

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 20, 2009 AND THURSDAY, MAY 21, 2009, RESPECTIVELY.

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **May 20, 2009**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

1. BRIEFING ON PROPOSED POLICY AND PROCESS THAT WOULD REQUIRE DEVELOPERS TO SHARE COSTS OF MUNICIPAL INFRASTRUCTURE IMPROVEMENTS IN AN AMOUNT THAT IS ROUGHLY PROPORTIONATE TO THE PROPOSED DEVELOPMENT.

Mr. Rod Sanchez, Director of Planning and Development Services, stated that the purpose of the amendments was to bring the Unified Development Code (UDC) in compliance with state law requiring individualized determinations of the impact on public facilities created by new development. He spoke of House Bill 1835 that was passed by the 79th Legislature and stated that the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development. He noted that the Traffic Analysis Ordinance was out of date and called for a threshold of 101 peak hour trips before any mitigation was required.

Mr. Sanchez spoke of the steps necessary to implement rough proportionality. He stated that staff initially looked at the implications of the new state law and initiated a Request for Proposals (RFP) for assistance in complying with the rough proportionality doctrine. He noted that Kimley Horn was the only respondent and City Council had approved their contract in June 2007. It was noted that the scope of work was: 1) Data collection and research; 2) Stakeholder involvement; and 3) Policy creation and development of methodology. Mr. Sanchez recognized the Advisory Committee Members noting that the Committee was made up of nine members of City staff, one County representative, one MPO representative, and seven development stakeholders. Mr. Sanchez presented the proposed UDC amendments: 1) 35-501; Creation of rough proportionality determination and appeal process as required by state law; 2) 35-502; Traffic Impact Analysis (TIA): a) maximum study area range increased to 1.5 miles and b) TIA threshold reduced to seventy-six peak hour trips; and 3) Appendix B, submittal requirements. He noted that a second amendment would be presented for approval in June 2009.

Mr. Sanchez presented the Evans at US 281, Spurs Lane/Floyd Curl, and Agora Parkway/Hardy Oak Boulevard case studies and noted the TIA cost estimates, Ordinance formula cost estimates, and builder responsibilities. He noted that the Stakeholder review process had been completed as of March 3, 2009 and the Technical Advisory Committee had recommended approval on March 30, 2009. He added that the Planning Commission had recommended approval on April 8, 2009 and that staff also recommended approval. Lastly, Mr. Sanchez noted that implementation would not occur until March 2010 and thanked all involved in the process.

Councilmember Cibrian thanked Mr. Sanchez and the members of the Infrastructure and Growth Council Committee for their efforts on said item and noted the importance of moving said item forward. Councilmember Rowe thanked all involved and noted that the developers he had spoken with supported an ordinance on rough proportionality.

2. BRIEFING AND POSSIBLE ACTION REGARDING CITY ACTIVITIES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Mr. Peter Zaroni, Director of Management and Budget, provided an update on the American Recovery and Reinvestment Act of 2009 (ARRA). He reviewed the known and able-to-estimate funding the City would receive in the categories of: 1) Streets and Infrastructure (\$56.2 million); 2) Public Safety (\$2 million); 3) Health and Social Services (\$25.6 million); and 4) Energy Efficiency (\$25.2 million). He noted that the City was also pursuing twenty Competitive Grants and presented a timeline for funding beginning in June 2009.

Mr. Zaroni spoke of the Regional Partner Consolidation noting that many other entities in and around San Antonio would be receiving stimulus dollars. He stated that the purpose of the partnership was to create an easily accessible consolidated inventory of local stimulus funding and programs for the Bexar County Region.

Councilmember Galvan asked how stimulus funds and energy conservation would affect CPS Energy. Ms. Sculley stated that the requirement for stimulus funds was that they could not be used to supplant projects that were already planned. Mr. Zaroni stated that \$12.9 million from energy efficiency would be utilized to install solar panels at the Convention Center and the Airport.

Councilmember Cibrian noted that the Save for Tomorrow Energy Plan (STEP) would provide 18% for weatherization and was designed to assist those at the poverty level. She noted that funding was deficient for the San Antonio River Project and spoke of the importance of completing all reaches and phases. Lastly, she spoke of Head Start funding and noted that there would be new providers for the service. Councilmember Cisneros asked if Town Hall Meetings had been planned or if DVDs of the presentation could be made available to Neighborhood Associations to view at their meetings.

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

Mr. Carlos Contreras, Intergovernmental Relations Director, provided an update on the State and Federal Legislative Sessions. He noted that the session ended on June 1, 2009 and the last day for the Governor to veto a bill was June 21, 2009. He reported on the City's initiatives and endorsements that had been passed and sent to the Governor including: 1) HB 360: Texas Municipal Retirement System (TMRS) by Rep. Kuemple; 2) HB 2546: Defense Economic Adjustment and Assistance Grant (DEAAG) by Rep. Isett was signed by the Governor on May 19, 2009; 3) SB 1628: Fire and Police Pension Fund by Sen. Wentworth; 4) HB 873: Motion Picture Production Incentive by Rep. Dukes was signed by the Governor on April 23, 2009; 5) SB 629: Texas A&M University San Antonio by Sen. West and Uresti; 6) HB 1363: Extension of Diabetes Mellitus Pilot Program by Rep. Gutierrez; and 7) SB 1515: Sports Event Trust Fund by Sen. Watson was expanded to include major events.

He reported the City's pending legislative initiatives including: 1) SB 2222 (Statewide) and 2223 (San Antonio): Military Installation Protection Act by Sen. Van de Putte; 2) SB 855 and 294: Transportation (Local Option Funding) by Sen. Carona and Hinojosa; 3) SB 2096: RMA/VIA Consolidation by Sen. Wentworth; 4) HB 1362: Extension of MRSA (Staph Infections) Pilot Program by Rep. Gutierrez; 5) HB 2649: Fire Department – "Engineer" Designation by Rep. W. Smith; 6) HB 1633: Graffiti by Rep. Walle would be considered by the Senate Criminal Justice Committee; and 7) SB 2446: Meet and Confer by Sen. Uresti was placed on the Senate Intent Calendar.

Mayor Hardberger asked of a \$500,000 award for the P16 Plus Program sponsored by Rep. McClendon. Mr. Contreras stated that he was not aware but would follow up. Councilmember Cisneros asked for clarification of the Military Installation Protection Act. Mr. Contreras noted that the Act was amended by Sen. Wentworth to allow governing bodies within a five-mile radius of military installations to form a commission with the ability to adopt development guidelines and standards.

There being no further discussion, Mayor Hardberger adjourned the meeting at 4:33 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **May 21, 2009** at 9:00 am in the City Council Chambers.

Item 1. The Invocation was delivered by Rev. Francis McHugh, Pastor, St. Pius X Catholic Church, guest of Councilmember John Clamp, District 10.

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, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **ABSENT:** Ramos. Ms. Vacek reported that Councilmember Ramos was out of town and would not be in attendance.

Item 3. MINUTES

Councilmember Herrera made a motion to approve the Minutes for the May 7, 2009 Regular City Council Meeting. Councilmember Cisneros seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Councilmember Cortez recognized Mayor Hardberger for his work over the past four years and thanked him for his efforts on the Medal of Honor Memorial. Councilmember Herrera recognized Mayor Hardberger and noted his efforts in hiring the City Manager and for the Haven for Hope Campus. Councilmember Rowe thanked Mayor Hardberger for his leadership and noted his efforts on the San Antonio River Improvements Project. Councilmember Clamp spoke of Mayor Hardberger's many accomplishments including the Extension of Term Limits.

Councilmember Galvan recognized Mayor Hardberger on the \$550 million Bond Package and noted the many improvements that had been realized throughout the City. Councilmember Rodriguez thanked Mayor Hardberger for his leadership and commitment to education. Councilmember McNeil recognized Mayor Hardberger for his many significant accomplishments and highlighted his efforts in assisting Hurricane Katrina and Rita Evacuees. Councilmember Cisneros thanked Mayor Hardberger for his leadership and noted his work on the San Antonio River, Main Plaza, and Community Gardens. Councilmember Cibrian thanked Mayor Hardberger for his "Green" efforts including the Mission Verde Plan and Voelcker Park.

Mayor Hardberger thanked all for their words and recognized the leadership at CPS Energy and SAWS.

Ms. Sculley stated that she was honored to work with Mayor Hardberger and thanked him for the opportunity to serve the City of San Antonio.

Councilmember McNeil recognized Councilmember Herrera for her dedicated service over the past four years. Councilmember Cibrian thanked Councilmembers Herrera and Rowe for their work and service to the City being that this would be their final Council Meeting. Councilmember Galvan also thanked Councilmembers Herrera and Rowe for their service. Councilmember Rowe stated that he had enjoyed working with the Mayor and Councilmembers.

Mayor Hardberger recognized Joe Zatarain and students from the Cooper Academy. Mr. Zatarain spoke of their program to assist high school drop outs ages 17-25 receive their high school diplomas. He thanked the Mayor and Council for their support.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-05-21-0398

Item 4. AN ORDINANCE AUTHORIZING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM GRANT AGREEMENT WITH MINIMED DISTRIBUTION CORPORATION (SUBSIDIARY OF MEDTRONIC, INC.) IN AN AMOUNT UP TO \$3,680,000.00 FOR THE ESTABLISHMENT OF A NATIONAL DIABETES THERAPY MANAGEMENT AND EDUCATION CENTER.

Ms. Sculley presented said item and stated that Medtronic was a global leader of medical technology and devices that was founded in 1949. She noted that MiniMed Distribution Corporation was a subsidiary company of Medtronic and had selected San Antonio as the site for a National Diabetes Therapy Management and Education Center. She reported that it was a capital investment of \$23 million and they would hire 1,300 employees in 2009. She explained that Medtronic had considered 930 sites in 50 states and had ultimately selected the Rim as the location for their center.

Ms. Sculley stated that the City's Incentive Package totaled \$3,680,000.00 that would be funded as follows: 1) \$2,330,000.00 - Economic Development Incentive Fund (EDIF); 2) \$1,200,000.00 - Annual rebate of new property taxes; and 3) \$150,000.00 - Job training credits through Alamo Community Colleges. She noted that Medtronic's projected economic impact in San Antonio was \$265 million with an annual payroll of \$45 million. She added that the MiniMed Facility would be located in the

Contributing Zone and not the Recharge Zone and the Texas Commission on Environmental Quality (TCEQ) had approved the Contributing Zone Plan for the site.

Jeff Ruiz, MiniMed Distribution, Inc. General Manager for San Antonio Operations addressed the Council and stated that they were confident with their decision to designate San Antonio as the future home for the National Diabetes Therapy Management and Education Center. He thanked the Council for their support.

Mayor Hardberger called upon citizens registered to speak.

Julie Iris Oldham spoke in support of the National Diabetes Therapy Management and Education Center. She spoke in opposition to the STEP Program (Item 5).

Jack M. Finger expressed concern with the incentives offered to MiniMed and spoke in opposition to the CPS Energy rate increases (Items 5 and 6).

Elyzabeth Earnley representing AGUA stated that although the property was in the contributing zone, it was still a sensitive area that deserved protection from intense urban development. She noted that AGUA was not opposed to the building that already existed; they were concerned with possible future development.

David Klar of the Sierra Club spoke in opposition to said item. He stated that he was supportive of economic development and job creation but concerned with the location over the Aquifer. He noted the heavy amount of traffic and lack of infrastructure in the area.

Margaret Day of the Sierra Club spoke in opposition to said item. She requested that the developer utilize LEED Platinum Standards in their construction of new buildings and clean energy sources such as solar panels.

Loretta Van Coppenolle of the Sierra Club spoke against said item. She expressed concern with the building location over the contributing zone and asked that they select an alternate site. She requested that the developer utilize high quality and energy efficient standards for construction.

Ms. Vacek read the following written testimonies.

Former Councilmember Patti Radle wrote in opposition to Item 4. She expressed concern with development over the Edwards Aquifer and asked the City Council to protect the environment. She wrote that jobs were important to the community but protecting basic needs and resources was even more important.

Faris Hodge, Jr. wrote that he was in support of the grant for the National Diabetes Therapy Management and Education Center.

Councilmember Cibrian expressed her support and recognized all of the individuals that worked on said project. She noted that the development was not located over the Edwards Aquifer Recharge Zone and that the building was already LEED Certified and met environmental standards. She added that the site was part of an existing contributing zone plan that had been approved by the TCEQ. Councilmember McNeil thanked Medtronic for their investment in San Antonio. Councilmember Galvan thanked

Medtronic for their commitment to San Antonio but expressed concern with their location and its possible effects on the Aquifer.

Councilmember Rowe welcomed Medtronic to San Antonio and noted their LEED Certified Building. Councilmember Cisneros thanked all that worked to bring Medtronic to San Antonio and recognized Former Mayor Henry Cisneros for his efforts. She requested that Medtronic take all of the comments regarding the protection of the Aquifer into consideration should they expand. Councilmember Clamp welcomed Medtronic to San Antonio and noted their efforts to work directly with local colleges and universities for hiring graduates. Councilmember Herrera thanked Medtronic for selecting San Antonio and expressed her support.

Councilmember Rodriguez asked of the incentives directly related to hiring 1,300 employees. Ms. Sculley explained that the incentives were provided as the jobs would be created over a period of five years. Councilmember Rodriguez noted Medtronics large investment in San Antonio and thanked Medtronic for their commitment. Councilmember Galvan reiterated the importance of protecting the Aquifer.

Mayor Hardberger highlighted the viewpoint of Councilmember Galvan by stating that there was merit in Aquifer-related concerns but the benefits were worthwhile. He thanked Medtronic for their confidence in the City of San Antonio. He spoke of the clean product provided by Medtronic and the many jobs that would become available. Councilmember Cortez recognized all involved in bringing the project to San Antonio and noted the great investment and economic impact to the City.

Councilmember Cibrian 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, Clamp, and Mayor Hardberger. **NAY:** Galvan. **ABSENT:** Ramos.

The City Clerk read the following Ordinance:

2009-05-21-0399

Item 5. AN ORDINANCE AUTHORIZING THE FUNDING OF THE CPS ENERGY CONSERVATION AND SUSTAINABILITY STEP PROGRAM (SAVE FOR TOMORROW PLAN) THROUGH AN ADJUSTMENT IN THE FUEL SURCHARGE.

Ben Gorzell stated that said item would approve a funding mechanism for the Save for Tomorrow Energy Plan (STEP) and introduced Steve Bartley, CPS Energy Interim General Manager.

Mr. Bartley spoke of their role in meeting the energy needs of the community and the importance of efficiency and conservation. He stated that a commitment to renewable energy was critical for the future and asked the Council to support funding for STEP.

Cris Eugster, CPS Energy Chief Sustainability Officer provided an overview of STEP and stated that STEP would save 771 Megawatts of power for the region; reduce fuel costs; and eliminate the need for one additional power plant. He reported that STEP would create over 500 local jobs and stimulate economic activity. He added that power saved was clean and good for the environment because there were no emissions, carbon, or greenhouse gases.

Mr. Eugster spoke of the small impact to monthly bills and noted that customers could offset the increase by installing a Compact Fluorescent Lightbulb (CFL). He stated that the investment would total \$849 million over 13 years and explained the many benefits including the savings of \$512 million in lower fuel costs due to 771 Megawatts of saved power. He added that STEP was good for the environment and was critical to the success of the Mission Verde Plan. Lastly, Mr. Eugster stated that STEP would fund \$153 million to weatherize low-income residential homes at no cost to the homeowner. He estimated that 30,000 homes would be eligible for weatherization services and additional homes could be addressed through Stimulus Funds.

Ben Gorzell stated that the City's consultant, The Brattle Group, had provided a favorable analysis of the STEP Program. He spoke of the accountability efforts that included City Staff review and approval of the kWh charge prior to implementation, and a separate account for STEP Funds collected. He noted that CPS Energy would provide quarterly reports that would be made available to the public.

Mayor Hardberger called upon citizens registered to speak.

RG Griffing spoke in opposition to said item noting that there were still too many unanswered questions regarding the STEP Program.

Adam Bailey stated that he was the Vice-President of Single Cell Inc., a new green company located in San Antonio. He spoke in support of the STEP Program and noted the need for clean energy production to help meet greenhouse gas reduction targets.

Donald Fetzer spoke in support of the STEP Program and recognized the Mayor and Council for their leadership on the Mission Verde Initiative. He stated that he owned a spray foam installation business that had expanded as a result of the demand for retrofits and remodeling of homes. He noted the importance and benefits of energy conservation to the environment.

Reverend Ronald Brown of St. Phillip Baptist Church expressed support for the STEP Program and noted that a solar system had been installed in his home and at the church. He spoke of the many benefits to the ratepayer and to the environment and asked for a favorable vote.

Kenneth Dagley spoke in support of the STEP Program and stated that he had been able to cut his utility bill in half after moving to San Antonio over 23 years ago. He noted that the weatherization program had saved him 25% on his bill and urged the Council to vote in favor.

Tony Stephenson expressed support for the STEP Program and noted the benefits to the consumer and the environment. He requested that an educational program be made available to the public.

James Hoss Boyd stated that he was in support of the STEP Program from the solar energy perspective. He noted that the solar industry was synergizing due to the rebate programs available.

Bob Martin, President of the Homeowners Taxpayer Association spoke in opposition to the STEP Program due to the challenging economic times. He stated that energy incentive programs should not require increases and urged the Council to vote against said item.

Howard Rogers of the San Antonio Manufacturing Association expressed support for the STEP Program. He stated that the benefits outweighed the costs and added that STEP would reduce the need for additional increases.

Sharron Brown addressed the Council in support of the STEP Program and noted that it would help decrease energy consumption which would in turn reduce demand. She noted that it would stimulate the economy by providing green jobs and support efforts for renewable energy. She recognized the Council for their work on energy conservation, renewable energy, and sustainability.

Anita Ledbetter of Build San Antonio Green spoke in support of the STEP Program and noted that all would pay less if they participated in the program. She stated that through conservation efforts, all could continue to enjoy the environment.

Ron Cleveland of Cleveland Consultants spoke in support of the STEP Program and stated that he had addressed the Council 30 years ago to encourage the use of energy efficient bulbs and ballasts. He spoke of the many benefits of conservation and commended the Mayor, Council and City Management for their efforts.

Councilmember Rowe stated that the best watt of power that you save is the one that you don't use.

Mayor Hardberger recessed the meeting at 12:35 pm for lunch and noted that the meeting would resume in Open Session at 1:30 pm. Mayor Hardberger reconvened the meeting at 1:40 pm and continued with Item 5.

Representatives of COPS/Metro Alliance addressed the Council in support of the STEP Program. Mr. Paul Martinez of St. Gabriel's Catholic Church recognized Mayor Hardberger for his willingness to meet with COPS/Metro and involve them in the process. He noted that the leaders of COPS/Metro were in support of energy efficiency but many low-income ratepayers did not qualify for rebates. He recommended extending the eligibility to 200% from 125% of the federal poverty level income in order to qualify. He added that COPS/Metro was not in support of increasing the total cost of the STEP Program, only a partial shift of spending priorities.

Mr. Bartley stated that CPS Energy would increase the eligibility to 200% of the federal poverty level but only with the existing allocation due to their goal of achieving a savings of 771 Megawatts. He added that they would be willing to review this in moving forward.

Elizabeth Valenzuela representing Hope Action Care stated that they were in favor of the STEP Program because many of their residents had difficulty paying their utility bills. She noted that energy conservation would be realized through the weatherization program, specifically with the replacement of windows.

Claudio Bertrand also representing Hope Action Care spoke in support of the STEP Program and the assistance it would provide to the low-income families they served.

Charles Mikolajczyk of the San Antonio Association of Building Engineers spoke in opposition to the STEP Program. He expressed concern with the incremental increases and the limited benefits compared to costs.

Nazirite Ruben Flores Perez stated that he spoke for the people of San Antonio and asked the Council to make good decisions.

Cyndi Wheeler with the Consumer's Energy Coalition stated that she was in favor of energy efficiency and renewable rebate programs but expressed concern that a 3.5% increase had already been approved last year.

Margaret Day of the Sierra Club spoke in favor of the STEP Program and noted that conservation programs were a top priority for their organization. She requested that CPS Energy provide reports to the public regarding the effectiveness and efficiency of the program.

David Klar of the Sierra Club spoke in support of the STEP Program and noted the importance of conservation and efficiency. He expressed concern with the utilization of nuclear energy.

Diana Lopez of the Southwest Worker's Union spoke in opposition to the STEP Program and stated that the rate increases would have a negative impact on low-income families. She noted that the upfront capital costs for retrofitting and weatherization were a burden to those that could not afford them.

Aaron Seaman with the Hispanic Chamber of Commerce spoke in support of the STEP Program and recognized COPS/Metro for working with CPS Energy on said item. He stated that the program would benefit the community and recognized CPS Energy as one of the most efficient and well-run utilities in the country.

Carlton Soules of the Mary Mont Homeowners Association addressed the Council in opposition to the STEP Program. He stated that he was in support of conservation but could not endorse the program until there was a more detailed analysis of the impact on rates.

Loretta Van Coppenolle with the Sierra Club addressed the Council in support of the STEP Program and stated that she was pleased that there would be accountability through reports made available to the public. She noted that the small fuel adjustment charge would be returned to ratepayers through energy savings.

Christel Villarreal expressed her support for the STEP Program and spoke of the benefits of conservation. She noted the goal of saving 771 Megawatts and the great need for weatherization of homes for low-income families.

Nikki Kuhns of the Homeowner Taxpayer Association spoke against the STEP Program and stated that too many questions remained unanswered. She noted that the rate increases would impact overburdened ratepayers and requested that more rebate programs be implemented instead of continued rate increases.

Genaro Lopez-Rendon with the Southwest Worker's Union addressed the Council and expressed concern with fuel surcharge increases for the STEP Program. He spoke in opposition to nuclear energy and stated that CPS Energy should prioritize weatherization and long-term sustainability.

Lanny Sinkin stated that he was speaking on behalf of his father, Bill Sinkin. He expressed support for the STEP Program and spoke of the policy, process and budgets in place to make a difference in the community. He asked that CPS Energy be held accountable for the amount of money collected and expended for the program.

Aurora Geis, Chairperson of the CPS Energy Board addressed the Council and spoke of their Sustainability Policy Statement to continue support for energy efficiency and conservation. She noted the 771 Megawatts of power that would be saved and asked the Council for their support.

Mayor Hardberger read a letter of support for said item from Mayor-elect Julian Castro. Mr. Castro wrote that he was in favor of the CPS Energy STEP Program and noted that it was a forward-looking initiative to save 771 megawatts of energy over the next decade. He wrote that participating ratepayers would save more than the cost due to energy efficiency that would stretch many years into the future. He also wrote that implementing STEP now would eliminate the need for CPS Energy to build an additional power plant in the next decade and would result in an economic and environmental benefit to ratepayers.

Ms. Vacek read the following written testimonies.

Joseph Koizen wrote in support of the STEP Program and noted that he was currently building LEED Platinum Homes in San Antonio. He wrote that a major component in green building was energy consumption and efficiency and incentives were necessary to make new technology affordable.

Chris Fry wrote that as a roofing and solar contractor, the rebates offered through the STEP Program were critical. He wrote that the potential rebates would encourage energy efficiency and offset the costs to residential and commercial customers.

Cris Warren wrote in support of the STEP Program and noted that it had been a great asset to her small company. She wrote that her office building had benefitted from the rebate programs offered by CPS Energy and the funds they saved would help continue to bring the office buildings up to conservation standards.

Jimmy Sewell, Chairman of the Air Conditioning Contractors of America-San Antonio wrote in support of the STEP Program. He wrote that the organization endorsed the program due to its foresight for San Antonio's future energy needs and goals to prevent energy shortages.

Frank Smith of EcoStore, Inc. wrote in support of the STEP Program because it was an integral building block for energy creation and distribution of the future. He wrote that energy conservation and efficiency were critical and financial assistance and incentive programs were necessary to reduce demand.

Darrell Crowell, President of ARRAY Energy, Inc. wrote that he was a partner in a San Antonio-based alternative energy company in support of the STEP Program. He wrote that he had utilized wind and solar projects and realized the many benefits of them.

John Friesenhahn of Imagine Homes wrote that the STEP Program was vitally important to maintaining reliable and affordable energy for the citizens of San Antonio. He wrote that it was critical to reduce the peak load on the electric grid and delay the need to invest in additional utility plants. He also wrote that building owners should be encouraged to make the investment in increased energy efficiency to benefit the entire City.

Ray Merchant of Ince Distributing, Inc. wrote in support of the STEP Program. He wrote that as a provider of heating and cooling equipment, his company was aware of the many benefits of energy efficiency and conservation. He added that management of energy demand was cleaner and less expensive and STEP could help achieve that.

Scott Williams wrote in support of the STEP Program and the associated rate increase. He wrote that he would be willing to pay a little extra to support conservation and energy efficiency efforts that have been effective in that past and will help the future.

James Broussard wrote in support of the STEP Program. He wrote that he had purchased energy efficient lighting a few months prior and was on a waiting list to receive a utility credit. He noted that the improvements were worthy and requested that the program be continued.

Faris Hodge, Jr. wrote in opposition to the STEP Program and associated rate increases.

Julia Hayden wrote against the STEP Program and noted that a rate increase had occurred a year ago. She wrote that although the increase was small, incremental increases on a regular basis set a bad precedent.

Councilmember Cibrian expressed her support for the STEP Program and recognized CPS Energy for their efforts. She spoke of the importance of diversification and the need for renewable energy. Councilmember Cortez asked of education and assistance to ratepayers. Mr. Bartley explained that individuals could contact CPS Energy via telephone or through the website. He noted that an advertisement program would be implemented once the program was approved and that CPS Energy would continue to attend community meetings as requested. Councilmember Cortez requested that CPS Energy provide an annual report on how much energy is removed from the grid and how many families were not included in the program because they did not meet the income level or due to lack of funds.

Councilmember Herrera expressed her support for the STEP Program and requested additional awareness of the Peak Saver Program to the community. Councilmember Rowe expressed his support for STEP and noted that conserving energy would offset the cost of an additional power plant. Councilmember Cisneros expressed her support for the STEP Program. Councilmember Galvan asked of the homes eligible for weatherization. Mr. Bartley explained that the homes had been identified based on income guidelines utilized for the Residential Energy Assistance Program.

Councilmember Clamp stated that although he supported conservation and energy efficiency, he still had concerns about the program and could not support it today. He expressed concern with the rate increases and the pressure on the base rate over time. He requested that CPS Energy provide results of the program's efficiency and effectiveness and asked of the possibility of a separate line-item for said program on customer bills. Councilmember Rodriguez expressed his support for the STEP Program and noted the importance of the long-term investment. He added that the benefits would outweigh the costs and asked CPS Energy to commit to working with low-income families.

Councilmember McNeil noted that the STEP Program was a paradigm shift for the future and a great opportunity to educate the community. Mayor Hardberger recognized CPS Energy for their efforts and willingness to move boldly toward the future. He stated that conservation was clean and efficient and did not have undesirable environmental impacts.

Councilmember Cibrian moved to adopt the proposed Ordinance with the condition that the eligibility level for low-income ratepayers be increased to 200% of the federal poverty level. Councilmember Rowe seconded the motion.

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

The City Clerk read Items 6A, B, C, and D:

Item 6. CONSIDERATION OF THE FOLLOWING MATTERS REGARDING THE ISSUANCE OF CPS ENERGY TAX EXEMPT REVENUE BONDS, NEW SERIES 2009B, NEW SERIES 2009C, AND NEW SERIES 2009D:

2009-05-21-0018R

- A. A RESOLUTION AUTHORIZING THE DISTRIBUTION OF UPDATED OFFERING DOCUMENTS FOR EXISTING CPS ENERGY VARIABLE-RATE DEBT, WHICH ARE SOLELY INFORMATIONAL FILINGS.

2009-05-21-0400

- B. AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX EXEMPT REVENUE BONDS, NEW SERIES 2009B ("2009B BONDS"), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$375 MILLION, AND OTHER FINANCIAL MATTERS AS NECESSARY TO FUND CAPITAL CONSTRUCTION.

2009-05-21-0401

- C. AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAXABLE REVENUE BONDS, NEW SERIES 2009C (DIRECT SUBSIDY – BUILD AMERICA BONDS) ("BABS") ("2009C BONDS"), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$375 MILLION, AND OTHER FINANCIAL MATTERS AS NECESSARY TO FUND CAPITAL CONSTRUCTION.

2009-05-21-0402

- D. AN ORDINANCE AUTHORIZING THE ISSUANCE OF TAX EXEMPT REVENUE REFUNDING BONDS, NEW SERIES 2009D ("2009D BONDS"), IN A PRINCIPAL AMOUNT NOT TO EXCEED \$250 MILLION, AND OTHER FINANCIAL MATTERS AS NECESSARY TO REFUND CERTAIN OUTSTANDING NEW SERIES 1998A BONDS FOR DEBT SERVICE SAVINGS.

Paula Gold-Williams, CPS Energy Executive Vice President and Chief Financial Officer presented items 6A, 6B, 6C, and 6D. She stated that CPS Energy was seeking authorization to provide annual offering documents to bond holders, potential investors and other interested parties. She noted that CPS Energy intended to issue a combination of two types of bonds (Tax-Exempt or Taxable Build America Bonds) with funds being utilized to address capital needs including J.K. Spruce 2, Peaking Units, and STP 1&2. She explained that the type of bonds issued would be determined at pricing based on market conditions and investor demand. She provided examples of possible transactions utilizing each type of bond based on market data in April, 2009.

Ms. Gold-Williams spoke of the refunding of bonds and noted that in late 2008, the Council had approved the refunding of 1998A Bonds. She explained that the market was volatile at the time; thus half of the transaction had occurred. She noted that said item would approve the refunding of the remainder of those bonds.

Councilmember Clamp asked of the bond issuances and if they were scheduled. Ms. Gold-Williams stated that they were associated with their Capital Plan and had been previously scheduled. Councilmember Clamp asked if there was enough income to cover the cost of the new bond issuance. Ms. Gold-Williams stated that CPS Energy was covered for this year due to the fact that it was a mid-

year planned transaction but may need support on bonds in the future. Councilmember Rowe asked if there was a disadvantage to utilizing the taxable fixed rate in the future. Ms. Gold-Williams stated that bond holders were not partial to the call feature on taxable bonds and there could be a possible loss on the savings. Councilmember Cibrian highlighted the Build America Bonds and thanked CPS Energy for their work.

Ms. Vacek read written various testimonies from Faris Hodge, Jr. Relative to Item 6; he wrote that Public Hearings should be held after 7:00 pm. He also wrote that the purchases for Items 7, 9, 10, 15, 17, 18 and 19 should be delayed until FY 2010 due to the budget shortfall. He expressed concern with the contract estimates in Item 8. Lastly, he wrote in favor of the grant (Item 25) from the Annie E. Casey Foundation.

Councilmember Cibrian moved to adopt the proposed Ordinances for Items 6A, 6B, 6C and 6D. Councilmember McNeil seconded the motion.

The motion to approve Items 6A, 6B, 6C and 6D prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Ramos.

The City Clerk read the following Ordinance:

2009-05-21-0403

Item 7. AN ORDINANCE ACCEPTING THE BID FROM C. C. CRANE & RIGGING TO RELOCATE A LOCOMOTIVE ENGINE FOR THE SAN ANTONIO FIRE DEPARTMENT FROM THE UNION PACIFIC RAILROAD YARD TO THE SAN ANTONIO FIRE TRAINING ACADEMY FOR A COST OF \$96,500.00.

Chief Noel Horan stated that said item authorized a contract with C. C. Crane and Rigging to relocate a donated locomotive engine from the Union Pacific Railroad Yard to the San Antonio Fire Department (SAFD) Training Academy. He reported that the SAFD Training Division was in the process of implementing a Regional Rail Safety Training Program and had been awarded \$392,000 for a new training classroom facility. He noted that Union Pacific Railroad had previously donated track and four railcars as part of a simulated derailment prop that was dedicated in April, 2008. Chief Horan thanked Councilmember Herrera for her efforts on said item.

Councilmember Herrera expressed support for said item and spoke of a train accident that occurred in 2004 involving Ralph Velasquez and others. She recognized Mr. Velasquez by asking that he address the Council.

Mr. Velasquez spoke of the accident and stated that he wanted something positive to transpire from the tragedy. He noted that he was pleased with the rail training that would occur and that it would greatly benefit San Antonio and other communities. He recognized and thanked Councilmember Herrera and Council for their support.

Mayor Hardberger recognized Mr. Velasquez for utilizing a portion of his accident settlement to protect others in the future. Councilmember McNeil recognized Councilmember Herrera for her efforts on said item.

Councilmember Herrera thanked all involved in said project and moved to adopt the proposed Ordinance. Councilmember Galvan seconded the motion.

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

POINT OF PERSONAL PRIVILEGE

Mayor Hardberger announced that an appropriations bill had been passed for the University of Texas at San Antonio that would allocate \$500,000 to the P16 Plus Program. He recognized State Representatives Mike Villarreal and Ruth Jones McClendon for their efforts to secure the funding.

CONSENT AGENDA: ITEMS 8 – 38

Consent Agenda Items 10, 11, 13, 14, 18, 19, 31, 32, 33C, and 38 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Nazirite Ruben Flores Perez expressed concern with Item 25 of the grant acceptance from Catholic Charities Archdiocese of San Antonio, Inc. noting that there should be a division of church and state.

Jack M. Finger expressed concern with the contract to DMJM Aviation, Inc. (Item 12) and concession tenants (Item 20) due to the campaign contributions made to the Mayor and Councilmembers. He spoke in opposition to the sale of surplus property to Julian H. Trevino and Diana L. Trevino (Item 24) noting a conflict of interest due to Mr. Trevino having served as President of the San Antonio Independent School District Board. He also spoke against the adoption of the 2009 International Energy Conservation Code (Item 30).

The following written testimonies were submitted.

Katharine Moreno wrote in opposition to Item 30 noting that the implementation of International Codes was against Constitutional Law.

Julia Hayden also wrote in opposition to Item 30 and expressed her concerns regarding adopting any elements of an International Energy Conservation Code.

Aaron Seaman of the San Antonio Hispanic Chamber of Commerce wrote that the Hispanic Chamber was in support of the proposed changes to the Transportation Advisory Board and the inclusion of private taxi drivers in the composition of the Board.

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

2009-05-21-0404

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 \$94,000.00, INCLUDING: (A) TRUCK

PARTS SPECIALISTS FOR AUTOMOTIVE, OFF ROAD AND INDUSTRIAL DRIVE LINE PARTS AND SERVICE; (B) ALAMO IRON WORKS FOR PVC & DWV PIPE, FITTINGS, PRIMER AND SOLVENT CEMENT; AND (C) INTERPOOL, INC. FOR ORNAMENTAL WATER FEATURE TREATMENT SERVICE.

2009-05-21-0405

Item 9. AN ORDINANCE AMENDING A PROFESSIONAL SERVICES AGREEMENT WITH BEATY PALMER ARCHITECTS, INC. IN THE AMOUNT OF \$91,617.92 FOR ADDITIONAL SERVICES FOR THE NEW ADMINISTRATION FACILITY AT STINSON MUNICIPAL AIRPORT.

2009-05-21-0408

Item 12. AN ORDINANCE RATIFYING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH DMJM AVIATION, INC. IN THE AMOUNT OF \$151,982.00 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR TAXIWAY ROMEO CHARLIE EXTENSION PHASE II AT SAN ANTONIO INTERNATIONAL AIRPORT.

2009-05-21-0411

Item 15. AN ORDINANCE AUTHORIZING A TOTAL PROJECT AMOUNT OF \$1,868,087.00, INCLUDING A CONTRACT IN THE AMOUNT OF \$1,543,200.00 WITH SHORTY INC. DBA CHARLIE & COMPANY FOR CONSTRUCTION WORK FOR A PORTION OF PHASE II OF THE VOELCKER PARK MASTER PLAN, AN AUTHORIZED 2009 TAX NOTES PROJECT LOCATED IN COUNCIL DISTRICTS 8 AND 9.

2009-05-21-0412

Item 16. AN ORDINANCE APPROVING SAWS CHANGE ORDER NO. 1 IN THE AMOUNT OF \$37,904.50 TO THE CONSTRUCTION CONTRACT WITH YANTIS COMPANY FOR ADDITIONAL WORK FOR THE PRUE ROAD EXTENSION: PRUE TO HUEBNER, LOCATED IN COUNCIL DISTRICT 8.

2009-05-21-0413

Item 17. AN ORDINANCE AUTHORIZING A \$35,953.80 AMENDMENT TO A PROFESSIONAL ENGINEERING SERVICES AGREEMENT, AS AMENDED, WITH BAIN MEDINA BAIN FOR ADDITIONAL ENGINEERING SERVICES FOR THE JONES MALTSBERGER: US 281 TO EAST OF UPRR PROJECT, LOCATED IN COUNCIL DISTRICT 9.

Item 20. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATED TO THE EXTENSION OF CONCESSION CONTRACTS AT SAN ANTONIO INTERNATIONAL AIRPORT:

2009-05-21-0416

- A. AN ORDINANCE AUTHORIZING CONTRACT EXTENSIONS WITH SEVERAL CONCESSION TENANTS IN TERMINAL 1.

2009-05-21-0417

- B. AN ORDINANCE AUTHORIZING CONTRACT EXTENSIONS WITH SEVERAL CONCESSION TENANTS IN TERMINAL 2.

2009-05-21-0418

Item 21. AN ORDINANCE AUTHORIZING A FIVE-YEAR CONCESSION AGREEMENT WITH CHELSEA'S SANDWICHES OF TEXAS D/B/A BLIMPIE AT SAN ANTONIO INTERNATIONAL AIRPORT WITH GUARANTEED TERM RENTALS OF \$432,000.00.

2009-05-21-0419

Item 22. AN ORDINANCE AMENDING THE CONCESSION AGREEMENT WITH NEVER TOO LATE BUSINESS CENTER IN TERMINAL 2 OF SAN ANTONIO INTERNATIONAL AIRPORT TO DELETE SERVICES NO LONGER NEEDED FROM THE CONCESSIONAIRE AND ADJUST RENT PROVISIONS.

2009-05-21-0420

Item 23. AN ORDINANCE AUTHORIZING ACQUISITION OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT OVER EIGHT TRACTS IN UVALDE COUNTY KNOWN AS BLANCO CREEK RANCHES FOR A TOTAL OF \$5,874,769.98 FOR PURCHASE PRICE, DUE DILIGENCE, AND CLOSING COSTS.

2009-05-21-0421

Item 24. AN ORDINANCE DECLARING SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING SALE TO JULIAN H. TREVINO AND DIANA L. TREVINO, FOR A TOTAL OF \$4,265.54, A 0.107-ACRE VACANT PARCEL LOCATED BETWEEN THE IH 35 NORTH ACCESS ROAD AND SAN SABA STREET IN COUNCIL DISTRICT 1.

2009-05-21-0422

Item 25. AN ORDINANCE ACCEPTING A GRANT UP TO \$677,100.00 FROM CATHOLIC CHARITIES ARCHDIOCESE OF SAN ANTONIO, INC., FISCAL AGENT FOR THE ANNIE E. CASEY FOUNDATION, TO CONTINUE RESPONSIBILITIES AS LEAD ORGANIZATION OF THE LOCAL MANAGEMENT ENTITY FOR THE MAKING CONNECTIONS – SAN ANTONIO INITIATIVE.

2009-05-21-0423

Item 26. AN ORDINANCE AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF GRANT FUNDS IN THE AMOUNT OF \$33,043.60 FROM THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL FOR TRAUMA (STRAC) TO BE USED BY THE SAN ANTONIO FIRE DEPARTMENT FOR EMS SUPPLIES AND EQUIPMENT.

2009-05-21-0424

Item 27. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION TO THE CITIES UNITED FOR SCIENCE PROGRESS (CUSP) 2009 LEAD SAFE FOR KIDS SAKE GRANT PROGRAM IN AN AMOUNT UP TO \$175,000.00; AND AUTHORIZING ACCEPTANCE OF THE GRANT UPON AWARD.

2009-05-21-0425

Item 28. AN ORDINANCE APPROVING THE SUBMISSION OF AN APPLICATION TO THE TEXAS PARKS & WILDLIFE DEPARTMENT FOR AN URBAN OUTDOOR RECREATION GRANT IN AN AMOUNT OF UP TO \$120,000.00 FOR THE DEVELOPMENT OF A PARK ENTRY VISITOR ORIENTATION FACILITY AT THE EMILE AND ALBERT FRIEDRICH WILDERNESS PARK LOCATED IN COUNCIL DISTRICT 8.

2009-05-21-0426

Item 29. AN ORDINANCE ESTABLISHING THE CITY OF SAN ANTONIO DIRECTION AND PRIORITY OF TRANSPORTATION PLANNING STUDIES FOR FOUR (4) PROJECTS FOR UNIFIED PLANNING WORK PROGRAM FUNDING FROM THE BEXAR COUNTY - METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2010-2011.

2009-05-21-0427

Item 30. AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ADOPTING THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND PROVIDING FOR PENALTIES, PUBLICATION AND AN EFFECTIVE DATE.

Item 33. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT, OR AS INDICATED BELOW:

- A. APPOINTING DIANE J. LANG (DISTRICT 5) AND JOSE B. RODRIGUEZ (DISTRICT 9) TO THE CITIZENS' ENVIRONMENTAL ADVISORY COMMITTEE FOR TERMS OF OFFICE TO COMMENCE JUNE 1, 2009 AND EXPIRE MAY 31, 2011.
- B. REAPPOINTING CHARLES P. SAXER (DISTRICT 8) TO THE ETHICS REVIEW BOARD FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE APRIL 25, 2011.

2009-05-21-0430

Item 34. AN ORDINANCE AUTHORIZING A \$200,000.00 PROFESSIONAL SERVICES AGREEMENT WITH THE CARVER DEVELOPMENT BOARD TO PROVIDE FUNDRAISING, MARKETING AND MANAGEMENT SERVICES FOR THE CARVER COMMUNITY CULTURAL CENTER'S 2008-2009 AND 2009-2010 PERFORMANCE SEASONS.

Item 35. CONSIDERATION OF THE FOLLOWING ITEMS RELATED TO AFFILIATED COMPUTER SERVICES, INC.:

PULLED FROM AGENDA BY STAFF

- A. AN ORDINANCE APPROVING A \$300,000.00 GRANT AGREEMENT WITH AFFILIATED COMPUTER SERVICES, INC. FOR RETENTION AND EXPANSION AT PORT SAN ANTONIO IN COUNCIL DISTRICT 4.

PULLED FROM AGENDA BY STAFF

- B. A RESOLUTION NOMINATING AFFILIATED COMPUTER SERVICES, INC. FOR DESIGNATION AS A STATE ENTERPRISE PROJECT.

2009-05-21-0431

Item 36. AN ORDINANCE AUTHORIZING A ONE-YEAR EXTENSION TO THE CONTRACT WITH E.B. JACOBS TO PREPARE VALIDATED WRITTEN ENTRANCE EXAMINATIONS FOR THE POSITIONS OF POLICE CADET AND FIRE FIGHTER TRAINEE IN THE AMOUNT OF \$22,500.00 FOR THE SAN ANTONIO POLICE DEPARTMENT AND \$22,500.00 FOR THE SAN ANTONIO FIRE DEPARTMENT FOR THE INITIAL EXAM AND \$14,000.00 FOR EACH ADDITIONAL ENTRANCE EXAM.

2009-05-21-0432

Item 37. AN ORDINANCE APPROVING AN AGREEMENT WITH AT&T CORP. FOR COMMUNICATION PRODUCTS AND SERVICES AT CUSTOMER-SPECIFIC PRICING FOR A COST OF UP TO \$6.25 MILLION ANNUALLY.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2009-05-21-0433

Item 38. AN ORDINANCE CHANGING THE COMPOSITION AND QUORUM REQUIREMENTS OF THE TRANSPORTATION ADVISORY BOARD; AND AMENDING CERTAIN ORDINANCES ACCORDINGLY.

Deputy Chief Geraldine Garcia presented the amendments to be made to the Transportation Advisory Board (TAB) as follows: 1) Exclude the non-voting members from the quorum count; 2) Move the VIA Representative to a non-voting staff member position; 3) Add one taxi cab industry representative and create three taxi cab subcategories comprised of large taxicab companies, taxi co-op industry, and small taxi businesses; and 4) Replace the non-voting Texas Department of Transportation Representative category with a non-voting Downtown Operations Department category. Councilmember Herrera spoke in support of the amendments and thanked all that worked on said item.

Ali Nasserli spoke in support of said item and noted that he represented 203 taxi drivers with an average of ten years of experience in the industry. He thanked the Council for the opportunity to be represented on the TAB.

Robert Gonzales spoke in favor of said item and thanked all for allowing representation from the taxicab companies.

Cruz Chavira of Star-Cab Cooperative Association stated that the Association was driver-owned and had been in operation for 16 years. He spoke in support of said item and thanked all involved.

Ralph Velasquez spoke in support of said item and recognized Councilmember Herrera and the City Staff that worked closely with the taxicab industry to include their representation on the TAB.

Miguel Guevara of Excel Taxi Company spoke in support of said item and noted that many environmental improvements had been made in the industry such as utilizing hybrids.

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

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

At this time, Mayor Hardberger addressed Items 10 and 11.

The City Clerk read Items 10 and 11:

2009-05-21-0406

Item 10. AN ORDINANCE RATIFYING CHANGE ORDER NO. 3 REDUCING THE CONSTRUCTION CONTRACT WITH YANTIS COMPANY IN THE AMOUNT OF \$236,243.33 TO REFLECT THE ACTUAL WORK PERFORMED FOR THE REMAIN-OVER-NIGHT APRON PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT.

2009-05-21-0407

Item 11. AN ORDINANCE AMENDING A PROFESSIONAL SERVICE AGREEMENT WITH 3D/INTERNATIONAL, INC. TO REDUCE THE TOTAL CONTRACT BY THE NET AMOUNT OF \$945.00 TO DELETE DESIGN SERVICES ASSOCIATED WITH TERMINAL C AND ADD DESIGN SERVICES ASSOCIATED WITH THE TERMINAL 1 AND B SYSTEMS AND RELATED FACILITIES AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself from Items 10 and 11 by exiting the Council Chamber and noted that he had submitted the recusal forms to the City Clerk.

Councilmember Cibrian moved to adopt the proposed Ordinances for Items 10 and 11. Councilmember Rodriguez seconded the motion.

The motion to approve Items 10 and 11 prevailed by the following vote: **AYES:** Cisneros, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSTAIN:** Rowe. **ABSENT:** McNeil and Ramos.

The City Clerk read the following Ordinance:

2009-05-21-0409

Item 13. AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE PORT AUTHORITY OF SAN ANTONIO FOR THE 36TH STREET EXTENSION AND THE 36TH STREET: US 90 TO GROWDON AND GROWDON TO BILLY MITCHELL PROJECTS, LOCATED IN COUNCIL DISTRICT 4, AND FUNDED BY 2004, 2005, AND 2006 CERTIFICATES OF OBLIGATION AND 2007 STREET BONDS.

Mike Frisbie stated that said item would authorize a Memorandum of Understanding with the Port Authority of San Antonio for the 36th Street Projects. He noted that the City and the Port Authority had been working on the projects separately and said item would combine them under City Project Management. He added that they would be funded through Certificates of Obligation, Street Bonds, and \$15 million in Stimulus Funds.

Councilmember Cortez expressed his support and thanked the Council for supporting Stimulus Funding for the 36th Street Projects. Councilmember Cibrian also expressed her support and recognized the Port Authority Board.

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

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

The City Clerk read the following Ordinance:

2009-05-21-0410

Item 14. AN ORDINANCE APPROVING SAWS CHANGE ORDER NO. 3 IN THE AMOUNT OF \$178,159.07 TO THE CONSTRUCTION CONTRACT WITH TEXAS STERLING CONSTRUCTION, INC. FOR ADDITIONAL WORK FOR THE WOODLAWN-BANDERA TO MAIDEN PROJECT, LOCATED IN COUNCIL DISTRICT 7, OF WHICH SAWS WILL REIMBURSE THE CITY \$178,159.07.

Councilmember Rodriguez asked the reason for the change order. Mike Frisbie stated that it was utility-driven and would not cause a delay in the project. He explained that a water leak had occurred in the vicinity of the project but was not project-related and that San Antonio Water Systems would repair the damage.

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

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

The City Clerk read the following Ordinance:

2009-05-21-0414

Item 18. AN ORDINANCE SELECTING TEXAS STERLING CONSTRUCTION, L.P. FOR NEGOTIATION AND EXECUTION OF A CONSTRUCTION MANAGER AT RISK AGREEMENT FOR AN AMOUNT UP TO \$100,000.00 FOR PRECONSTRUCTION SERVICES AND UP TO \$25,900,000.00 FOR CONSTRUCTION PHASE SERVICES FOR THE BULVERDE ROAD (LOOP 1604) PROJECT, IN COUNCIL DISTRICTS 9 AND 10 FROM THE 2007-2012 GENERAL OBLIGATION STREET IMPROVEMENT BOND, OF WHICH \$1,000,000.00 WILL BE REIMBURSED BY CPS ENERGY AND \$2,000,000.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

Councilmember Herrera asked about the firm of Texas Sterling Construction. Mike Frisbie stated that they were a local firm with approximately 150 employees. Councilmember Herrera expressed her support for said item and asked that the Council continue to support local small businesses. Councilmember Clamp asked of the Construction Manager at Risk agreement. Mr. Frisbie reported that it was the first time that the method had been utilized for a street or drainage project. He noted that by bringing the design and construction teams together, construction would begin a year sooner than anticipated.

Councilmember Rodriguez asked of the Small Business Economic Development Advocacy (SBEDA) participation. Anita Uribe Martin stated that Texas Sterling Construction had not received any points in the SBEDA category because they had not included any minority firms in their proposal but would be held accountable for 24% Minority Business Enterprise participation for construction.

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

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

The City Clerk read the following Ordinance:

2009-05-21-0415

Item 19. AN ORDINANCE AUTHORIZING A TOTAL PROJECT AMOUNT OF \$1,000,000.00 INCLUDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$888,995.00 TO HIGH SIERRA ELECTRONICS, FOR THE CITY HIGH WATER DETECTION SYSTEM/EARLY FLOOD WARNING SYSTEM EXPANSION PROJECT, AN AUTHORIZED GENERAL OBLIGATION DRAINAGE IMPROVEMENT BOND FUNDED PROJECT, LOCATED CITY WIDE.

Councilmember Cibrian noted the importance of the project and thanked all involved. Councilmember Cortez expressed support and asked of the access to the data produced from the system. Majed Al-Ghafry stated that the Emergency Operations Center and San Antonio River Authority would have access to the data. He added that it would be integrated with the Bexar County Detection System so the region would also have access and be able to address major problems before they occur. Councilmember Cisneros expressed support and requested a list of the high water detection locations.

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

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

Mayor Hardberger addressed the Ceremonial Items at this time.

CEREMONIAL ITEMS

Mayor Hardberger presented a Certificate of Appreciation to Irma Reyes, Executive Director and one of the founders of the San Antonio Council for International Visitors, who is retiring after 30 years of dedicated service. Mrs. Reyes has welcomed thousands of U.S. Department of State International Visitors to the Alamo City. Her excellence in diplomacy has provided many visitors with the opportunity for cultural and business exchanges.

The Mayor and Outgoing Councilmembers in Districts 2, 6, 8, and 9 were honored for their invaluable service, commitment and contributions to the City of San Antonio. Appreciation plaques were presented to commemorate their term in office.

Mayor Hardberger exited the meeting at this time. Mayor Pro-Tem Clamp presided over the meeting and addressed Item 31.

The City Clerk read the following Ordinance:

2009-05-21-0428

Item 31. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS BY ADOPTING REGULATIONS AND DEFINITIONS RELATED TO LIVE ENTERTAINMENT, AS REQUESTED BY COUNCILMEMBER CIBRIAN, DISTRICT 8.

Rod Sanchez presented said item and stated that it had been initiated through a Council Consideration Request from Councilmember Cibrian due to a concern over the intensity of the impact that live entertainment uses can have on nearby properties. He provided an overview of the proposed changes that include: 1) Define Live Entertainment and Cover Charge; 2) Create new use matrix entries for live entertainment with and without cover charges three or more days per week requiring an S in C-3 Zoning; 3) Create new use matrix for bars, nightclubs and restaurants with cover charges three or more days per week requiring an S in C-3 Zoning; 4) No locational restrictions for bars, nightclubs and restaurants without the three-day a week cover charge; and 5) Restaurants with accessory live entertainment would not be required to have an S in C-3 Zoning unless charging a cover charge three or more days per week.

Mr. Sanchez reported that legally existing uses would be grandfathered and a rezoning request with a site plan would be required for new live entertainment establishments. He noted that the rezoning case would afford citizens a greater opportunity to participate via the public hearing process and allow City Council to place conditions on a proposed use or deny the request.

Councilmember Cibrian thanked all that were involved in said item and stated that it had been a serious issue in District 8.

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

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

The City Clerk read the following Ordinance:

2009-05-21-0429

Item 32. AN ORDINANCE AMENDING CHAPTER 35, UNIFIED DEVELOPMENT CODE OF THE CITY CODE OF SAN ANTONIO, TEXAS ADOPTING PROVISIONS FOR ESTABLISHING A PROCESS, AS A CONDITION OF APPROVAL FOR A PROPERTY DEVELOPMENT PROJECT, THAT THE DEVELOPER BEAR A PORTION OF THE COSTS OF MUNICIPAL INFRASTRUCTURE IMPROVEMENTS IN AN AMOUNT THAT IS ROUGHLY PROPORTIONATE TO THE PROPOSED DEVELOPMENT.

Rod Sanchez presented said item and stated that staff and a stakeholder committee had worked with a consultant on Unified Development Code (UDC) revisions to implement the rough proportionality doctrine with the following criteria: 1) Compliance with state law; 2) Feasibility – absorption of additional costs by the development community; and 3) Best for San Antonio. He provided an overview of the amendments noting that Section 35-501 would create a rough proportionality determination and

appeal process as required by law; Section 35-502 would require a Traffic Impact Analysis (TIA); and Appendix B would include submittal requirements. He added that the TIA would be required if the development generated more than 76 peak hour trips.

The following two written testimonies were submitted for the record.

Becky Oliver, Executive Vice-President of the Greater San Antonio Builders Association (GSABA) wrote that GSABA was in support of the rough proportionality ordinance that had been approved by the Rough Proportionality Advisory Committee. She requested that the vote be postponed so that all stakeholders could review the final ordinance and comment on the changes.

Steven Hanan, President of The Real Estate Council of San Antonio wrote that they were in support of the recommendations of the Rough Proportionality Task Force and the ordinance approved by the Technical Advisory Committee and the Planning Commission. He wrote that they had not had the opportunity to review the final draft ordinance but had been informed that there were no substantive changes. He wrote that training sessions should be initiated as soon possible to prepare city staff, property owners, and consultants of the new standards.

Councilmember Cibrian noted the significance which would require developers to pay for a portion of the traffic impact. She recognized all that were involved in the project and expressed her support.

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

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

The City Clerk read Item 33C:

Item 33. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE APPOINTMENTS, TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT, OR AS INDICATED BELOW:

- C. APPOINTING ROLANDO H. BRIONES (DISTRICT 6) TO THE ZONING BOARD OF ADJUSTMENT FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE MAY 31, 2009.

Councilmember Herrera moved to adopt the proposed Item. Councilmember Galvan seconded the motion.

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

Item 39. CITY MANAGER'S REPORT

- A. San Antonio River Improvements Project - Museum Reach Grand Opening – Said item was not addressed.

CONSENT ZONING

Councilmember Cortez made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had registered to speak: P-1, Z-3, Z-8, P-3, Z-13, and Z-15. Councilmember Cisneros seconded the motion.

Jack M. Finger spoke in opposition to Item Z-3 and stated that it was an important case because it dealt with an ethanol fuel storage facility. He requested that Item Z-4 be continued and stated that he was against Items Z-5, Z-6, and Z-7 noting that staff, the Zoning Commission, and three neighborhood associations were also against them.

Councilmember Rodriguez recognized residents from the Ingram Hills Neighborhood Association and City Staff for their efforts on Item P-3. He noted that said item was an amendment to the existing community plan.

Councilmember Cisneros acknowledged the North Central Neighborhood for their involvement in Items P-1 and Z-1. She provided a letter of support that she had received on their behalf for the record.

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

2009-05-21-0434

Item P-1. **PLAN AMENDMENT 09010 (District 1):** An Ordinance amending the Greater Dellview Area Community Plan, a component of the Master Plan of the City, by changing the use of a 3.9750-acre tract of land located at 1503 Allena Drive from Parks/Open Space to Low Density Residential. Staff and Planning Commission recommend approval.

2009-05-21-0437

Item Z-3. **ZONING CASE # Z2009100 S (District 2):** An Ordinance amending the Zoning District Boundary from "I-2" Heavy Industrial District and "R-5" Residential Single-Family District to "I-2 S" Heavy Industrial District with Specific Use Authorization for Petroleum Manufacturing or Processing on Lot 4, NCB 10600 located at 4851 Emil Street. Staff recommends approval. Zoning Commission recommendation pending May 19, 2009 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 4, NCB 10600 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT AND "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "I-2 S" HEAVY INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR PETROLEUM MANUFACTURING OR PROCESSING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-05-21-0441

Item Z-8. **ZONING CASE # Z2009080 (District 4):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single Family District, "MF-33" Multi-Family District and "C-1" Light Commercial District to "MF-50 Multi-Family District (32.439 acres) and "C-3" General Commercial

District (13.821 acres) on 46.26 acres out of NCB 17189 and CB 4307 located at 4917 and 4949 Ravenswood Drive and 9334 Ray Ellison 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: 46.26 ACRES OUT OF NCB 17189 AND CB 4307 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT, "MF-33" MULTI-FAMILY DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT TO "MF-50 MULTI-FAMILY DISTRICT (32.439 ACRES) AND "C-3" GENERAL COMMERCIAL DISTRICT (13.821 ACRES).

2009-05-21-0442

Item P-3. **PLAN AMENDMENT (District 7):** An Ordinance amending the Ingram Hills Neighborhood Plan, as a component of the Master Plan of the City in an area generally bound by Bandera Road to the north; Callaghan Road to the west; Ingram and West Quill Road to the south; and Benrus Boulevard and Ridge Road to the East. Staff and Planning Commission recommend approval.

2009-05-21-0443

Item Z-13. **ZONING CASE # Z2009093 CD (District 10):** An Ordinance amending the zoning district boundary from "I-1" General Industrial District to "C-3 NA CD" General Commercial District, Nonalcoholic Sales with a Conditional Use for warehousing on Lot 52, Block 7, NCB 15930 save and except that portion of 3.122 acres out of NCB 15724 located within Lot 52 located at 12200 Crownpoint. Staff recommends approval. Zoning Commission pending May 19, 2009 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 52, BLOCK 7, NCB 15930 SAVE AND EXCEPT THAT PORTION OF 3.122 ACRES OUT OF NCB 15724 LOCATED WITHIN LOT 52 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3 NA CD" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR WAREHOUSING PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2009-05-21-0444

Item Z-15. **ZONING CASE # Z2009041 ERZD (District 10):** An Ordinance amending the zoning district boundary from "R-6 ERZD" Residential Single-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District on Parcel-1A, NCB 17725 located at 3520 North Loop 1604 East. 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: PARCEL-1A, NCB 17725 TO WIT: FROM "R-6 ERZD" RESIDENTIAL SINGLE-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Resolution:

2009-05-21-0019R

Item 40. A RESOLUTION DIRECTING THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT TO INITIATE A CHANGE IN THE ZONING DISTRICT BOUNDARY FOR AN AREA APPROXIMATELY 14.98 SQUARE MILES GENERALLY BOUND BY IH 10 AND FM 1346 TO THE NORTH; LOOP 410 AND S. FOSTER ROAD TO THE EAST; NEW SULPHUR SPRINGS ROAD AND SOUTHCROSS BOULEVARD TO THE SOUTH; AND ROLAND AVENUE TO THE WEST; TO APPROPRIATE ZONING DISTRICTS COMPATIBLE WITH THE CURRENT USE, THE SURROUNDING AREA, AND CONSISTENT WITH THE EASTERN TRIANGLE COMMUNITY PLAN FUTURE LAND USE PLAN AS REQUESTED BY COUNCILWOMAN MCNEIL, DISTRICT 2.

Mr. Rod Sanchez noted the boundaries of said item and reviewed the public process that had taken place. He spoke of plan elements including: land use, public safety, economic development, housing and neighborhoods, parks and community facilities, public health, transportation, and infrastructure. He noted that an implementation strategy and plan indicators had been developed and the Planning Commission and staff recommended approval.

Councilmember McNeil recognized Dan Martinez as the spokesperson for said item. She noted that the plan had been initiated through a group intent on fighting crime in San Antonio's East Side. She stated that by developing the community and stimulating the economy, the crime rate would diminish. She thanked Mr. Martinez and the community for their dedication.

Dan Martinez recognized all involved for their efforts and noted that City staff had done great work. He acknowledged the team and presented roses to lead planner, Ms. Rebecca Paskos with Planning and Development Services. He thanked Councilmember McNeil for her continued support.

Councilmember Cibrian recognized Councilmember McNeil and Mr. Martinez for their leadership and stated that the plan was extraordinary and should be used as a guide throughout San Antonio.

Councilmember McNeil moved to approve the Resolution. Councilmember Cisneros seconded the motion.

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

CONTINUED TO JUNE 18, 2009

Item Z-2. **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.

Councilmember Cisneros moved to continue the proposed Zoning Item to June 18, 2009. Councilmember Cortez seconded the motion.

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

2009-05-21-0436

Item P-2. **PLAN AMENDMENT (District 2):** An Ordinance adopting the Eastern Triangle Community Plan, a component of the Master Plan of the City, for an area bound by Interstate Highway 10 and FM 1346 on the north; Loop 410 and South Foster Road on the east; New Sulphur Springs and Southcross Boulevard on the south; and Roland Avenue on the west. Staff and Planning Commission recommend approval.

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

Councilmember McNeil moved to adopt the proposed Plan Amendment as presented, save and except the properties located at 6150 Rigsby Avenue, 6320 Rigsby Avenue, and 6440 Rigsby Avenue which will be designated as community commercial land use; and save and except the 27.24 acres that was contingent to Item Z-4. Such 27.24 acres to be brought back within the zoning case (Z-4) on June 4, 2009. Councilmember Galvan seconded the motion.

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

CONTINUED TO JUNE 4, 2009

Item Z-4. **ZONING CASE # Z2009097 (District 2):** An Ordinance amending the Zoning District Boundary from "R-5" Residential Single-Family District and "C-3" General Commercial District to "C-3" General Commercial District (15.124 acres) and "MF-33" Multi-Family District (12.116 acres) on 27.24 acres out of NCB 10675, 10677, 13143 and 13144 located at 3860 IH 10 East. Staff recommends approval. Zoning Commission recommendation pending May 19, 2009 public hearing.

Councilmember McNeil moved to continue the proposed Zoning Item to June 4, 2009. Councilmember Cisneros seconded the motion.

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

2009-05-21-0438

Item Z-5. **ZONING CASE # Z2009082 (District 2):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on 6.497 acres out of Block 33, NCB 18273 located at 6150 Rigsby Avenue. Staff and Zoning Commission recommend denial.

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: 6.497 ACRES OUT OF BLOCK 33, NCB 18273 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Harry Jewett, Applicant, requested to change the zoning designation from C-3 to C-2.

Councilmember McNeil moved to adopt the proposed Zoning Item with a condition for the C-2 Zoning. Councilmember Cisneros seconded the motion.

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

2009-05-21-0439

Item Z-6. **ZONING CASE # Z2009083 (District 2):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on 8.459 acres out of Block 54, NCB 18274 and 2.64 acres out of NCB 35132 located at 6320 Rigsby Avenue. Staff and Zoning Commission recommend denial.

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: 8.459 ACRES OUT OF BLOCK 54, NCB 18274 AND 2.64 ACRES OUT OF NCB 35132 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2009-05-21-0440

Item Z-7. **ZONING CASE # Z2009084 (District 2):** An Ordinance amending the Zoning District Boundary from "R-6" Residential Single-Family District to "C-3" General Commercial District on 28.145 acres out of NCB 35132 located at 6440 Rigsby Avenue. Staff and Zoning Commission recommend denial.

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: 28.145 ACRES OUT OF NCB 35132 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Mr. Chris Looney presented Items Z-6 and Z-7.

Councilmember McNeil moved to adopt Items Z-6 and Z-7 with a condition for C-2 Zoning. Councilmember Cisneros seconded the motion.

The motion to approve Items Z-6 and Z-7 prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Galvan, Herrera, Rodriguez, Cibrian, and Clamp. **NAY:** None. **ABSENT:** Ramos, Rowe, and Mayor Hardberger.

CONTINUED TO JUNE 18, 2009

Item Z-9. **ZONING CASE # Z2009074 (District 5):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District and "I-1" General Industrial District to "C-1" Light Commercial District on the north irregular 537.9 feet of Lot 16, Block 4, NCB 8324 located at 5317 West Commerce Street. Staff and Zoning Commission recommend approval.

Councilmember Galvan moved to continue the proposed Zoning Item until June 18, 2009. Councilmember Cortez seconded the motion.

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

CONTINUED TO JUNE 18, 2009

Item Z-10. **ZONING CASE # Z2008180 (District 8):** An Ordinance amending the Zoning District Boundary from "C-2 MLOD-1" Commercial Camp Bullis Military Lighting Overlay District-1 "C-2 GC-1 MLOD-1" Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District-1 "C-3 MLOD-1" General Commercial Camp Bullis Military Lighting Overlay District-1 and "C-3 GC-1 MLOD-1" General Commercial Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District-1 to "MPCD MLOD-1" Master Planned Community Camp Bullis Military Lighting Overlay District-1, "MPCD GC-1 MLOD-1" Master Planned Community Hill Country Gateway Corridor Overlay Camp Bullis Military Lighting Overlay District-1 on 89.367 acres out of Lot 5, Block 1, NCB 14858 located in the southeast quadrant of Interstate Highway 10 and Loop 1604 West with frontage on Presidio Parkway and Vance Jackson Road. Staff recommends approval. Zoning Commission recommendation pending May 19, 2009 public hearing.

CONTINUED TO JUNE 18, 2009

Item Z-12. **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 Items Z-10 and Z-12 to June 18, 2009. Councilmember Cortez seconded the motion.

The motion to continue Items Z-10 and Z-12 prevailed by the following vote: **AYES:** Cisneros, McNeil, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, and Clamp. **NAY:** None. **ABSENT:** Ramos and Mayor Hardberger.

DENIED

Item Z-11. **ZONING CASE # Z2009033 S ERZD (District 8):** An Ordinance amending the Zoning District Boundary from "C-3 ERZD" General Commercial Edwards Recharge Zone District to "C-3 ERZD S" General Commercial Edwards Recharge Zone District with a Specific Use Authorization to allow a Pay Day Loan Agency on 0.0565 of an acre out of Lot 9, NCB 14857 located at 5238 De Zavala Road. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Cibrian noted that the neighborhood associations were in opposition to said item due to the fact that another payday loan agency was located 0.7 miles from the proposed site. She noted

opposition from the Northside Neighborhoods for Organized Development and that there had been no outreach from the applicant to the community.

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

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

CONTINUED TO JUNE 18, 2009

Item Z-14. **ZONING CASE # Z2009072 S (District 10):** An Ordinance amending the Zoning District Boundary from "MF-33" Multi-Family District to "R-6 S" Residential Single-Family District with a Specific Use Authorization for Licensed Child Care on Lot 13, Block 17, NCB 16410 located at 15043 Kamary Lane. Staff and Zoning Commission recommend Approval with conditions.

Councilmember McNeil moved to continue the proposed Zoning Item to June 18, 2009. 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.

2009-05-21-0435

Item Z-1. **ZONING CASE # Z2009055 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single-Family District to "RD CD" Rural Development with a Conditional Use for a Dog Training Facility-Outdoor Permitted on Lot 1, Block 1, NCB 11692 located at 1503 Allena Drive. Staff and Zoning Commission recommend approval, pending plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1, BLOCK 1, NCB 11692 TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RD CD" RURAL DEVELOPMENT WITH A CONDITIONAL USE FOR A DOG TRAINING FACILITY-OUTDOOR PERMITTED PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Cisneros moved to adopt the proposed Zoning Item. Councilmember Cortez 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.

CITIZENS TO BE HEARD

Ms. Yolanda Sandoval, American Legion Post #2, introduced legionnaires, Mr. Fred Vasquez, Mr. Joe Martinez, Ms. Rose Vasquez, and Ms. Martha Cisneros Martinez, and fourth-grade student Danielle Flores. She noted that Miss Flores had been named Miss Poppy for her dedication to the program. She

spoke of Memorial Day and the soldiers that had been buried at Flanders Field in France whose graves were eventually covered in poppies.

Mr. Mark Perez stated that Tetco and Kimberly Clark had operated facilities with hazardous chemicals without the proper permitting. He noted that he had notified various City Staff and they had not addressed the situation. He added that Tetco had moved to Schertz and had received negative attention from that community as well.

Ms. Elyzabeth Earnley, AGUA, thanked the outgoing Councilmembers for their service and supporting AGUA's efforts to protect the Aquifer. She highlighted Councilmember Cibrian's efforts in District 8 and presented T-shirts and maps of the Edward's Aquifer.

Mr. Faris Hodge, Jr. praised Mayor Hardberger for his service to the City. He noted that the Mayor was knowledgeable and had always treated him with respect. He complimented Mayor Hardberger's portrait in the Council Chambers and gave Mayor and Linda Hardberger one dollar coin each. He sang "If I had a Hammer" one last time in honor of Mayor Hardberger's term of office.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:35 pm.

A P P R O V E D


PHIL HARDBERGER
MAYOR

Attest:


LETICIA M. VACEK
City Clerk