

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

A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, MAY 9, 2007 AND THURSDAY, MAY 10, 2007

The City Council convened in a Work Session at 3:00 pm, Wednesday, May 9, 2007, Municipal Plaza Building "B" Room.

City Clerk, Leticia M. Vacek, took the Roll Call and noted a quorum of the Council with the following present: McNeil, Gutierrez, Radle, Herrera, Guajardo, Haass, and Mayor Hardberger. **ABSENT:** Flores, Perez, Hall, and Wolff.

1. STAFF BRIEFING ON THE UPDATED DOWNTOWN HOUSING STUDY.

Mr. Greg Crown, Vice President of PKF Consulting, presented the Downtown Market Rate Housing Study. Mr. Crown stated that the project goal is to estimate future Downtown San Antonio residential market potential, develop future housing goals, and provide data to support future development.

2. BRIEFING AND STAFF RECOMMENDATION ON DIESEL AND COMPRESSED NATURAL GAS (CNG) REFUSE COLLECTION VEHICLES.

Mr. Xavier Urrutia, Interim Director Environmental Services referenced the Diesel & CNG Refuse Collection Vehicles. Mr. Urrutia outlined that the Environmental Services Department recommendation for the replacement strategy of refuse collection vehicles as follows:

- Compressed Natural Gas (CNG) and diesel vehicles as part of ESD's fleet replacement plan.
- Requires the construction of infrastructure to dispense CNG fuel.

The meeting was adjourned at 5:15 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building, in a Regular Council Meeting on Thursday, May 10, 2007 at 9:00 am.

City Clerk Leticia M. Vacek took the Roll Call and noted a quorum of the Council with the following present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **Absent:** Wolff.

The Invocation was delivered by Father David Gutierrez, Pastor of St. Leonard's Catholic Church, Guest of Councilmember Richard Perez, District 4.

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

MINUTES

Councilmember Perez moved to approve the minutes of the April 19, 2007 Regular City Council Meeting. Councilmember Haass seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Wolff.

PUBLIC HEARING

The City Clerk read the following caption:

Item 4. A PUBLIC HEARING TO RECEIVE INPUT FROM CITIZENS REGARDING THE HUD CONSOLIDATED BUDGET PROCESS, FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIP (HOME), THE AMERICAN DREAM DOWN PAYMENT INITIATIVE (ADDI), EMERGENCY SHELTER GRANT (ESG), AND HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) FUNDING RESOURCES.

Mayor Hardberger declared the Public Hearing open.

Mr. Andrew Cameron, Director of Grants Monitoring and Administration, gave a presentation regarding the HUD Consolidated Budget Process for Community Development. Mr. Cameron stated that the purpose of the Public Hearing was to receive input from the community on the proposed 2007-2008 consolidated budget.

Mr. Cameron stated that the first Public Hearing on said item was held on April 2, 2007 and that this would be the second Public Hearing. He reported that said item will come before the Council for and adoption on May 17, 2007.

Mr. Dennis Campa, Director of Community Initiatives, gave a presentation regarding the three sources of funding (Public Service, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS) for the Community Development Block Grant (CDBG).

Mr. Campa stated that in January, 2006 the City issued a Request for Proposal (RFP) for services from organizations that would cover FY 2007-2008. Mr. Campa stated that the City is in its second year of a two-year funding process. The City funds five (5) agencies two (2) city departments and fourteen (14) programs. The funding is part of the City's ten (10) year plan to end chronic homelessness.

Mr. Jack M. Finger addressed the Council on the Housing and Urban Development Consolidated Funding. He stated that the backup documentation shows San Antonio Taxpayers have to give a matching grant to the Emergency Shelter. Mr. Finger asked the Council if they ever examined the programs to find out how the money is being spent.

Mayor Hardberger declared the Public Hearing closed and stated that no action would be taken.

POINT OF PERSONAL PRIVILEGE

Councilmember Hall requested a Point of Personal Privilege to introduced Kevin Hernandez, a Junior at Marshall High School who will shadow the Councilmember for the day.

Item 5. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.

Mr. Andrew Smith gave a presentation on the Bills pending as they relate to the City of San Antonio. Ms. Smith reported on the following:

- HB 2751/HB 2752 Fire/Police Pension has been reported in the House and is in the Senate Committee
- SB 1777/SB 1778 Fire/Police Retiree Health Care has been reported in the Senate and is in the House Committee
- HB 2524 the Haven for Hope Legislation has passed the House and is now in the Senate Health and Human Services Committee
- SB 1774 Conservation Easements is before the Senate Sub-Committee and is on emerging technologies. The City of San Antonio, City of Austin, CPS Energy, and SAWS will testify against SB 1774
- SB 270 Sales Price Disclosure is endorsed by the City of San Antonio and is pending action on the Senate Floor
- SB 407 would allow a taxing entity or a City or County to hold an election to raise the sales tax by ¼ of 1% and that increased sales tax must be dedicated to property tax relief
- HB 438 and its companion HJR 40 would provide a limit in the annual increase of appraised value of a residence
- HB 1927 deals with the coverage of liability for manufactures of MTBE which is a fuel additive should it get into the water supply
- HB 1292 raising pumping caps for the Edwards Aquifer will be substituted with SB 1341 which represents downstream interest. This is a compromise Bill.
- HB 2151 Graffiti Bill that would raise the fines and the offenses for Graffiti passed the House and is going before the Senate
- HB 1886 Alternate Project Delivery has passed the House and will be heard in the Senate Intergovernmental Relations Committee
- HB 2099 Meet and Confer is on the House Calendar
- HB 1636 Park and Airport Police Bill was not set on the House Calendar and will not pass this Session
- SB 772 passed the Senate and is now before the House Calendar Committee

No action was necessary on said item.

CONSENT AGENDA: Items 6-25B

Consent Agenda Items 9, 10, 16, 23 and 25B were pulled for Individual Consideration. Councilmember Perez moved to approve the remaining Consent Agenda Items. Councilmember McNeil seconded the motion.

Mr. Jack M. Finger addressed the Council on Item 19 and asked when the City will reimburse itself for the Certificates of Obligation Bonds. He asked if the City was jumping the gun since the Bond Election has not taken place. Mr. Finger stated that the citizens of San Antonio can give themselves a tax break by voting against the Bonds.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Wolff

2007-05-10-0512

Item 6. AN ORDINANCE ACCEPTING THE BID FROM P.F. CUSTOM GUNS TO PROVIDE THE POLICE DEPARTMENT WITH FIREARMS AND ACCESSORIES FOR A COST OF \$40,850.55 FROM THE SAPD ASSET SEIZURE FUND.

Ms. Vacek, City Clerk read a written testimony from Faris Hodge Jr. stating that this contract provides the Police Department Special Operations Unit (SOU) with 31 Heckler and Koch (H&K) Model UMP40 tactical firearms and accessories. He noted that buying these firearms and accessories is a waste of money.

2007-05-10-0513

Item 7. AN ORDINANCE ACCEPTING THE BIDS FROM DESIGN ELECTRIC AND AMTECH LIGHTING CO. TO PROVIDE THE DOWNTOWN OPERATIONS DEPARTMENT WITH RETROFIT LIGHTING AT RIVERBEND AND MID-CITY PARKING GARAGES FOR A COST OF \$189,296.00.

2007-05-10-0514

Item 8. AN ORDINANCE AUTHORIZING THE EXECUTION OF THE SECOND AMENDMENT TO THE HOUSEKEEPING AND CONVERSION SERVICES AGREEMENT WITH GO PROFESSIONAL ENVIRONMENTAL MANAGEMENT TO PROVIDE THE ALAMODOME WITH HOUSEKEEPING AND CONVERSION SERVICES FOR THE PERIOD JUNE 1, 2007, THROUGH NOVEMBER 30, 2007, FOR AN AMOUNT UP TO \$316,318.00.

2007-05-10-0517

Item 11. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A DONATION OF APPROXIMATELY 47.09 ACRES OF LAND LOCATED ALONG CRYSTAL HILL ROAD IN DISTRICT 7 FROM R. K. S. TEXAS INVESTMENTS FOR USE AS PARKLAND.

Mr. Lanny Lambert, City Manager of Leon Valley, asked the Mayor and Council to accept the donation of the 47.09 acres of land. Mr. Lambert added that this project has the potential to be a joint park for the citizens of San Antonio and Leon Valley. Mr. Lambert expressed his gratitude to Councilmember Guajardo for her hard work on this project.

2007-05-10-0518

Item 12. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AND ACCEPTANCE UPON AWARD OF A GRANT FOR THE HOUSING COUNSELING PROGRAM IN AN AMOUNT UP TO \$93,983.00 TO PROVIDE COUNSELING, EDUCATION AND OUTREACH SERVICES FOR THE PERIOD OCTOBER 1, 2007 TO SEPTEMBER 30, 2008; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-05-10-0519

Item 13. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF DEFENSE IN THE AMOUNT OF \$216,308.00 FOR CONTINUED FUNDING OF THE PROCUREMENT TECHNICAL ASSISTANCE CENTER FROM JANUARY 1, 2008 THROUGH DECEMBER 31, 2008.

2007-05-10-0520

Item 14. AN ORDINANCE APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR \$305,535.00 TO BE USED

FOR INTERLIBRARY LOAN SERVICES FOR THE PERIOD SEPTEMBER 1, 2007, TO AUGUST 31, 2008, AUTHORIZING THE ACCEPTANCE OF THE GRANT, IF AWARDED, AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-05-10-0521

Item 15. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT RENEWAL APPLICATION AND THE ACCEPTANCE OF FUNDS UPON AWARD, IN AN AMOUNT UP TO \$1,450,000.00, FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION, FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT'S STEPS TO A HEALTHIER SAN ANTONIO INITIATIVE FOR THE PERIOD SEPTEMBER 22, 2007 TO SEPTEMBER 21, 2008; AND APPROVING ANY NECESSARY DOCUMENTS AND CONTRACTS.

2007-05-10-0523

Item 17. AN ORDINANCE AUTHORIZING THE INDEFINITE EXTENSION OF THE HYBRID PROGRAM PROVIDING FOR FREE PARKING AT CITY METERS FOR REGISTERED GASOLINE-ELECTRIC HYBRID VEHICLES.

2007-05-10-0524

Item 18. AN ORDINANCE APPROVING A FUNDING AGREEMENT FOR \$50,000.00 WITH THE TEXAS RESEARCH PARK FOUNDATION AND TEXAS BIO- AND AGRO- DEFENSE CONSORTIUM TO ASSIST IN DEFRAYING COSTS ASSOCIATED WITH THE SUBMISSION OF A PROPOSAL TO THE DEPARTMENT OF HOMELAND SECURITY TO LOCATE THE NATIONAL BIO AND AGRO DEFENSE FACILITY IN SAN ANTONIO.

2007R-05-10-0525

Item 19. A RESOLUTION ESTABLISHING THE CITY'S INTENT TO REIMBURSE ITSELF FOR THE PRIOR LAWFUL EXPENDITURES OF FUNDS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS TO BE ISSUED BY THE CITY FOR AUTHORIZED PURPOSES DESIGNATED AS "CITY OF SAN ANTONIO COMBINATION TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2007", "CITY OF SAN ANTONIO GENERAL IMPROVEMENT BONDS, SERIES 2007"; "TAX NOTES, SERIES 2007", AND "HOTEL OCCUPANCY TAX NOTES, SERIES 2007"; AND PROVIDING FOR AN EFFECTIVE DATE.

2007-05-10-0526

Item 20. AN ORDINANCE APPROVING AND AUTHORIZING THE ISSUANCE BY THE CITY OF SAN ANTONIO, TEXAS OF ITS SALES TAX REVENUE COMMERCIAL PAPER NOTES, SERIES A, IN AN AGGREGATE PRINCIPAL AMOUNT AT ANY ONE TIME OUTSTANDING NOT TO EXCEED \$50,000,000 TO PROVIDE FINANCING TO ACQUIRE PROPERTY FOR A CONSERVATION EASEMENT OR OPEN-SPACE PRESERVATION PROGRAM INTENDED TO PROTECT WATER IN THE EDWARDS AQUIFER AS APPROVED BY THE VOTERS ON MAY 7, 2005 THROUGH THE IMPLEMENTATION OF A 1/8TH CENT SALES AND USE TAX IN THE CITY; AUTHORIZING THE ISSUANCE AND DELIVERY OF A BANK NOTE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF COMMERCIAL PAPER NOTES; PRESCRIBING THE TERMS AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, SECURITY AND DELIVERY OF THESE NOTES; APPROVING AN ISSUING AND PAYING AGENT AGREEMENT, A DEALER AGREEMENT, A LETTER OF CREDIT AND REIMBURSEMENT AGREEMENT AND AN OFFERING MEMORANDUM; AND PROVIDING AN EFFECTIVE DATE.

2007-05-10-0527

Item 21. AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND GRANDE COMMUNICATIONS TO ESTABLISH A SINGLE POINT OF DEMARCATION FOR DELIVERY OF PEG PROGRAMMING SIGNAL; AND REQUESTING AUTHORITY TO EXPEND FUNDS APPROPRIATED IN THE FY07 BUDGET TO PURCHASE EQUIPMENT NECESSARY TO IMPLEMENT THE AGREEMENT.

2007-05-10-0528

Item 22. AN ORDINANCE AUTHORIZING AN INTERLOCAL COOPERATION AGREEMENT WITH THE SOUTH TEXAS REGIONAL AREA COUNCIL (STRAC) FOR SOFTWARE TO COLLECT AND MAINTAIN PATIENT CONTACT AND BILLING RECORDS FOR SAN ANTONIO FIRE DEPARTMENT EMERGENCY MEDICAL SERVICES FOR THE PERIOD JULY 1, 2007 TO JUNE 30, 2010, AND AUTHORIZING PAYMENT OF A SOFTWARE LICENSING FEE FOR THE CURRENT CONTRACT YEAR NOT TO EXCEED \$20,000.00.

2007-05-10-0530

Item 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF A LOCAL PROJECT ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND AUTHORIZING PAYMENT OF \$40,228.55, IN CONNECTION WITH BANDERA ROAD/STONECROFT PROJECT, LOCATED IN DISTRICT 7, AND APPROPRIATING FUNDS.

Item 25. CONSIDERATION OF DISTRICT BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

A. APPOINTING JOE J. VALADEZ (DISTRICT 5) TO THE ZONING COMMISSION, EFFECTIVE IMMEDIATELY, FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JUNE 30, 2007.

[CONSENT ITEMS CONCLUDED]

2007-05-10-0515

Item 9. AN ORDINANCE APPROVING SAWS CHANGE ORDER NO. 1 IN THE NET DEDUCTIVE AMOUNT OF \$68,625.00 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD. FOR ADJUSTMENTS TO THE SAWS SANITARY SEWER MANHOLES SPECIFICATIONS TO ALLOW FOR USAGE OF STEEL RING RISERS AS AN ALTERNATIVE TO THROAT RINGS, IN CONNECTION WITH THE FY2006 & 2007 STREET MAINTENANCE PROGRAM-ASPHALT OVERLAY.

Councilmember Haass moved to adopt the proposed Ordinance. Councilmember Perez seconded the motion.

Councilmember Haass sought clarification from Mr. Tom Wendorf, Director of Public Works on said item. Mr. Wendorf stated that currently concrete rings are used to adjust manhole rings and covers up vertically so that they will match the finished surface of the project. If approved, the City would be able to purchase steel ring risers that fit within the manhole and expands to give the vertical rise that is needed. Additionally, the use of the steel ring risers would cut down time and construction costs.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Wolff.

2007-05-10-0516

Item 10. AN ORDINANCE APPROVING A \$375,000.00 AMENDMENT TO A PROGRAM MANAGEMENT PROFESSIONAL SERVICES AGREEMENT, WITH CH2M HILL, INC. FOR ADDITIONAL STAFF AUGMENTATION SERVICES, IN CONNECTION WITH THE PROGRAM MANAGEMENT PROFESSIONAL SERVICES AGREEMENT.

Councilmember Guajardo moved to adopt the proposed Ordinance. Councilmember Hall seconded the motion.

Councilmember Guajardo noted that said item was proactive by planning ahead on water retention and drainage issues in District 7.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** Perez and Wolff.

2007-05-10-0522

Item 16. AN ORDINANCE REDUCING THE DISTRICT 2 ONE TIME FUNDS BY \$50,000.00 AND REALLOCATING \$12,500.00 TO THE EASTSIDE BOYS AND GIRLS CLUB, \$12,500.00 TO THE REDEEMING GRACE BOYS AND GIRLS CLUB AND \$25,000.00 TO THE GEORGE GERVIN YOUTH CENTER FOR THE ADMINISTRATION OF SUMMER YOUTH PROGRAMS, AS REQUESTED BY COUNCILWOMAN SHELIA MCNEIL, DISTRICT 2.

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

Councilmember McNeil stated that there are hundreds of children in need of summer programs and stated that the reallocations would help the youth.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

2007-05-10-0529

Item 23. AN ORDINANCE ADOPTING AN UPDATED CITY OF SAN ANTONIO AFFIRMATIVE ACTION PLAN.

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

Councilmember McNeil stated that she was pleased to see the Affirmative Action Plan on the agenda. She requested the percentage breakdown for civilian versus uniformed employees for ethnicity and gender. Mr. Edward Belmares, Director of Human Resources, reported the Civilian Hispanic at 63%, African American 6%, White 30% and other at 1%. Mr. Belmares also reported females at 28% and males at 72%.

Ms. Vacek, City Clerk read a written testimony from Faris Hodge, Jr. noting the pay scale for City employees that are not in direct relation to the Mayor or City Council pay which are about \$3,000 higher in salary than others. He wrote that the Mayor and City Council are discriminating by giving the Police and Fireman pay raise across the board regardless of rank, time, and pay scale. He also wrote that City employees would not receive longevity pay or early retirement. I have a strong opinion that the union's donations may have a hand in their pay raises.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** None. **ABSENT:** None.

Item 25. CONSIDERATION OF DISTRICT BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

B. APPOINTING HENRY FARIAS (DISTRICT 3) TO THE ELECTRICAL SUPERVISORY BOARD (CATEGORY: LAYPERSON), EFFECTIVE IMMEDIATELY, FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE JULY 31, 2007.

Councilmember Gutierrez moved to approve the appointment of Henry Farias to the Electrical Supervisory Board for the category of Layperson and to waive the provision of Chapter 10, Section 10-1 of the Electrical Code, regarding the definition of Layperson. Councilmember Perez seconded the motion.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Hall, Wolff, Haass, and Mayor Hardberger. **NAY:** Guajardo. **ABSENT:** None.

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- The Emergency Medical Services Paramedic Class 35 began their annual training at the University of Texas Health Science Center last October. Based on the national registry the rate of graduation is about 65%. This year's class comprised of 45 EMS students, 42 students successfully passed the national examination with a passing rate of 93%.
- The Riverbend Garage Downtown Bathrooms project started last year and is under construction with an estimated completion date of October 2007. The bathrooms will be available to pedestrians.
- City Departments recently announced the launch of the Neighborhood Challenge and Commercial Tree-Planting Program. The goal is to plant 825 new trees across the City. Parks and Recreation along with Development Services are collaborating to assist neighborhoods and commercial establishments by offering the opportunity to apply for and be eligible to receive up to 25 trees free of charge.
- The Department of Community Initiatives and the San Antonio Coalition for Family Economic Progress assist families in filing their Federal Income Tax Returns. The number of returns prepared citywide this year was 34,500, which is an increase of 4,000 from last year. The refunds returned to taxpayers within the community were over \$53 million, an increase of \$6.5 million from last year. The adjusted gross income of the individuals who received assistance was about \$17,000.
- The Tactical Response Unit (TRU) has been in operation for over 100 days and to date the TRU has arrested more than 3,400 people, they have cleared 5,500 warrants, they have arrested more than 450 gang members, recovered 330 weapons, seized more than 400 pounds of marijuana, seized 18,000 grams of cocaine, seized 2,000 grams of heroin, seized 1,000 grams of methamphetamine and confiscated more than \$550,000 in cash. This unit is having an impact in the community as it targets serious crime.

POINT OF PERSONAL PRIVILEGE

Councilmember Radle recognized Ms. Pilar Jimenez of the Komen Foundation. Ms. Jimenez addressed the Council and stressed the need for women to have annual mammograms.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting 11:45 am to break for lunch and convene in Executive Session at 1:30 pm for the purposes of:

- A. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Sec. 551.086 (competitive matters) and Texas Government Code Sec. 551.071 (consultation with attorney).
- B. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:12 pm, at which time he stated the City Council had been briefed on the above-styled matters but took no action.

2007-05-10-0531

Z-1. **ZONING CASE # Z2007116 CD (District 1):** An Ordinance changing the zoning district boundary from "MF-33" NCD-2 Multi Family Neighborhood Conservation District 2 to "MF-33" (CD-Office) NCD-2 Multi Family Neighborhood Conservation District 2 with Conditional Use for an Office on Lots 16 through 20, Block 13, NCB 6435, 402 West Gramercy Place as requested by Jaspro, Inc., Applicant, for Jaspro, Inc., Owner. Staff and Zoning Commission recommend Approval with conditions.

Mr. John Jacks presented the proposed rezoning case.

The following citizens appeared to speak:

Mr. Bob Comeaux, Vice President of Alta Vista Neighborhood Association addressed the Council and stated that the Alta Vista Board agreed to a compromise on their previously held position of no zoning change. Mr. Comeaux stated that he firmly believed the best use for the property was keeping the neighborhood plan and historic use of the property retained as a multi-family residence.

Mr. David Sonenschein addressed the Council and emphasized a couple of points that Mr. Comeaux made. He noted that the board voted on a compromise that took a lot of debate. Mr. Sonenschein stated that he has since changed his position and asked the Alta Vista Neighborhood Association to revert back to its original position against rezoning.

Mr. Adam Flores Boffe addressed the Council on behalf of his grandfather and asked the Council to help protect their property. He asked the Council to support the Zoning Commissions proposal.

Mr. Jesse Sepulveda, applicant, addressed the Council and requested support on the rezoning case. Mr. Sepulveda stated that he circulated petitions and approached the homeowners association in support in rezoning the property. Mr. Sepulveda stated that he gathered 195 signatures from area residents; 24 of which live within 200 feet of the property.

Mr. Baltazar Serna, Attorney for the applicant, addressed the Council and stated that Mr. Sepulveda has worked very hard to get this property rezoned. He stated that Mr. Sepulveda blocked-walked and gathered signatures in support of the rezoning request. Mr. Serna asked the Council to support the rezoning.

Councilmember Flores moved to approve the proposed rezoning case with the following conditions:

- a. On-site lighting shall use permanently affixed cut-off fixtures of 90 degrees or less.
- b. Approximately 4418 sq. ft. of the property may be used for office space, thus limiting the use to the primary structure only. The detached structure shall retain its residential use.
- c. Free standing signage shall be permitted in accordance with the residential design standards of NCD-2. However, the maximum sign area shall not exceed 16 sq. ft. and shall be limited to the San Pedro Avenue frontage.
- d. Parking:
 - i. Shall be limited to the minimum vehicle spaces required not exceeding fifteen (15), whichever is less.
 - ii. Shall be constructed of pervious material with exception of space(s) required to meet minimum ADA standards and the driveway.
 - iii. Parking lot shall be screened for the adjacent residential property to the west utilizing plant material. The screening shall be six (6) feet in height and according to the mandatory criteria established in Section 35-511(c).
 - iv. Parking lot shall be screened from the street yard utilizing plant material. The standard for screening shall be per Section 35-511(e) (3).
 - v. Parking lot shall be shaded to the standards of Section 35-511(c) (7).

All other conditions that are standard to a conditional use and are not in conflict with these conditions stated, shall apply. Councilmember Perez seconded the motion.

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 16 THROUGH 20, BLOCK 13, NCB 6435 TO WIT: FROM "MF-33" NCD-2 MULTI FAMILY NEIGHBORHOOD CONSERVATION DISTRICT-2 TO "MF-33" (CD-OFFICE) NCD-2 MULTI-FAMILY NEIGHBORHOOD CONSERVATION DISTRICT-2 WITH CONDITIONAL USE FOR AN OFFICE, PROVIDED ALL CONDITIONS APPROVED BY THE CITY COUNCIL ARE ADHERED TO.

The motion prevailed by the following vote: **AYES:** Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Wolff, Haass, and Mayor Hardberger. **NAY:** Guajardo and Hall. **ABSENT:** None.

Mayor Hardberger recessed the meeting at 3:58 pm until 5:15 pm for Ceremonial Items. Mayor Pro Tem Herrera reconvened the meeting at 5:15 pm to address the Ceremonials Items.

CEREMONIAL ITEMS

Mayor Pro Tem Herrera presented a Proclamation to the San Antonio Police Department in observance of Police Officer Memorial Day. The San Antonio Police Department will hold its annual "Police Officer Memorial Day" on Friday, May 18, 2007, to honor the men and women who have lost their lives in the line of duty.

Mayor Pro Tem Herrera recognized NASA Commander Mark Polansky who was given a City of San Antonio Flag to take on his mission aboard the STS 116 Discovery. The San Antonio Flag flew in the Space Shuttle with the seven-member crew from December 9-22, 2006. Commander Polansky presented the San Antonio Flag to the City Council.

Mayor Pro Tem Herrera presented a Proclamation for the National Association of Letter Carriers Branch #421 in San Antonio who will sponsor the "Letter Carriers Food Drive" on Saturday, May 12, 2007. Letter carriers will collect non-perishable food items that residents leave in their mailboxes and deliver them to the San Antonio Food Bank.

CITIZENS TO BE HEARD

Ms. Yesenia Monsour, Hispanic Chamber of Commerce, addressed the Council in support of the five Bond Propositions. She stated that Proposition One is for Streets, Bridges, and Sidewalks, while Proposition Two is for Drainage Improvements. Ms. Monsour stated that both Propositions go to the core of basic city needs and urged the public to vote in favor of all Bond Propositions.

Mr. Greg Kramer, Greater San Antonio Chamber of Commerce, addressed the Council in support of all Bond Propositions. He noted that citizens were part of the decision making process giving the Bond package more depth and creditability than any Bond package of the City of San Antonio. Mr. Kramer stated that the needs of the City are much greater than what the \$550 million Bonds would address, however, he noted that it was an excellent start.

Father McKenna, spokesperson of COPS-Metro, addressed the Council in favor of the Bond Election. He added that hundreds of COPS-Metro representatives have been block-walking, trying to get the word out. Father McKenna noted that the Bond Election would improve the quality of life for all.

Ms. Terri Hall, San Antonio Toll Party, addressed the Council in opposition to Toll Roads. She stated that in March, 2005 the City authorized a \$500,000 illegal loan to the Regional Mobility Authority (RMA). Ms. Hall stated that the RMA was trying to pay the loan back and added that the RMA was exploring the option of selling Bonds to pay the City back. Lastly, she stated that poor planning has created congestion on San Antonio streets and is being used against the City to support Toll Roads.

Mr. Jack M. Finger addressed the Council and stated that on a number of occasions Mayor Hardberger had mentioned that Toll Roads were not a City issue. Mr. Finger stated that he had asked the Mayor's staff when the loan (to the RMA) would be paid back and to date, has not received an answer. He stated that the citizens of San Antonio should give themselves a tax cut and vote against the Bonds.

Mr. Glen Allen Graham addressed the Council and stated that in a few days the City of San Antonio would have a new set of elected officials. He stated that the current Mayor and Councilmembers have done an excellent job and therefore it was a shame there were term limits. Mr. Graham wished the Mayor the best in his second term and also wished the very best to his Lambda Phi Alpha Fraternity Brother, Chip Haass.

Reverend Tolbert, Chairman of Beat AIDS, Inc. thanked the Council for all the support the Council has given in the past. He requested an increase in the allotment of funds that Beat AIDS receives from the City. Reverend Tolbert stated that additional funds are needed to continue providing services.

An unidentified group of individuals representing Beat AIDS addressed the Council and requested additional funding to help women living with AIDS. It was stated that the organization has lost funding as the rate of those infected has increased.

Ms. Deborah Blevins of Beat AIDS addressed the Council and stated that she was speaking for women transitioning from incarceration to society as they attempt to become productive citizens. She stated that there was a great need in the community for the services provided by Beat AIDS'. Ms. Blevins stated

that the community must step up and provide services to women who are being released from prison, so that they do not become repeat offenders.

Ms. Juanita Evans of Beat AIDS addressed the Council and stated that women must have a place where they can be revived, renewed, and restored.

An unidentified individual of Beat AIDS addressed the Council and stated that she was a product of prison. She stated that the Beat AIDS organization saved her life and gave her a new reason for living. She stated that when she was released from prison she was only given a bus ticket to go home, however, she had no place to go. She stated that the Beat AIDS organization provided her with job training and a chance to live a productive life.

Ms. Michelle Mayfield Durham of Beat AIDS addressed the Council and stated that Beat AIDS only received \$17,000, of the \$1 million Housing Opportunities for Persons with AIDS (HOPWA) funds. Ms. Durham requested that the Council support their funding of Community Development Block Grant (CDBG) funds.

Mr. Rhett Smith addressed the Council in reference to the National Day of Prayer. Mr. Smith stated that he filed a federal complaint against John Hagee who is a Zionist. He stated that Zionism is inappropriate and has no place in the 21st Century. Mr. Smith stated that he had a similar complaint regarding the National Day of Prayer that names the Office of the Mayor and Phil Hardberger. Mr. Smith stated that America needs leaders that speak truth to power.

Mr. Genaro Solis addressed the Council and stated that he has been a minister for 15 years. Mr. Solis stated that the City was fighting and that we are not supposed to fight.

Mr. Dwayne Wilson, CEO of the North San Antonio Chamber of Commerce, stated that on May 12 citizens would vote on the proposed Bond Package that would enhance the City's Parks, Drainage, Streets, and Sidewalks. Mr. Wilson stated support for the bonds and added that the Mayor and City Council have been steadfast in involving the community and added that it was evident in the Council appointing 128 citizens to come up with recommendations for the bond ballot.

Ms. Nikki Kuhns addressed the Council in opposition to the Bond Propositions. She stated that the campaign literature violates the Fair Campaign Act and stated that the Treasurer should be held accountable. Ms. Kuhns stated that the literature says the only cost to the citizens was their vote, which was incorrect. Lastly, she stated that there have been 34,348 properties foreclosed on at the Bexar County steps, which did not include the Sheriff's sale of properties foreclosed on.

Mr. Nazirite Ruben Flores Perez addressed the Council relating to the San Antonio Housing Authority and the concerns raised by property owners of the Mirasol Subdivision. He also spoke of his religious beliefs and Freedom of Speech.

Mr. Antonio Diaz, representative of the Texas Indigenous Council, addressed the Council on the desecration of burial sites and cemeteries. He stated that Main Plaza was built on burial grounds in front of the San Fernando Cathedral on Main Street. He asked that the City take into account any desecrated sites/remains during the construction of Main Plaza.

Mr. Mark Perez addressed the Council in reference to a business operating without a Certificate of Occupancy. He stated that the business does not have a Hazmat Permit and was bringing in hazardous chemicals. Lastly, Mr. Perez stated that he had notified the Environmental Services Department on a number of occasions without any response.

Mr. Mike Wikman addressed the Council in opposition to Toll Roads. He asked that with the price of gas and tolls; who could afford to drive. He stated that the State of Texas belongs to the people and the public should have a voice and be heard in opposition to Toll Roads.

Mr. Jim Micklethwait addressed the Council in opposition to Toll Roads being built on existing roads. Mr. Micklethwait stated that he attended a Public Hearing on Toll Roads at the Alzarfar Shrine Temple. He stated that the backup material provided at the meeting indicated that there would not be any Toll Roads. He added that individuals would have to purchase magnetic tags for their vehicles. Mr. Micklethwait stated that there would also be cameras monitoring vehicles that do not have the magnetic tag. The cameras would take pictures of the license plate and the owner would receive a letter noting the violation.

Mr. Nick Calzoncit addressed the Council relating to renaming Stonewall School to Cesar E. Chavez Elementary. He stated that he was circulating a petition to change the name of the school and to date has collected over 2,300 signatures.

Mr. Michael Muller addressed the Council in opposition to Toll Roads. Mr. Muller stated that the traffic lights on HWY 281 are not timed properly. He stated that City Public Libraries need porn filters on each computer which would cost approximately \$5,000.

Mr. Tim Ferry addressed the Council in opposition to the 2007 Bond Election. He noted that there are fifteen (15) projects in Proposition One and two (2) projects in Proposition Two for a total of \$123.7 million. Mr. Ferry stated that he attended Public Hearings by TxDot, the MPO and the City and stated that the proposed Bond Programs do not make sense.

Mr. Randy Murdock addressed the Council in support of the 2007 Bond Election. He stated that he was a Parks and Recreation Board Member for District 7 and a member of the Watershed Improvement Advisory Board. He added that he was also selected to participate on two (2) of the Bond Committees. He stated that for years the City of San Antonio has had few Bond Packages. The City then fixed a street and improved a park but nothing substantial ever got done. The City has now taken a city-wide approach and tackled problems that have existed for years. Mr. Murdock stated that the City enlisted citizens to become involved in the process by creating four (4) Bond Committees. He stated because the City took 93% of the citizen's recommendations and included them in the 2007 Bond Election.

Mr. Steve Kendall addressed the Council in support of the 2007 Bond Election. He stated that there was a lack of understanding in the community on how Bonds work. Mr. Kendall briefly described how Bonds work. Mr. Kendall stated that 17 projects are on the Bond Election for \$550 million. Mr. Kendall stated that the City of San Antonio needs street improvements, drainage, parks, and libraries and urged the public to support the 2007 Bond Election.

Mr. Faris Hodge Jr. addressed the Council in opposition to the 2007 Bond Propositions. Mr. Hodge asked if Tony Parker and Eva Longoria will get married on the Riverwalk. Mr. Hodge asked if you have to be in love to get married on the Riverwalk. Mr. Hodge stated that he voted against every Bond Election the City has had and would continue to do so. He stated that on North Flores and Hickman Street there was a large tree hanging which was a safety hazard. Mr. Hodge requested the Police Department to stop using taser guns because they are dangerous. Mr. Hodge asked how much money the City Manager makes with benefits included. Mr. Hodge stated that the CPS Board does not have Citizens to be Heard on their agenda. Lastly, Mr. Hodge concluded with singing "You Are My Sunshine".

Ms. Betty Eckert addressed the Council and stated that Citizens to be Heard should be heard before a full Council. Ms. Eckert stated that Toll Roads are not senior friendly and that she does not support Toll Roads.

Mr. Luis Cintron addressed the Council and stated that three days ago he received a report from Mr. Henry Alvarez of SAHA. He stated that SAHA was not being honest and upfront with the housing issues that exist. Mr. Cintron stated that KB Homes should stop building homes until the issues with SAHA are settled.

Ms. Julie Oldham addressed the Council and stated that on May 1, 2007 she received a disturbing visit from Officer Reyes. Ms. Oldham stated that Officer Reyes informed her that the Police Chief received an email that said Ms. Oldham had a gun and made threats to the Mayor. Ms. Oldham stated that she did not own a gun and would never make such threats. Lastly, Ms. Oldham stated that she was qualified to be the Mayor of San Antonio.

Mr. Ken Thomas addressed the Council and stated that he was a member of the Streets and Sidewalks Committee for the Bond Election. Mr. Thomas stated that he was a Professional Engineer and has worked on City Street and drainage projects for over 30 years. Mr. Thomas stated that the goal was to improve safety and mobility across the city and to improve the quality of life. Mr. Thomas stated that many individuals speaking in opposition to the Bond Election did not attend any of the Bond Meetings that were held to offer suggestions or solutions. Mr. Thomas urged the citizens of San Antonio to vote in favor of all five Bond Propositions.

Mr. Jim Reed addressed the Council and stated that the Regional Mobility Authority (RMA) appointed him as the City's representative. Mr. Reed stated that the "illegal loan" to the RMA was not illegal. He stated that the loan was an interagency loan that the City does with many agencies. Mr. Reed stated that the loan process was an open process and was recorded in the minutes of the meetings held and the loan will be paid back with the first bonding of the RMA.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:45 pm.

A P P R O V E D



PHIL HARDBERGER
M A Y O R



LETICIA M. VACEK
City Clerk

Attest: