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, MAY 6, 2009 AND THURSDAY, MAY 7, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **May 6, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. **BRIEFING AND UPDATE BY THE HEMISFAIR PARK REDEVELOPMENT AD HOC COMMITTEE ON THE PROPOSED PROCESS FOR IMPLEMENTING A REDEVELOPMENT STRATEGY FOR HEMISFAIR PARK.**

Pat DiGiovanni, Deputy City Manager provided an overview of the HemisFair Park Redevelopment process. He recognized members of the HemisFair Park Redevelopment Ad Hoc Committee and stated their mission was to provide public oversight, devise strategies, and provide public policy advice regarding the redevelopment of HemisFair Park. He explained that the vision included a vital, mixed-use area centered on a city park that will maintain and revitalize the historic buildings and connect to adjacent neighborhoods.

Mr. DiGiovanni noted the seven guiding principles as follows: 1) Connectivity – Linkages within HemisFair Park; 2) Green Space – Expand and preserve green space; 3) Balance – Finding a balance between green space and development; 4) Development – Mixed-use including housing and commercial; 5) Preservation – Protection of historic buildings within HemisFair Park; 6) Sustainability – Redevelopment should consider social, economic and environmental impacts; 7) Leadership – Requires long-term, dedicated leadership.

Mr. DiGiovanni stated that the committee recommended that a civic leadership group be appointed to lead the redevelopment of HemisFair Park and that a process be implemented to update the 2004 Master Plan.

Mr. DiGiovanni outlined the aspects for the creation of a Local Government Corporation (LGC) and reported that the LGC could acquire property, plan and develop and also finance projects. Further, they could hire staff, enter into contracts, and incur liability. He stated that the Board of Directors of the LGC should include nine members and serve a four-year term.

Mr. DiGiovanni spoke of the HemisFair Request for Proposals (RFP) and noted that the selected proposal should address the Vision and the seven guiding principles. Additionally, meet the eight qualifications as requested by the Committee. He provided next steps for the project that would include obtaining Legal Counsel for the creation of the LGC and City Council approval of a resolution to create the HemisFair Park Area LGC.

Mayor Hardberger thanked the members of the Ad Hoc Committee and recognized those in attendance. He added that he was pleased with the recommendations of the Committee.

Councilmember Galvan noted the need for dedicated space for cultural events within the inner city. She asked of the Tejano Heritage Museum and that they be considered as part of the Master Plan. Councilmember Herrera also agreed with the Women's Pavilion including the Tejano Heritage Museum. Mr. DiGiovanni stated that representatives of the Tejano Heritage Museum would have input, but the project might not fit the vision. Councilmember Ramos thanked all that served on the Ad Hoc Committee and also expressed support for the Tejano Heritage Museum at the Pavilion.

A discussion ensued regarding City Funds for said corporation and the City's tight budget constraints. Mr. DiGiovanni stated that the LGC would be funded similar to the Westside Development Corporation and the Brooks Development Corporation. It was noted that the Brooks Development Corporation was no longer subsidized by the City.

Councilmember Rowe expressed his support for the recommendations of the Ad Hoc Committee. Councilmember Clamp expressed concern with adding projects but not removing items from the current budget. He stated that the City Council should maintain oversight of the LGC. Councilmember Cibrian recommended that a Community Outreach Plan be implemented and expressed her support for the recommendations. Councilmember McNeil expressed concern with funding due to budget cuts and asked of an economic generator for HemisFair Park. Mr. DiGiovanni stated that the Master Developer would assist in identifying an economic generator. He added that revenues were currently being generated from HemisFair Park.

Councilmember Cisneros expressed her full support for the recommendations of the Ad Hoc Committee. She noted that there was $3.1 million available to fund the Master Plan and other items, and stressed the importance of HemisFair Park to the City. Mayor Hardberger concurred and added that in order to generate funds from HemisFair Park, there needed to be an initial investment.

2. CITY COUNCIL INTERVIEWS OF CANDIDATES FOR THE SAN ANTONIO WATER SYSTEM (SAWS) BOARD OF TRUSTEES.

Leticia Vacek, City Clerk, provided an overview of the process utilized to interview individuals for the SAWS Board of Trustees. She stated that applications had been posted on April 9, 2009 and were due to the Office of the City Clerk on April 30, 2009. An Interview Request Form with two Council signatures was due to the Office of the City Clerk on May 1, 2009. She noted that nine applicants would be interviewed for the Southwest, Northwest and Northeast Quadrants.

The Council began interviewing candidates for the Northwest Quadrant. Michael Moore and Elizabeth Provencio were interviewed. Each candidate provided their experience and qualifications and fielded questions from the Council.

The Council interviewed for the Southwest Quadrant. Ms. Vacek reported that she had received a letter from Chris Martinez withdrawing his name from the interview process. Mr. Samuel Luna spoke of his vast experience and qualifications and was interviewed by the Council for the Southwest Quadrant.

The Council concluded with the Northeast Quadrant and interviewed the following candidates: Jerry Morrisey, Kirk Patterson, Louis Rowe, and Carlton Soules. Ms. Vacek reported that David Carpenter had contacted her office and informed all that he would not be able to attend the interview session. Ms.

Vacek reported that the item was on the May 7, 2009 City Council Agenda for a vote on the appointment(s).

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:57 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 7, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Keith Kennington, Elder, Oak Hills Church, guest of Councilmember Diane Cibrian, District 8.

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 Herrera made a motion to approve the Minutes for the April 16, 2009 Regular City Council Meeting. 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.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read Item 4:

Item 4. APPOINTING INDIVIDUALS TO EACH OF THE FOLLOWING POSITIONS ON THE SAN ANTONIO WATER SYSTEM BOARD OF TRUSTEES FOR TERMS OF OFFICE EFFECTIVE JUNE 1, 2009 THROUGH MAY 31, 2013.

Councilmember Rowe recused himself from Item 4 by exiting the Chambers and noting that he submitted his recusal form to the City Clerk.

Mayor Hardberger called upon those citizens registered to speak.

Former Councilmember Maria Antonietta Berriozabal expressed support of Liz Provencio for appointment to the Northwest Quadrant. She stated that Ms. Provencio participated in numerous professional organizations and was committed to the community at-large.

Carol Patterson spoke in support of the appointment of her husband, Kirk Patterson to the Northeast Quadrant. She noted that Kirk had worked on water quality issues since 1977 and would greatly contribute to meeting the upcoming deadlines affecting the water supply.

Jack M. Finger stated that he expected to receive clean water at a reasonable rate. He expressed concern with the appointment of Louis Rowe and spoke in support of Kirk Patterson for the Northeast Quadrant.

Nazirite Ruben Flores Perez stated that he wanted good representation on the SAWS Board of Trustees.

Ramiro Cavazos, President of the Hispanic Chamber of Commerce spoke in support of Liz Provencio for appointment to the Northwest Quadrant and Louis Rowe to the Northeast Quadrant of the SAWS Board of Trustees. He stated that the Hispanic Chamber had been in support of Chris Martinez for the Southwest Quadrant and expressed concern for his withdrawal.

Eddie Aldrete, Hispanic Chamber of Commerce also spoke in support of Liz Provencio for appointment to the Northwest Quadrant of the SAWS Board of Trustees. He stated that Ms. Provencio was well-qualified for the position due to her vast legal and community experience.

Elyzabeth Earnley thanked the Council for allowing an open appointment process for the SAWS Board of Trustees. She spoke in support of the appointments of Liz Provencio for the Northwest Quadrant and Jerry Morrisey for the Northeast Quadrant. She noted Mr. Morissey's 17 years of experience with water supply, water quality and conservation. She stated that SAWS Board Members should carefully consider all sides of an issue and be independent of any particular interest group.

Jerry Morrisey spoke in support of his appointment to the Northeast Quadrant. He thanked the Council for opening up the appointment process for the SAWS Board of Trustees and for the opportunity to be interviewed.

John Donahue expressed support for the appointment of Kirk Patterson to the Northeast Quadrant of the SAWS Board of Trustees. He noted that Mr. Patterson was educated on water issues and had encouraged him to teach a course on water culture and power. He spoke of Mr. Patterson's vast experience and participation on water issues in the community.

Richard Perez, President of the Greater San Antonio Chamber of Commerce spoke in support of the appointment of Louis Rowe to the Northeast Quadrant of the SAWS Board of Trustees. Mr. Perez added that as a private citizen, he expressed support for Samuel Luna to the Southwest Quadrant and Liz Provencio to the Northwest Quadrant of the SAWS Board of Trustees. He spoke of their great experience and qualifications.

A. SOUTHWEST QUADRANT

Councilmember Cortez spoke of the vast experience of Samuel Luna and expressed support for his appointment to the Southwest Quadrant. He explained that Mr. Luna had followed the appointment process set out and had been interviewed by the City Council. He urged the Council to support Mr. Luna's appointment. Councilmember Ramos thanked all of the applicants for their interest in serving on the SAWS Board of Trustees. She stated that Mr. Luna had followed the process and expressed support for his appointment to the Southwest Quadrant.

Councilmember McNeil expressed concern that only one applicant had been interviewed for the Southwest Quadrant. She stated that additional candidates should be interviewed in order to select a representative for that area. Councilmember Clamp asked of the conflicts that Chris Martinez (who had

withdrawn his application) had. Michael Bernard, City Attorney explained that there were no present conflicts but there was a possible prohibitive relationship due to a City contract that his family's business had bidded on. A lengthy discussion ensued regarding conflicts of interest.

Councilmember Cibrian expressed concern with the withdrawal of Chris Martinez for the Southwest Quadrant and possible conflicts of interest. She stated that other applicants should be considered for appointment to the Southwest Quadrant.

Mayor Hardberger asked if Chris Martinez had been informed that he could serve on the SAWS Board of Trustees if the submitted bid for a City contract was withdrawn. Mr. Bernard confirmed that it had been communicated to Mr. Martinez.

Councilmember Galvan expressed her support for Mr. Luna's appointment to the Southwest Quadrant and spoke of his vast experience and qualifications. Councilmember Herrera expressed concern with the withdrawal of Chris Martinez's application for the Southwest Quadrant.

Councilmember McNeil moved to table said item for two weeks. Councilmember Cibrian seconded the motion.

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

Councilmember Cortez moved to appoint Samuel Luna as the Southwest Quadrant representative to the SAWS Board of Trustees. Councilmember Galvan seconded the motion.

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

B. NORTHWEST QUADRANT

Councilmember Cibrian expressed her support for the appointment of Liz Provencio to the Northwest Quadrant of the SAWS Board of Trustees and spoke of her experience and qualifications. Councilmember Cortez also expressed his support for Liz Provencio for the Northwest Quadrant. Councilmember Rodriguez thanked Michael Moore for applying to serve on the Northwest Quadrant. He expressed his support for Liz Provencio's appointment. Councilmember Ramos also expressed support for the appointment of Liz Provencio and thanked Mr. Moore for applying to serve on the SAWS Board of Trustees.

Councilmember Rodriguez moved to appoint Liz Provencio as the Northwest Quadrant representative to the SAWS Board of Trustees. Councilmember Cibrian seconded the motion.

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

C. NORTHEAST QUADRANT

Councilmember Cibrian expressed her support for Louis Rowe's appointment to the Northeast Quadrant of the SAWS Board of Trustees. Councilmember Clamp asked of possible conflicts of interest by Louis Rowe. Mr. Bernard explained that there was no conflict of interest by Mr. Rowe or his wife since she was an employee of a company conducting business with the City and not the owner. A lengthy discussion ensued regarding potential conflicts of interest. Councilmember Clamp stated that he had great appreciation and respect for Louis Rowe but expressed concern with his appointment to the Northeast Quadrant. He recommended that representation for the SAWS Board be reviewed and expanded to include additional membership.

Councilmember Galvan thanked all of the applicants for the Northeast Quadrant and expressed her support for Jerry Morrisey. Councilmember McNeil stated that her support for Former Councilmember David Carpenter was not a reflection against Louis Rowe and appreciated Mr. Rowe's experience and qualifications. Councilmember Herrera expressed her support for the appointment of Louis Rowe. She spoke of the many projects that she had the opportunity to work on with Mr. Rowe and noted his passion for water issues.

Mayor Hardberger stated that the City was fortunate to have so many excellent candidates for the Northeast Quadrant of the SAWS Board of Trustees. He spoke in support of the appointment of Louis Rowe to the Northeast Quadrant due to his experience on the San Antonio River Authority and water issues in general. He noted that Councilmember Rowe had a proven record on the Council and was keen on environmental issues facing the community.

Councilmember Cibrian moved to appoint Louis Rowe as the representative for the Northeast Quadrant of the SAWS Board of Trustees. Councilmember Herrera seconded the motion.

The City Clerk conducted a roll call vote and the motion prevailed. **AYES:** Cisneros, Ramos, Cortez, Herrera, Rodriguez, Cibrian and Mayor Hardberger. Councilmembers McNeil and Clamp voiced their vote for David Carpenter. Councilmember Galvan voiced her vote for Jerry Morrisey. **ABSTAIN:** Rowe.

The City Clerk read Item 5:

2009-05-07-0344

Item 5. A PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS IN THE AMOUNT OF $1,558,697.99 AND HOME INVESTMENT PARTNERSHIP GRANT (HOME) FUNDS IN THE AMOUNT OF $2,154,269.36 AVAILABLE FROM CITY-WIDE PROJECT COMPLETIONS, PROGRAM INCOME FUNDS AND CANCELLED PROJECTS TO ADDRESS EXISTING PROJECT SHORTFALLS AND NEW PROJECTS; CHANGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMEMT (HUD) PROJECT NAME FROM AGA PARK DEVELOPMENT TO THE AGA EL PARIAN FACILITY IMPROVEMENT FOR REPORTING PURPOSES.

Ms. Jeanetta Tinsley, Interim Director of the Grants Monitoring and Administration Department presented said item and stated that it would authorize reprogramming of $1,638,698 in CDBG Funds

and $2,154,269 in HOME Funds. She noted that it would also appropriate funds to projects that could be awarded contracts within the next two months.

Ms. Tinsley explained that projects were selected based on the following criteria: 1) Could have contracts executed within 60 days; 2) Could be completed within 6-12 months; 3) Previously approved projects with funding shortfall; and 4) Emergency projects that could be quickly implemented. She noted that Public Service projects could not be funded through reprogramming without deleting a previously approved Public Service project in an equal amount from the current budget due to funding limits established by Housing and Urban Development. Lastly, Ms. Tinsley reported the proposed CDBG and HOME reprogramming revenues and projects.

Mayor Hardberger opened the Public Hearing and called upon those registered to speak.

Rhett Smith noted that it was National Day of Prayer. He requested daily briefings regarding CDBG and HOME Funds (Item 5), as well as Stimulus Funds (Item 6), since they were important to the local community. He expressed concern with political advertising and spoke of an incident that occurred the previous week at the Methodist Hospital.

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

Councilmember Galvan recognized City Staff for their work on the reprogramming and expressed her support for the staff recommendation. She requested that staff provide community outreach regarding the housing programs available. Mr. David Garza stated that they would continue to provide community education and noted that there was a waiting list for the Rental Rehabilitation Program. Councilmember Ramos expressed her support for the reprogramming and spoke of several projects including the Mission Drive-In Redevelopment Project, Highland Park Senior Nutrition Center, and the St. Peter/St. Joseph's Children's Home.

Councilmember Cortez expressed his support for the reprogramming and asked of the Elderly and Disabled Rehabilitation Program. Ms. Tinsley stated that individuals could apply at the Neighborhood Housing Services Office. Councilmember Cortez requested additional information on the program to provide to residents in District 4 and recognized Habitat for Humanity for their work. Councilmember Cisneros asked of the Lead Based Paint Program and expressed her support for the reprogramming.

Councilmember Galvan 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.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 11:56 pm to break for lunch and noted that he would be presenting a proclamation at 12:00 noon for National Day of Prayer. He stated that National Day of Prayer was a federally recognized event that was created 57 years ago by President Truman and reaffirmed by the House and Senate and signed by President Reagan in 1988. He noted that the Council would convene in Executive Session at 1:30 pm for the purposes of:

A. Discuss funding options for the proposed CPS Energy STEP Program and related legal issues pursuant to Texas Government Code Sections 551.086 (public power utility competitive matters) and 551.071 (consultation with attorney).

B. Discuss legal issues related to *Dora Arnold v. City of San Antonio, et al*, Cause No. SA-07-CA-0877-XR, Bexar County, Texas, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

C. Discuss legal issues related to meet and confer for non-San Antonio Police Department peace officers pursuant to Texas Government Code Section 551.071 (consultation with attorney). **ITEM PULLED BY STAFF**

26. Discuss personnel matters related to the City Clerk, pursuant to Texas Government Code Section 551.074 (personnel matters).

In the absence of Mayor Phil Hardberger, Mayor Pro Tem Clamp 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.

The City Clerk read Item 6:

Item 6. STAFF UPDATE AND POSSIBLE ACTION REGARDING CITY ACTIVITIES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Peter Zanoni, Office of Management and Budget Director presented an update regarding city activities related to the American Recovery and Reinvestment Act of 2009 (ARRA). He provided an overview of the $109 million in known and estimated ARRA Funding. He reported that there would be a second round of funding available through the Neighborhood Stabilization Program for local governments and non-profit developers. He reported that a Stakeholder Meeting would be held on May 8, 2009 and that the grant application was due on July 17, 2009.

No action was required for Item 6.

The City Clerk read Item 7:

Item 7. BRIEFING AND POSSIBLE ACTION ON LEGISLATION FILED IN THE STATE AND FEDERAL LEGISLATIVE SESSIONS AND POTENTIAL AMENDMENTS TO THE CITY'S LEGISLATIVE PROGRAMS.

Carlos Contreras, Intergovernmental Affairs Director presented said item and stated that there were 25 days remaining in the Legislative Session. He noted that in regard to the Military Installation Protection Act, Senate Bills (SB) 2222, 2223, and 2534 had been placed on the Senate Intent Calendar. He reported that in reference to the Texas Municipal Retirement System, SB 1358 allows a city to opt out of providing the COLA and opt in the future without the retroactivity. Additionally, HB 360 provides a guaranteed minimum credit to employee accounts and allows crediting and charging of investment gains and losses.

Mr. Contreras explained that HB 1363 involving a voluntary statewide Diabetes Registry had passed the House and Senate Health and Human Services Committee. He noted that HB 1362 that extended the MRSA (Staph Infections) Reporting Procedures Pilot Program to September 1, 2011 had passed the House and was referred to Senate Health and Human Services. He reported that CSHB 2649 had been amended to include HB 1065 professional engineer's language and had passed the House Licensing and Administrative Procedures Committee.

Mr. Contreras stated that HB 3431 establishes a Nonprofit Assistance Division and creates a homeless grant program to fund support services for the homeless population. He reported that the Committee substitute for SB 2446 relating to Meet and Confer Legislation was voted favorably from the Senate IGR Committee; its companion, HB 3686, remains in the House Calendars Committee.

Councilmember Ramos asked of funding for Haven for Hope through HB 3431. Mr. Contreras reported that it was a statewide bill that did not have appropriated funding. Councilmember Ramos asked of the bill concerning Texas A&M University. Mr. Contreras reported that HB 1967 had been placed on the House Calendar. Councilmember Ramos recognized individuals representing Texas A&M including Jane Macon, Maria Casas, Crescencio Davila, Tom Lossey and Ralph Lampkin.

Councilmember McNeil asked of the transportation bill. Mr. Contreras reported that SB 942 was pending in the Senate Transportation Homeland Security Committee. Councilmember McNeil asked for the status of a bill related to Economic Development on the Eastside of San Antonio. Mr. Contreras stated that he would research said bill and provide information to the Council.

No action was required for Item 7.

POINT OF PERSONAL PRIVILEGE

Mayor Pro Tem Clamp recognized Reggie Williams, CEO of the San Antonio Area Foundation (SAAF). Mr. Williams announced that the SAAF would be receiving $200,000 each year for the next 3 years to provide assistance with San Antonio's low cost sterilization programs. He spoke of the importance and efforts to achieve a No-Kill Status in San Antonio and thanked the City Council for their support.

Councilmember Clamp thanked Mr. Williams and expressed his support for the programs. Councilmember Herrera spoke in support of spay and neuter programs and the great need in District 6. Councilmember McNeil thanked Mr. Williams for the efforts of the SAAF.

CONSENT AGENDA: Items 8 – 24

Consent Agenda Items 10, 11, 12, 15, 16, 17, 19, 22 and 24 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Ramos seconded the motion.

Nazirite Ruben Flores Perez spoke in opposition to the SAWS 2009 Water Management Plan (Item 22).

Jack M. Finger expressed concern with Item 10 regarding funding for shade structures in Main Plaza. He spoke in opposition to Item 12 due to campaign contributions by the recommended contractor. He

stated he was against Item 18 regarding street-level sidewalk space permits because they would impede pedestrian traffic.

Marisol Robles, San Antonio Hispanic Chamber Representative, spoke in support of the SAWS 2009 Water Management Plan (Item 22). She noted that SAWS CEO Robert Puente served as a member of the Hispanic Chamber Board of Directors and that the Chamber offered a Leadership Program named after SAWS Board Chairman, Alexander E. Briseño.

Ms. Vacek read written testimonies from Faris Hodge, Jr. Mr. Hodge wrote that he was concerned with the estimated contract costs (Item 8) and the amount of funding spent on Main Plaza (Item 10). He wrote that the purchases in Items 11 and 13 should be delayed due to the budget shortfall. He wrote in support of the Health Grant (Item 15) and the Auto Burglary Grant (Item 17). He also wrote that the Ethics Review Board Members should be interviewed at a Council Meeting (Item 20).

The following written testimonies were received for Item 19.

Ms. Gloria Hall wrote in support of the new zoning district for golf courses. She stated that open green spaces were vital to the quality of life and resale value of the homes in her neighborhood.

Mr. Charles Tolbert also wrote in support of the new zoning district for golf courses. He wrote that property owners paid a premium to live on a golf course and said zoning would ensure that golf courses remained as designated. He also wrote that the zoning would protect green spaces.

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

2009-05-07-0345

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 $1,345,000.00, INCLUDING: (A) FLASHER EQUIPMENT COMPANY FOR RENTAL OF BARRICADES FOR ALAMODOME; (B) 911 AUTO CENTER, LLC FOR FORD MOTOR COMPANY AUTOMOBILE & LIGHT DUTY PICK-UP TRUCK COLLISION REPAIR; (C) SAFETY-KLEEN SYSTEM, INC. FOR CORN COB SPILL ABSORBENT; (D) VULCAN CONSTRUCTION MATERIALS, LP FOR ROCK; AND (E) TEXAS HIGHWAY PRODUCTS, LTD. FOR TRAFFIC LIGHT MOUNTING ASSEMBLIES.

2009-05-07-0346

Item 9. AN ORDINANCE ACCEPTING THE OFFER FROM DAILEY & WELLS COMMUNICATIONS, INC. TO PROVIDE THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT WITH THE PURCHASE OF 700/800 MHZ PORTABLE RADIOS, ACCESSORIES AND OTHER RELATED ITEMS FOR AN ESTIMATED ANNUAL COST OF $2,500,000.00.

2009-05-07-0349

Item 13. AN ORDINANCE AUTHORIZING A DESIGN AND CONSTRUCTION FUNDING AGREEMENT WITH VERANO TRIPLE L MANAGEMENT TEXAS, LP (VTLM) FOR AN EAST/WEST ROADWAY PROJECT AT THE SITE OF TEXAS A&M UNIVERSITY - SAN

ANTONIO IN ACCORDANCE WITH THE CITY'S $15 MILLION COMMITMENT MADE AS PART OF A PREVIOUSLY APPROVED MEMORANDUM OF UNDERSTANDING.

2009-05-07-0350

Item 14. AN ORDINANCE AUTHORIZING THE ACQUISITION, THROUGH NEGOTIATIONS AND/OR CONDEMNATION, OF TWENTY-FOUR (24) PROJECTS CONSISTING OF VARIOUS PARCELS OF FEE SIMPLE TITLE, AND/OR EASEMENT INTERESTS, TO ALL OR PART OF VARIOUS PRIVATELY OWNED REAL PROPERTY, ALL BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS AND LOCATED AT JONES MALTSBERGER – REDLAND TO THOUSAND OAKS, BULVERDE ROAD (1604 TO EVANS), NEW BRAUNFELS – NACOGDOCHES INTERSECTION, KENTWOOD MANOR AREA DRAINAGE, PHASE I, NORTH HEIN (WW WHITE – HEIN WEST) AND HEIN WEST (RICE – N. HEIN), W.W. WHITE AREA STREETS, PHASE II, GOLIAD/I-37 OUTFALL, COMMERCIAL TRIBUTARY PHASE II (PETALUMA TO IH-35), FORT SAM TRANSPORTATION PROJECTS, GOLIAD ROAD DRAINAGE PHASE II (LASSES TO PECAN VALLEY), PRUE ROAD (COUNTRY DAWN TO AUTUMN BLUFF), DEZAVALA PHASE I (BABCOCK TO COGBURN), MEDICAL DRIVE AT FREDERICKSBURG ROAD, ST. CLOUD PEDESTRIAN IMPROVEMENT (WOODLAWN TO BABCOCK), HUNT LANE (INGRAM TO POTRANCO), REED ROAD (CULEBRA TO MILITARY), WESTWOOD VILLAGE DRAINAGE (PINN TO OLD HIGHWAY 90), ZARZAMORA DRAINAGE #39, PHASE I, TESLA (CULEBRA TO MAYBERRY), CALLAGHAN ROAD (CULEBRA TO COMMERCE), RIVAS (GEN. MCMULLEN TO ROSABELL), RIP RAP #69, PHASE IID, NORTH NEW BRAUNFELS SIDEWALKS, SKYLINE AREA DRAINAGE PHASE IA (SKYLINE, MIDDLE AND CISCO) IN VARIOUS COUNCIL DISTRICTS FOR THE PURPOSE OF THE FY 2007-2012 BOND PROGRAM (PROJECT); DECLARING THIS TO BE A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION; AUTHORIZING THE CITY ATTORNEY TO FILE EMINENT DOMAIN PROCEEDINGS, IF NECESSARY; AND AUTHORIZING THE EXPENDITURES ASSOCIATED FOR THE NECESSARY ACQUISITIONS.

2009-05-07-0354

Item 18. AN ORDINANCE AMENDING CHAPTER 32 OF THE CITY CODE OF SAN ANTONIO, TEXAS, ENTITLED "TOURIST AND TRADE CENTER AREAS", TO ALLOW ANNUAL PERMITS BE ISSUED FOR THE USE OF DOWNTOWN, STREET-LEVEL SIDEWALK SPACE BY ADJACENT RESTAURANTS.

Item 20. REAPPOINTING ARTHUR DOWNEY (DISTRICT 9) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2011.

2009-05-07-0356

Item 21. AN ORDINANCE RE-ESTABLISHING THE DOWNTOWN PUBLIC IMPROVEMENT DISTRICT FOR A FIVE-YEAR PERIOD BEGINNING OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2014.

2009-05-07-0357

Item 23. AN ORDINANCE CREATING THE SAN ANTONIO HISTORIC PRESERVATION ACADEMY AND ESTABLISHING THE HISTORIC PRESERVATION EDUCATION FUND.

[CONSENT ITEMS CONCLUDED]

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez spoke in support of Item 13 for an east/west roadway project at the site of Texas A&M University. He recognized Maria Casas and Crescencio Davila regarding their efforts on Texas A&M University – San Antonio. Ms. Casas stated that she had graduated in December, 2008 and was a recruiter for Texas A&M University. She thanked the Council for their support of Texas A&M University – San Antonio and recognized the Verano Group for their efforts. Mr. Davila stated that he would be graduating from Texas A&M University in two weeks and thanked the Council for their support.

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

PULLED

Item 10. AN ORDINANCE AUTHORIZING A FUNDING AGREEMENT WITH THE MAIN PLAZA CONSERVANCY FOR DESIGN AND CONSTRUCTION OF SHADE STRUCTURES IN MAIN PLAZA AND APPROVING $90,000.00 IN MATCHING FUNDS TO THE CONSERVANCY'S PRIVATELY-RAISED $250,000.00.

Councilmember Cisneros moved to pull said item from the agenda. Councilmember McNeil seconded the motion.

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

2009-05-07-0347

Item 11. AN ORDINANCE SELECTING WALLACE L. BOLT, GENERAL CONTRACTOR, INC. FOR NEGOTIATION AND EXECUTION OF A CONSTRUCTION CONTRACT, IN THE AMOUNT OF $943,104.00 FOR REPAIRS AT FOUR FIRE STATIONS FOR THE FIRE STATIONS RENOVATIONS PROJECT, PHASE I, GROUP 3, LOCATED IN COUNCIL DISTRICTS 3, 5, AND 8, AN AUTHORIZED CERTIFICATES OF OBLIGATION FUNDED PROJECT.

Councilmember Ramos asked of construction on the two Fire Stations located in District 3. Mr. Mike Frisbie stated that construction was scheduled to begin in late May or early June. Councilmember Ramos expressed concern with construction at the Fire Station located on Hot Wells due to the road having been closed for Texas Department of Transportation construction for six months. She requested that the street be maintained and returned to its original condition after project completion. Councilmember Cisneros requested information on Fire Stations #19 and #28. Assistant City Manager Erik Walsh stated that the Fire Department was in the land acquisition process for both Fire Stations. Councilmember Rodriguez requested an update on Fire Station #27.

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

2009-05-07-0348

Item 12. AN ORDINANCE APPROVING A $40,039.80 AMENDMENT TO A $1,127,550.00 PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH CIVIL ENGINEERING CONSULTANTS, INC. FOR ADDITIONAL ENGINEERING SERVICES FOR THE GOLIAD ROAD DRAINAGE PH. II (LASSES TO PECAN VALLEY) PROJECT, LOCATED IN COUNCIL DISTRICT 3, AN AUTHORIZED 2007 DRAINAGE IMPROVEMENTS BOND PROJECT.

Councilmember Ramos expressed concern with the contract amendment. Mr. Mike Frisbie stated that the amendment was for design services and had been budgeted. Councilmember Ramos stated that she had received numerous concerns relating to the utility companies and asked that the project be comprehensively coordinated. She spoke of the bid process and requested a history of the work performed by the contractors that bid on construction contracts. She added that there were numerous soil issues in District 3 and wanted to ensure that bidders were aware of said issues.

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

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

2009-05-07-0351

Item 15. AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, FOR A GRANT FROM THE ROBERT WOOD JOHNSON FOUNDATION FOR THE HEALTHY KIDS, HEALTHY COMMUNITIES PROGRAM FOR UP TO $360,000.00 FOR A FOUR YEAR TERM BEGINNING DECEMBER 15, 2009.

Councilmember Ramos asked for additional information regarding said grant. Dr. Fernando Guerra stated that the proposal would allow for outreach into a targeted sector of the community with a high rate of Obesity and Diabetes. He added that a number of organizations including University Health System and the Westside Development Corporation would participate in the implementation of the program. Councilmember Ramos noted that she would like for the program to be expanded to include District 3.

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

2009-05-07-0352

Item 16. AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, FOR A GRANT IN THE AMOUNT OF $140,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE "CLICK IT OR TICKET" SELECTIVE ENFORCEMENT PROGRAM'S SEAT BELT AND CHILD SAFETY SEAT ENFORCEMENT PROGRAM.

Councilmember Cortez asked for additional information on the program. Deputy Chief Mike Burns stated that the grant had increased and would provide Police Officers to issue citations for individuals not wearing seatbelts or having unrestrained children. Chief Burns noted that the grant had been provided for eight years and the program had been extended an additional week to target young drivers under 20 years of age. He added that the goal was to increase the usage of seatbelts throughout the city.

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

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

2009-05-07-0353

Item 17. AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, FOR A GRANT IN THE AMOUNT OF $1,050,485.00 FROM THE TEXAS AUTOMOBILE BURGLARY AND THEFT PREVENTION AUTHORITY FOR THE REGIONAL AUTO CRIMES TEAM PROJECT; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE BEXAR COUNTY SHERIFF'S OFFICE RELATED TO THE GRANT APPLICATION; AND APPROVING A CASH MATCH CONTRIBUTION OF $592,914.00 AND AN IN-KIND MATCH CONTRIBUTION OF $1,417,647.00.

Councilmember Cortez asked for additional information regarding the grant. Deputy Chief Jose Bañales stated that the grant allowed the San Antonio Police Department (SAPD) to expand multijurisdictional efforts with Bexar County and the Texas Department of Public Safety. He explained that the grant supported proactive programs to prevent vehicle crimes and supported nine positions. Councilmember Cortez requested data regarding the effectiveness of the program.

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

2009-05-07-0355

Item 19. AN ORDINANCE AMENDING CHAPTER 35 OF THE CITY CODE OF SAN ANTONIO, TEXAS, ENTITLED "UNIFIED DEVELOPMENT CODE", BY AMENDING AND ADOPTING PROVISIONS FOR A NEW ZONING DISTRICT FOR GOLF COURSES, AS REQUESTED BY COUNCILMAN CLAMP, DISTRICT 10.

Mr. Rod Sanchez stated that golf courses were currently allowed by-right in many residential and commercial zoning districts. He explained that there was concern over potential development on abandoned or former golf course properties that would be incompatible with adjoining development. He noted that a Council Consideration Request had been submitted by Councilmember Clamp to request a specific zoning designation for golf courses.

Mr. Sanchez reported that the new zoning district would allow: 1) Golf courses and their incidental uses by-right; 2) Parks; and 3) Individual recreational uses with approval of a specific use authorization. He stated that golf courses would no longer be allowed by-right in other districts and that there were no changes to the current requirement for a specific use authorization over the Edwards Recharge Zone District. He noted that new golf courses would require "G" Zoning before being developed but existing golf courses would be grandfathered.

Mike Gallagher, Roger Martinez, and Robert Wilmore addressed the Council in support of the new zoning district for golf courses. Mr. Gallagher, President of the Northern Hills Home Owners Association stated that he was in favor of the zoning district noting that individuals that lived on golf courses would be protected.

Roger Martinez spoke in support of the zoning change and thanked the Council and City Staff for their work on said item. Mr. Wilmore also spoke in support of the zoning change and noted that golf courses should be protected from being utilized for anything other than their intended purpose. He added that it was necessary to preserve the beauty and investment of golf courses.

Councilmember Rowe asked if said item applied to existing golf courses. Councilmember Cibrian thanked the District 10 Leaders that worked on bringing the item forward and expressed her support. Councilmember Clamp recognized the residents of Northern Hills that worked on said item and thanked City Staff for their work.

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

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

2009-05-07-0015R

Item 22. A RESOLUTION SUPPORTING THE SAN ANTONIO WATER SYSTEM'S (SAWS) 2009 WATER MANAGEMENT PLAN.

Mr. Ben Gorzell stated that the Resolution would express City Council support for the updated SAWS 2009 Water Management Plan. Mr. Robert Puente, SAWS CEO provided an overview of the updated Plan. He stated that the short-term rate impact would be minimal but that rate increases would continue to be required. He spoke of SAWS outreach efforts and thanked the City Council for their support.

Councilmember Rowe asked of the Lower Colorado River Authority (LCRA) project. Mr. Puente replied that it was part of future planning and he would provide a detailed briefing regarding LCRA legal matters to the Council in Executive Session. Councilmember Clamp asked that SAWS be sensitive to ratepayers when considering rate increases.

Councilmember Cibrian moved to adopt the proposed Resolution. Councilmember Rowe seconded the motion.

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

2009-05-07-0358

Item 24. AN ORDINANCE AUTHORIZING THE INSTALLATION OF HONORARY STREET SIGNS AND SPECIAL MARKERS TO READ "TAPS MEMORIAL WAY" ALONG HARRY WURZBACH ROAD BETWEEN IH 410N AND EXTENDING TO THE ENTRANCE WAY OF FORT SAM HOUSTON MILITARY BASE AND ALSO THE INSTALLATION OF "TAPS MEMORIAL WAY" DIRECTIONAL SIGNS TO BE PLACED ON THE NORTH AND SOUTHBOUND ACCESS ROADS OF IH 35 NEAR RITTIMAN ROAD.

Mr. Rod Sanchez stated that special markers would be strategically placed along Harry Wurzbach Road from NE Loop 410 to the entrance of Fort Sam Houston. He noted that the cost estimate was $4,500 and would be paid through Council District 10 Neighborhood Access and Mobility Program Funds.

Councilmember McNeil recognized Councilmember Clamp for bringing said item forward and stated that it would bring a sense of pride to the military. Councilmembers Cortez and Cibrian expressed support for the street signs and markers. Councilmember Clamp thanked all involved in the project and recognized Steven Gonzalez, Public Works Department for his design work.

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

CONSENT ZONING

Councilmember Cibrian made a motion to approve the following zoning case items, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had registered to speak: P-1, Z-1, Z-2, Z-5, Z-7 and Z-8. Councilmember Herrera seconded the motion.

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.

2009-05-07-0359

Item P-1. **PLAN AMENDMENT # 09012 (District 5):** An Ordinance amending the land use plan contained in the: Kelly/South San P.U.E.B.L.O Community Plan, a component of the Master Plan of the City, by changing the use of an 0.377 acre tract of land out of NCB 8785, located at 227 South US Hwy 81 from Mixed Use to Business Park. Staff and Planning Commission recommend approval. (Associated Zoning Case # Z2009050)

2009-05-07-0360

Item Z-1. **ZONING CASE # Z2009050 (District 5):** An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "L" Light Industrial District on 0.377 acres out of NCB 8785 located at 227 New Laredo Highway (US Highway 81). 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: 0.377 OF AN ACRE OUT OF NCB 8785 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "L" LIGHT INDUSTRIAL DISTRICT.

2009-05-07-0361

Item Z-2. **ZONING CASE # Z2009069 (District 6):** An Ordinance amending the zoning district boundary from "MF-33" Multi-Family District to "R-5" Residential Single-Family District on Lots 13 and 14, Block 32, NCB 8070 located at 918 Patton Boulevard. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 13 AND 14, BLOCK 32, NCB 8070 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT.

2009-05-07-0362

Item Z-5. **ZONING CASE # Z2009071 (District 1):** An Ordinance amending the zoning district boundary from "MF-33" Multi-Family District to "O-1" Office District on Lots D and E, Block 21, NCB 2084 located at 918 Culebra 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: LOTS D AND E, BLOCK 21, NCB 2084 TO WIT: FROM "MF-33" MULTI-FAMILY DISTRICT TO "O-1" OFFICE DISTRICT.

2009-05-07-0364

Item Z-7. **ZONING CASE # Z2009064 S (District 3):** An Ordinance amending the zoning district boundary from "MI-1" Mixed Light Industrial District to "MI-1 S" Mixed Light Industrial District with a Specific Use Authorization for an Animal Racetrack on 39.413 acres out of CB 4005 located at 11740 South Zarzamora Street. Staff, Zoning Commission, and the City South Management Board 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: 39.413 ACRES OUT OF CB 4005 TO WIT: FROM "MI-1" MIXED LIGHT INDUSTRIAL DISTRICT TO "MI-1 S" MIXED LIGHT INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR AN ANIMAL RACETRACK PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-05-07-0365

Item Z-8. **ZONING CASE # Z2009048 (District 3):** An Ordinance amending the zoning district boundary from "R-6" Residential Single-Family District to "NC" Neighborhood Commercial District on

the north 48 feet of Lot 3 and the north 8 feet of Lot A, Block 1, NCB 3267 located at 222 Pleasanton 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: THE NORTH 48 FEET OF LOT 3 AND THE NORTH 8 FEET OF LOT A, BLOCK 1, NCB 3267 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "NC" NEIGHBORHOOD COMMERCIAL DISTRICT.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

CONTINUED TO MAY 21, 2009

Item Z-3. **ZONING CASE # Z2009066 (District 8):** An Ordinance amending the Zoning District Boundary from "PUD MF-25 GC-1 MLOD-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Military Lighting Overlay District-1 and "PUD C-3 GC-1 MLOD-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Military Lighting Overlay District-1 to "PUD MF-33 GC-1 MLOD-1" Planned Unit Development Multi-Family Hill Country Gateway Corridor Military Lighting Overlay District-1 (on 10.85 acres) and "PUD C-3 GC-1 MLOD-1" Planned Unit Development General Commercial Hill Country Gateway Corridor Military Lighting Overlay District-1 (on 0.2445 of an acre) all on 11.0945 acres out of Lot 2, Block 3, NCB 16390 located at 25111 IH 10 West. Staff and Zoning Commission recommend approval.

Councilmember Cibrian moved to continue the proposed Zoning Item to May 21, 2009. 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.

CONTINUED TO MAY 21, 2009

Item Z-4. **ZONING CASE # Z2009032 (District 1):** An Ordinance amending the Zoning District Boundary from "C-3" General Commercial District to "HS C-3" Historic Significant General Commercial District on the east 114.6 feet of Lot 14, Block 3, NCB 1726 located at 2011 McCullough Avenue. Staff recommends approval. Zoning Commission failed to pass a motion for this case; therefore it moves forward to City Council as a recommendation for denial.

Richard Brownlee thanked Councilmember Cisneros for continuing to work on said item.

Councilmember Cisneros moved to continue the proposed Zoning Item to May 21, 2009. Councilmember Cortez seconded the motion.

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

Item Z-6. **ZONING CASE # Z2009075 CD (District 1):** An Ordinance amending the zoning district boundary from "H C-2" Commercial, King William Historic District to "H C-2 CD" Commercial, King William Historic District with a Conditional Use for Auto Sales (motor scooter sales) on Lots 11 and 12, Block 2, NCB 2877 located at 1315 South St. Mary's 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: LOTS 11 AND 12, BLOCK 2, NCB 2877 TO WIT: FROM "H C-2" COMMERCIAL, KING WILLIAM HISTORIC DISTRICT TO "H C-2 CD" COMMERCIAL, KING WILLIAM HISTORIC DISTRICT WITH A CONDITIONAL USE FOR AUTO SALES (MOTOR SCOOTER SALES) PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Sidra Maldonado noted that she was a resident of the area and expressed her support.

Mr. Pete Muzquiz thanked Councilmember Cisneros, District 1 Staff, and Planning and Development Services Staff for their efforts on said item.

Councilmember Cisneros moved to approve the proposed Zoning Item with the following conditions: 1) No outdoor storage or display of merchandise; 2) Hours of operation not permitted before 10:00 am or after 8:00 pm; and 3) The parking lot shall be provided with a gate or some other sufficient barrier against vehicle entry during times when the facility is closed. Councilmember Cortez seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Rodriguez wished his wife Victoria a Happy Birthday. Councilmember Cortez also wished Victoria Rodriguez a Happy Birthday and recognized his mother, Sylvia Cortez in honor of Mother's Day and wished all mothers a Happy Mother's Day.

Item 25. CITY MANAGER'S REPORT

A. Update on Innovation and Reform projects – Item not addressed

CEREMONIAL ITEMS

Mayor Pro Tem Clamp presented a Proclamation to the San Antonio Police Department (SAPD) in recognition of "Police Officer Memorial Day." This observance honors the men and women that protect the community daily through law enforcement. The SAPD will hold their annual "Police Office

Memorial Day" on Tuesday, May 12, 2009, to honor the 49 members of the Department who lost their lives in the line of duty.

Mayor Pro Tem Clamp presented a Proclamation in recognition of "**Stamp out Hunger Day**" which will be held on Saturday, May 9, 2009. The National Association of Letter Carriers Branch 421 and United Way in San Antonio will join the nation-wide food drive where letter carriers will pick up non-perishable food items left at mailboxes and deliver them to the local Food Bank.

Newly appointed Board and Commission Members were sworn-in, presented their certificate of appointment, and congratulated by City Councilmembers. The City of San Antonio is fortunate to have loyal and dedicated citizen volunteers who contribute their time and energy as members of the various Boards and Commissions. Currently, there are over 700 volunteers serving on more than 65 Boards of Municipal Government.

CITIZENS TO BE HEARD

Mr. Charles English, Community Action Advisory Board Vice-President noted that it was Community Action Advisory Month and thanked the City Council for their support. He wished his mother a Happy Mother's Day.

Mr. Nazirite Ruben Flores Perez spoke of the various water sources near San Antonio and noted that SAWS was interested in diversification. He expressed concern with the possible contamination of water sources.

Mr. Mark Perez spoke of facilities operating in San Antonio without the proper permits. He expressed concern that he had not been contacted by City Staff to discuss his issues.

Mr. Nick Calzoncit expressed concern that his freedom of speech had been violated by the San Antonio Police Department and the Harlandale School Board. He stated that a mother of a Harlandale Student avoided a Columbine-like tragedy in San Antonio and suggested that she be recognized for her efforts.

Mr. Faris Hodge, Jr. expressed concern with City Council travel expenditures. He requested that the lights in the hallways of City Facilities remain on after-hours for safety purposes. He spoke against nuclear energy and requested that issues related to Pit-Bulls be addressed by the City Council. Lastly, he requested that the Alamodome be named after him.

Mr. Victor Prieto, Snow Cone Vendors and Ambassadors of San Antonio stated that the organization had submitted a letter to the City Council expressing concerns with the revisions to Downtown Regulations but had not received a response. He re-submitted the letter and asked the City Council for their assistance.

Ms. Julie Iris Oldham stated that she had begun helping the homeless population in 1990 and expressed concern with the hosting of fundraisers for candidates. She spoke of her recent arrest and noted that she had video taped the Police Officer that arrested her.

ADJOURNMENT

There being no further business to discuss, Mayor Pro Tem Clamp adjourned the meeting at 7:27 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
City Clerk