighborhood's opposition to the uncharacteristic development. She noted that if said item was approved, it would allow for every lot to be rezoned and the current infrastructure could not support the increase in homes. She reported that she had held a community meeting at the request of Mr. Lee and had suggested various options in trying to reach a compromise with Mr. Lee. She added that this was the first time she had been unable to come to an agreement on zoning and that her motion to deny said item was due to the overwhelming opposition.

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

The motion to deny the Zoning Item prevailed by the following vote: **AYES:** Cisneros, Ramos, Cortez, Galvan, Herrera, and Cibrian. **NAY:** Clamp. **ABSTAIN:** Mayor Hardberger. **ABSENT:** McNeil, Rodriguez and Rowe.

CONTINUED TO MARCH 5, 2009

Item Z-3. **ZONING CASE # Z2009027 ERZD (District 9):** An Ordinance amending the Zoning District Boundary from "C-2 ERZD" Commercial Edwards Recharge Zone District to "C-3 ERZD" General Commercial Edwards Recharge Zone District on 0.463 of an acre out of Lots 18 and 19, Block 13, NCB 13827 located on a portion of 136 and 143 Kenley Place. Staff and Zoning Commission recommend approval.

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

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

2009-02-19-0151

Item Z-4. **ZONING CASE # Z2009031 S (District 10):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-3NA S" General Commercial District, Nonalcoholic Sales with a Specific Use Authorization for an Auto Alarm and Radio Retail Store on Lot 19, NCB 12170 located at 1790 Austin Highway. 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: LOT 19, NCB 12170 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3NA S" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A SPECIFIC USE AUTHORIZATION FOR AN AUTO ALARM AND RADIO RETAIL STORE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

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

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

CITIZENS TO BE HEARD

Mr. Boone Brinson stated that he was speaking on behalf of several Market Square tenants. He noted that there were over 100 tenants in Farmers Market and El Mercado and that the short fall in funds was not due to the tenants or their businesses. He explained that funds received during Fiesta had not been reinvested in Market Square. He expressed concern that many of the Farmers Market and El Mercado contracts would expire during the year and City Staff had not been willing to speak with the tenants.

Mr. Alfred G. Sanchez, IV stated that District 4 had been over looked for many years and expressed concern that many important projects had been omitted from the list. He noted that he was in opposition to the rubberstamping of important budget and zoning items.

Mr. Mark Perez spoke of issues with zoning violations and hazardous chemicals in the community. He reported that a company that had violated City Code had their electricity shut down and expressed concern that the Kimberly Clark Facility had not been subject to the same. Lastly, he spoke of a facility operated by Tetco that had been relocated.

Mr. Nick Calzoncit of Mexican-American Peace Project TV explained that his presentations were related to reducing violence in San Antonio. He noted that the large amount of school dropout rates were closely related to violent acts and highlighted issues within the Harlandale School District. He stated that there were some changes taking place which were very beneficial to the area and referenced a book by Paulo Freire on the education of oppressed people.

Mr. Antonio Diaz spoke of the Cesar E. Chavez March for Justice. He thanked the Council for their continued support and invited them to participate in the March.

Mr. Faris Hodge, Jr. thanked Councilmember Clamp for the attention given to him by the District 10 Staff. He spoke against Market Square being sold to the Cortez family and in support of free enterprise. He stated that Market Square should welcome all races and that the Quiet Zone in Olmos Park would not work. Lastly, he sang a song to the Council.

Mr. Wayne Hensley thanked the Council for their assistance in addressing his concerns related to the SAMM Shelter. He stated that the environment had improved since he last addressed the Council.

Ms. Tammi Woodard provided an update on Seton Home, a parenting program that assists pregnant teens. She reported that in the first half of the Fiscal Year, Seton Home had served fifty-five homeless teen moms and fifty-five of their children. She added that three participants had obtained their GEDs and enrolled in college and another participant had scored a 1260 on her SAT. She thanked the Council for their support.

Ms. Julie Iris Oldham expressed concern with Americans with Disabilities Act (ADA) issues in the immediate area. She stated that it had taken her ten minutes to walk to the Chambers and ADA concerns needed to be addressed. She spoke of a walk for the mentally ill that would occur in April in Austin, Texas. Lastly, she noted her opposition to the City Manager's Contract Amendment.

ADJOURNMENT

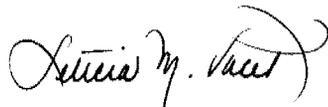
There being no further discussion, Mayor Hardberger adjourned the meeting at 7:43 pm.

A P P R O V E D



**PHIL HARDBERGER
MAYOR**

Attest:



LETICIA M. VACEK
City Clerk