

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

**A WORK SESSION AND REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING, WEDNESDAY, APRIL 15, 2009 AND THURSDAY, APRIL 16, 2009, RESPECTIVELY.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, April 15, 2009, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

**1. BRIEFING BY SAN ANTONIO WATER SYSTEM (SAWS) ON A PROPOSED UPDATE TO SAWS 50-YEAR WATER MANAGEMENT PLAN.**

Mr. Bill Mattox, Assistant Finance Director stated that the concept for the 50-Year Water Management Plan had been adopted in 1998 and revised in 2005. He reported that SAWS had recently completed a major update to the Plan and was seeking input from the community. He introduced Robert Puente, SAWS CEO.

Mr. Puente spoke of the Water Supply Task Force and provided a history of the planning of the Water Management Plan. He referenced the population, conservation, diversification, and Edwards Aquifer Authority (EAA). He reported that SAWS had decided to meet the needs of San Antonio Ratepayers and not be a regional provider; noting that regional planning was expensive and ratepayers should not have to bear the burden for other communities. He stated that another change was that for consistency purposes, SAWS has utilized the 1950's Drought of Record for the updated Plan.

Mr. Puente presented a chart comparing the SAWS Service Area Population and Demand. He stated that SAWS projected to serve a population of 2.1 million in 2060. He spoke of the water demand goals and noted that the projections had decreased due to successful conservation efforts.

Mr. Puente spoke of successful diversification efforts that include the Edwards Aquifer, Recycled Water, and the Aquifer Storage and Recovery (ASR) Project with an investment of over \$600 million. He reported that existing permitted water supply met demand through 2026. He explained that a drought of record would increase the permitted supply gap in 2014 to 37,622 acre-feet; in 2034 to 81,000 acre-feet; and in 2060 to 141,000 acre-feet.

Mr. Puente stated that something positive that had occurred was that the Edwards Aquifer Authority market had matured and allowed for the buying and selling of water rights. He noted that the City Council had approved adjusting the drought trigger from 650 feet above sea level to 660 feet above sea level. He reported that resources had been increased for water conservation programs. Additionally, SAWS had implemented a targeted education and awareness program for areas that pumped a large amount of water. He explained that SAWS was reviewing their rate structure and had implemented a consistent Landscape Irrigation Policy. He added that SAWS had been able to better analyze unbilled water and would pursue regulatory reform at the State and Federal levels.

Mr. Puente outlined additional plans to fill the permitted water supply gap in 2014 that included: 1) Maintaining the current Edwards Inventory Lease Quantity; 2) Acquiring an additional 2,000 acre-feet per year through 2014; and 3) Brackish Desalination. He noted that to address the water supply gap in 2034, SAWS would continue to acquire leases and rights through the Edwards Aquifer and utilize the Aquifer Storage and Recovery Program. He added that to meet the water supply needs in 2060, SAWS would continue and expand the Aquifer Storage and Recovery Program and utilize Ocean Desalination.

Mr. Puente stated that many variables could impact such planning including: 1) Rain; 2) Results of studies that begin today; 3) Responses to a Request for Proposals for Groundwater Supplies; 4) Regulatory Changes; and 5) Water Supply Project Changes. Lastly, he summarized changes from the previous plan including the utilization of the Regional Carrizo and studying the Recharge and Recirculation, and Ocean Desalination Programs.

Mayor Hardberger asked of the utilization of the Edwards Aquifer. Mr. Puente stated that SAWS utilized the Edwards Aquifer for 60% of its water source. Councilmember McNeil asked of the timeline for Brackish Desalination. Mr. Puente replied that they would utilize water from the Wilcox Aquifer in Bexar County only in 2014.

Councilmember Herrera asked of the Drought of Record in the 1950's. Mr. Puente stated that it was seven years long and the driest period in history. He noted that SAWS' goal was to plan for the Drought of Record to ensure that there would be adequate water in the future. Councilmember Herrera asked of the Lower Colorado River Authority (LCRA) Project. Mr. Puente stated that the project was expensive and that the LCRA water was not scheduled for utilization until 2025.

Councilmember Ramos asked of projected costs and possible rate increases. Doug Evanson, SAWS Senior VP Finance and CFO stated that they had projected future rate increases ranging from five to seven percent and the 50-Year Water Management Plan did not change that. Councilmember Rowe expressed support for continued utilization of the Edwards Aquifer and Brackish Desalination. Councilmember Rodriguez commended SAWS for being proactive and planning for the water supply needs of the community.

Councilmember Clamp asked of the status of the Recharge and Recirculation Program. Mr. Puente stated that studies had been funded by SAWS and the Edwards Aquifer Authority and the individual projects were being reviewed. Councilmember Clamp asked of the San Marcos and Comal Springs. Mr. Puente stated that Senate Bill 3 passed in the last legislative session increased the amount of water that could be pumped from the Edwards Aquifer in return for a potential 40% cutback under Drought 4 Restrictions and would protect endangered species. Councilmember Clamp spoke of future rate increases and their impact on the community. He asked if the benefits of the ASR Project would offset the costs of many of the other projects. Mr. Puente confirmed that they would.

Mr. Puente spoke of the many issues related to the Lower Colorado River Authority Project and noted that \$40 million dollars had already been spent on the project.

Councilmember Cibrian recognized SAWS for their efforts and stressed the importance of water conservation. She asked of possible Stimulus Funding for the various projects. Mr. Puente noted that SAWS was working closely with the Texas Water Development Board to ensure that SAWS Projects were being reviewed for funding. Councilmember Cibrian asked of the automated meter program. Mr.

Puente noted that SAWS was working with CPS Energy Consultants and had submitted a proposal for Green Project Stimulus Funds for an automated meter program.

Councilmember Herrera spoke of issues with septic tanks and the need to connect to city sewer service. Ms. Kelley Neumann, SAWS Senior VP of Engineering and Water Resources reported that there was a program that allowed homeowners in an area without sewer service to share the cost of extending sewer to them. She added that septic tanks were an acceptable means of treating wastewater but SAWS would continue working to address the needs of those subdivisions that were interested in city sewer service.

**2. BRIEFING AND UPDATE BY THE HEMISFAIR PARK REDEVELOPMENT AD HOC COMMITTEE ON THE PROPOSED PROCESS FOR IMPLEMENTING A REDEVELOPMENT STRATEGY FOR HEMISFAIR PARK. (ITEM NOT ADDRESSED)**

The City Council agreed to address Item 2 on May 6, 2009. There being no other discussion, Mayor Hardberger adjourned the meeting at 4:52 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **April 16, 2009** at 9:00 am in the City Council Chambers.

**Item 1.** The Invocation was delivered by Brandon T. Smith with the Office of the City Clerk, guest of Councilmember Delicia Herrera, District 6.

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

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

**Item 3. MINUTES**

Councilmember Herrera made a motion to approve the Minutes for the April 2, 2009 Regular City Council Meeting and revisions to the Minutes of the November 29, 2007 City Council Meeting. Councilmember Cibrian seconded the motion.

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

**ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Item:

**CONTINUED TO MAY 7, 2009**

Item 4. APPOINTING CHRIS MARTINEZ (SOUTHWEST QUADRANT), BOB LEONARD (NORTHWEST QUADRANT) AND LOUIS ROWE (NORTHEAST QUADRANT) TO THE SAN ANTONIO WATER SYSTEM (SAWS) BOARD OF TRUSTEES FOR TERMS OF OFFICE EFFECTIVE JUNE 1, 2009 THROUGH MAY 31, 2013.

Councilmember Rowe recused himself on Item 4 by exiting the Council Chambers and noting that he had submitted the recusal forms for said item to the City Clerk.

Councilmember McNeil moved to continue said item to May 7, 2009. Councilmember Clamp seconded the motion.

Mayor Hardberger called upon the citizens that were registered to speak.

Diane Lang spoke in support of appointing Jerry Morrissey to the SAWS Board of Trustees.

Jerry Morrissey expressed concern that there had not been a formal process for SAWS Board Appointments. He stated that he would like to be considered to serve on the SAWS Board of Trustees and spoke of his vast experience with water quality. He noted that he lived in the Northeast Quadrant and could contribute a great deal.

Allen Townsend stated that he served on the SAWS Rate Advisory Committee and spoke in support of Jerry Morrissey's appointment to the SAWS Board of Trustees. He noted that Mr. Morrissey attended most of their meetings and had experience with water issues.

Anna Lisa Peace recommended a more open appointment process for the SAWS Board of Trustees and spoke in support of Jerry Morrissey's appointment to said Board.

Elyzabeth Earnley stressed the importance of the SAWS Board of Trustees and noted that they determined the intensity of development over the Edwards Aquifer. She requested that individuals that have demonstrated a willingness to invest in water quality protection and the promotion of development serve on the SAWS Board.

Mayor Howard Peak spoke in support of the appointment of Chris Martinez, Bob Leonard, and Louis Rowe to the SAWS Board of Trustees. He noted the importance of water issues to the City of San Antonio.

Jack M. Finger spoke in opposition to Item 4 and expressed concern that there had not been a more formal appointment process for the SAWS Board.

Ms. Vacek read written testimony from Faris Hodge, Jr. Mr. Hodge wrote that all citizens should have the opportunity to serve on the SAWS Board (Item 4). He wrote in favor of the San Antonio Police Department grant applications (Item 6A and B) but noted that San Antonio was losing the war on drugs. He expressed concern that the contract costs in Item 8 were estimates. He also wrote in opposition to the purchases in Items 9 and 10 due to the Budget shortfall.

Mayor Hardberger spoke of the importance of the role of the SAWS Board of Trustees. He noted that the City Council appointed members to the Board and that was the process. He stated that two critical issues related to water were quantity and land usage.

Councilmember Ramos also stressed the importance of the SAWS Board and asked for clarification of the appointment process. Ms. Vacek stated that past practice has been that the Mayor takes the lead in said nominations which are presented to City Council for consideration. She added that once the memo

was received, she proceeded with the direction of the Mayor and submitted the nominations signed by five Councilmembers to the City Council. Councilmember Clamp recommended that the At-Large Board Appointment Process be followed for the SAWS Board of Trustees. He requested that the Council discuss the appointments and process in Executive Session.

Councilmember Herrera noted her support for the appointment of Chris Martinez and Councilmember Rowe to the SAWS Board of Trustees. Councilmember Galvan stated that diversity on the SAWS Board was important. She requested that the application process be opened to the community in an effort to be transparent and to select the best qualified individuals.

Councilmember Cibrian stated that all of the applicants had been interviewed. She noted the importance of continuity and leadership. Councilmember McNeil thanked the Mayor for his leadership and noted the critical role of SAWS Board Members due to current and future water issues in the community.

The motion to continue Item 4 prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp and Mayor Hardberger. **NAY:** None. **ABSTAIN:** Rowe. **ABSENT:** None.

#### **POINT OF PERSONAL PRIVILEGE**

Mayor Hardberger recognized students from Ward Elementary School that were present.

The City Clerk read the following Item:

**2009-04-16-0284**

Item 5. PUBLIC HEARING AND CONSIDERATION OF AN ORDINANCE AUTHORIZING THE CLOSURE, VACATION, AND ABANDONMENT OF A PAPER PORTION OF ANITA STREET BETWEEN RIGSBY AND KAYTON AVENUES ADJACENT TO NCB 3186, COUNCIL DISTRICT 3, AS REQUESTED BY TEK-SA, LTD., RAMON QUINTERO AND RICARDO QUINTERO FOR A FEE OF \$13,030.00.

George Rodriguez, Assistant Director of CIMS stated that Tek-SA, Ltd., Ramon Quintero and Ricardo Quintero had requested the closure of Public Right of Way located in Council District 3 between Rigsby and Kayton Avenue. He noted that the petitioner had begun construction of a home when they realized that construction was on the right of way. The construction of the home is complete, thus, the request for closure of a portion of Anita Street. He reported that the project had received conditional approval from City Departments and Utility Agencies and that the petitioner had agreed to comply with all conditions. He added that the City would receive \$13,030.00 for the closure.

Councilmember Ramos expressed concern that the issue was being addressed after the home was built. Mr. Rod Sanchez stated that he was unsure why it had not been previously addressed.

Mayor Hardberger noted that no citizens were registered to speak on said item.

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

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

The City Clerk read the captions for Items 6A, 6B and 6C as follows:

Item 6. UPDATE AND CONSIDERATION OF THE FOLLOWING MATTERS REGARDING CITY ACTIVITIES RELATED TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009:

**2009-04-16-0285**

- A. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A JOINT GRANT APPLICATION AND ACCEPTANCE OF FUNDS UPON AWARD FOR A JUSTICE ASSISTANCE GRANT FROM THE U.S. DEPARTMENT OF JUSTICE FOR UP TO \$4,129,105.00; AUTHORIZING INTERLOCAL AGREEMENTS WITH PARTICIPATING ENTITIES; DESIGNATING THE SAN ANTONIO POLICE DEPARTMENT AS THE GRANT FISCAL AGENT; AND AUTHORIZING PAYMENT OF \$2,022,580.50 IN ARRA FUNDS TO BEXAR COUNTY AND \$20,986.00 IN ARRA FUNDS EACH TO THE CITY OF BALCONES HEIGHTS, CITY OF LEON VALLEY, UNIVERSAL CITY, AND CITY OF LIVE OAK.

**2009-04-16-0286**

- B. BRIEFING AND AN ORDINANCE AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR ASSISTANCE FOR LAW ENFORCEMENT ALONG THE SOUTHERN BORDER AND IN HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT IN THE AMOUNT UP TO \$5,498,994.00 OVER A TWO-YEAR PERIOD, TO PROVIDE 17 LAW ENFORCEMENT OFFICERS, FOUR CIVILIAN CRIME ANALYSTS, TWO POLICE CANINES, AND ASSOCIATED EQUIPMENT, TO COMBAT CRIMINAL NARCOTICS ACTIVITY, MADE AVAILABLE FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Mr. Zanoni presented Items 6A and 6B noting the provisions to authorize the submission of a joint application for the Justice Assistance Grant (JAG) and Interlocal Agreements. Additionally, the ordinance would approve an application for Assistance in Law Enforcement Along the Southern Border and in High Intensity Drug Trafficking Areas Grant.

Mr. Zanoni reported that the JAG Grant would allocate \$2.023 million each to the City and Bexar County, and \$21,000 to four other municipalities. He explained that the application process included the establishment of a Memorandum of Understanding (MOU) among municipalities and designated San Antonio as the fiscal agent. He noted that the City's portion of grant funds would be utilized for the purchase of 325 mobile computer replacements that are located in police vehicles to aid in communication with central dispatch. He added that the devices were compatible with the new Computer Aided Dispatch/Records Management System (CAD/RMS).

Mr. Zanoni stated that the Combating Narcotics on the Southern Border Grant would enhance the Narcotics Unit by providing 17 Sworn Personnel; Four Civilian Personnel; and other resources to include canines and patrol vehicles. He noted that San Antonio had 23 Sworn Personnel to address narcotics issues in the community in comparison to other Texas Cities that had as many as 201. He explained that the grant would provide full funding for the cost of personnel and equipment for a two-year period but the City would be responsible for funding \$2.48 million beginning in Fiscal Year 2012.

Councilmember Rodriguez asked of the mobile computers and their ability to streamline the reporting process in the field. Chief McManus stated that the CAD System would automatically streamline the process but the computer upgrade was needed for compatibility. Councilmember Rodriguez asked of discussions with the City of Laredo regarding the Narcotics Grant. Chief McManus stated that he and several staff had met with Laredo Officials in regard to setting up an intelligence network and will be included in a regular meeting held to discuss drug cartel violence and drug trafficking issues.

Mayor Hardberger called upon Rhett Smith to speak on said item.

Rhett Smith spoke in support of Item 6. He stated that the funds should be utilized to address environmental and health-related issues. He requested that the City of San Antonio offer assistance to border areas that are threatened by violence.

Councilmember Galvan asked of the cost of the mobile computers. Mr. Richard Varn stated that the cost was between \$5,000-6,000 per unit and staff was reviewing the possibility of purchasing a lesser-priced unit. Councilmember Galvan spoke in support of said item and expressed the need for additional Police Officers for the City.

Councilmember Cibrian asked of issues related to human trafficking. Chief McManus stated that it had not been a concern for San Antonio as of yet. Councilmember Cibrian requested that the San Antonio Police Department (SAPD) be proactive and work with other cities that are dealing with human trafficking issues. She noted the importance of hiring additional Police Officers but asked that staff be mindful of future budget impacts. Councilmember Clamp expressed support for the grants and asked of the implementation of the CAD System. Chief McManus stated that it should be completed by next spring.

Councilmember Rowe moved to adopt the proposed Ordinances for Items 6A and 6B. Councilmember Cibrian seconded the motion.

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

- C. BRIEFING ON THE PROGRESS OF THE FUNDING STRATEGY FOR CITY COUNCIL PRIORITIZED FEDERAL ECONOMIC STIMULUS PROJECTS ("FUNDING STRATEGY PLAN") INCLUDING THE CITY'S APPLICATION FOR FUNDS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (FEDERAL ECONOMIC STIMULUS BILL). BRIEFING WILL ALSO INCLUDE STATUS UPDATES ON AGENCY GUIDELINES AND FUNDING AMOUNTS ALLOCATED TO THE CITY FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT.

Mr. Zanoni stated that the total known and estimated American Recovery and Reinvestment Act (ARRA) funding for San Antonio was \$87.4 million. He reported that San Antonio had received \$947,590 through the Immunization Grant Program to be used for vaccines and vaccine operations for uninsured residents. He noted that the City would receive \$4.8 million for the Head Start Program and estimated an additional \$5 million through a competitive application process. He explained that the

Bexar County Region would receive \$378,659 in funds from the Emergency Food and Shelter Grant and would be managed by United Way of San Antonio and Bexar County.

No action was required for Item 6C.

The City Clerk read the following Item:

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

Mr. Carlos Contreras reported that the legislature had been in session for 98 days and 7,400 Statewide and local bills had been filed. He stated that Senate Bill (SB) 855 had passed by the Senate and would proceed to the House for referral to a committee. He explained that there was only a single funding option for Bexar County which was a gasoline tax of up to ten cents per gallon. He noted that House Bill (HB) 9 by Representative Truitt was a companion bill to SB 855 and would be heard in the House Transportation Committee on April 21, 2009. He spoke of SB 263 by Senator Carona that would allow citizens to vote for Proposition 12 to authorize the Texas Department of Transportation to issue bonds for transportation activities. He noted that the bill had been heard in the Senate Finance Committee and voted favorably with a substitute.

Mr. Contreras reported that SB 1358 by Senator Seliger would allow a city to opt out of providing Cost of Living Adjustments (COLA) and opt in the future without retroactivity issues for the Texas Municipal Retirement System (TMRS). The bill is scheduled for hearing in the Senate State Affairs on April 16, 2009. He stated that SB 908 by Senator Williams would allow TMRS to continue to diversify its investment portfolio and was recommended to the Local/Uncontested Calendar on April 14, 2009.

Mr. Contreras outlined HB 489, HB 1234 and HB 1633 related to Graffiti. He explained that HB 489 was reported favorably from House County Affairs on April 9, 2009; HB 1234 was voted favorably with a substitute from House State Affairs on April 14, 2009; and HB 1633 was voted favorably with a substitute from House Criminal Jurisprudence on April 9, 2009.

Mr. Contreras stated that SB 1628 related to Fire and Police Pension was voted out of Senate State Affairs on April 9, 2009 and recommended for the Local/Uncontested Calendar. He reported that in regard to Texas A&M, CSSB 629 and CSHB 1967 were recommended for the Senate Local/Uncontested Calendar. They would amend the Education Code as follows: 1) Remove enrollment thresholds tied to the issuance of tuition revenue bonds for three institutions, including Texas A&M University – San Antonio; and 2) Remove the expiration date under current law that the enrollment thresholds have to be met by January 1, 2010 or the authority to issue the bonds expires.

Mr. Contreras reported that CSSB 2446 filed by Senator Uresti was consistent with the City's agreement with SEIU in regard to Meet and Confer. The bill was left pending in the Senate Intergovernmental Relations Committee on April 15, 2009.

In reference to the Federal Transportation Reauthorization Bill, Mr. Contreras stated that the first deadline for submission of forms was April 20, 2009 and would be accepted from April 27-May 8, 2009 from Members of Congress to the House Transportation and Infrastructure Committee.

Councilmember Rowe asked of the Transportation Bills. Mayor Hardberger thanked Mr. Contreras for his comments on SB 2446 and noted that he had received a call from Senator Uresti regarding same. Mr. Contreras replied that there had been a number of issues with respect to the Department of Transportation and was unsure of the outcome at this time.

No action was required for Item 7.

**CONSENT AGENDA: Items 8 – 27B**

Consent Agenda Items 11, 15, 16, 18, 24, 25, and 27A and 27B were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember McNeil seconded the motion.

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

**2009-04-16-0287**

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 \$290,000.00, INCLUDING: (A) UNIVERSAL AUTOMATIC DOORS FOR AUTOMATIC DOOR MAINTENANCE; (B) S.W. PUBLIC SAFETY FOR POLICE VEHICLE GRAPHIC KITS; (C) BLOND LIGHTING & FIXTURE (ITEMS 1A-H; 5A-H; 13A-F; 15.7-11, 15-19, 21, 22, 24, 26-34, 36, 37, 40, 49 AND 51); CRAWFORD ELECTRIC SUPPLY COMPANY, INC. ( ITEMS 3A-H; 11; 15.1-6, 12-14, 42, 43, 50, 54, 55 AND 57-59); AND GRAYBAR ELECTRIC CO. (ITEMS 2A-H; 6-10; 12; 15.39 AND 44) FOR ELECTRICAL PARTS AND FIXTURES; AND (D) R.R. BOWKER LLC FOR CATALOG ENRICHMENT SERVICES.

**2009-04-16-0288**

Item 9. AN ORDINANCE ACCEPTING THE BIDS FROM ANCIRA MOTOR COMPANY, CALDWELL COUNTRY CHEVROLET, HENNA CHEVROLET, INC., NORTH PARK TOYOTA OF SAN ANTONIO, AND TOM BENSON CHEVROLET TO PROVIDE THE CITY WITH 37 REPLACEMENT AND 31 NEW VEHICLES FOR VARIOUS CITY DEPARTMENTS FOR A TOTAL COST OF \$1,294,358.50.

**2009-04-16-0289**

Item 10. AN ORDINANCE AUTHORIZING AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT WITH DMJM AVIATION, INC. IN AN AMOUNT UP TO \$241,788.00 FOR INSPECTION AND CONSTRUCTION MATERIALS TESTING SERVICES FOR THE EXTENSION OF TAXIWAY ROMEO CHARLIE AT SAN ANTONIO INTERNATIONAL AIRPORT.

**2009-04-16-0291**

Item 12. AN ORDINANCE SELECTING F.A. NUNNELLY COMPANY AS CONSTRUCTION MANAGER AT RISK FOR NEGOTIATION AND EXECUTION OF A CONSTRUCTION MANAGER AT RISK CONTRACT IN AN AMOUNT UP TO \$90,000.00 FOR PRE-CONSTRUCTION SERVICES AND UP TO \$4,452,000.00 FOR CONSTRUCTION PHASE SERVICES FOR THE CENTRAL LIBRARY WEATHERIZATION PROJECT, AND AMENDING A

PROFESSIONAL SERVICE AGREEMENT WITH RABA KISTNER CONSULTANTS, INC. IN AN AMOUNT UP TO \$543,000.00, LOCATED IN CITY COUNCIL DISTRICT 1.

**2009-04-16-0292**

Item 13. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$585,000.00 TO 3TI, INC., FOR THE ST. MARY'S GARAGE LEASE SPACE FINISH-OUT PROJECT, AN AUTHORIZED RIVER BEND GARAGE SALE FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 1.

**2009-04-16-0293**

Item 14. AN ORDINANCE SELECTING PAPE-DAWSON ENGINEERS, INC., HDR, ENGINEERING, INC., AND LOCKWOOD, ANDREWS & NEWNAM, INC. FOR NEGOTIATION AND EXECUTION OF THREE INDEFINITE DELIVERY PROFESSIONAL ENGINEERING SERVICES AGREEMENTS, IN AN AMOUNT UP TO \$1,000,000.00 EACH FOR PROFESSIONAL TRAFFIC ENGINEERING SERVICES FOR CITY-OWNED FACILITIES AND IMPROVEMENTS, CONSTRUCTION PROJECTS AND EMERGENCY SITUATIONS, LOCATED CITY-WIDE.

**2009-04-16-0296**

Item 17. AN ORDINANCE RENEWING A LEASE WITH RIVER VALLEY INVESTORS, LLC FOR 28,242 SQUARE FEET OF OFFICE SPACE WITH PARKING SPACES FOR THE GRANTS MONITORING ADMINISTRATION AND NEIGHBORHOOD HOUSING SERVICES AT 1400 SOUTH FLORES STREET, COUNCIL DISTRICT 5, AT AN INITIAL MONTHLY RENT OF \$34,285.79.

Item 19. REAPPOINTING NORMA GONZALES (CITIZEN CATEGORY), CHIP HAASS (CITIZEN CATEGORY), LAMONT JEFFERSON (SAN ANTONIO BAR ASSOCIATION REPRESENTATIVE), AND JUDGE IRENE RIOS (JUDGE - NOT A MEMBER OF MUNICIPAL COURT) TO THE MUNICIPAL COURT ADVISORY COMMITTEE FOR TERMS OF OFFICE EFFECTIVE JULY 1, 2009 THROUGH JUNE 30, 2011.

**2009-04-16-0298**

Item 20. AN ORDINANCE APPROVING THE APPOINTMENT OF ROBERT HOEK (PLACE 2) TO THE WORKFORCE SOLUTIONS-ALAMO BOARD OF DIRECTORS FOR THE REMAINDER OF A TERM TO EXPIRE DECEMBER 31, 2009.

**2009-04-16-0299**

Item 21. AN ORDINANCE COMBINING THE EXISTING INCUBATOR AND TECHNICAL ASSISTANCE PROGRAMS TO CREATE THE TECHNICAL AND ECONOMIC DEVELOPMENT ASSISTANCE FOR THE ARTS PROGRAM; APPROVING GUIDELINES; AND REALLOCATING FUNDS IN THE AMOUNT OF \$20,000.00.

**2009-04-16-0300**

Item 22. AN ORDINANCE APPROVING AN AMENDMENT TO THE DOLPH AND JANIE BRISCOE WESTERN ART MUSEUM LEASE AGREEMENT FOR THE USE OF THE FORMER HERTZBERG CIRCUS MUSEUM BUILDING TO PROVIDE FOR THE REMEDIATION OF WATER PENETRATION INTO THE BASEMENT OF THE BUILDING AND ADJUSTING CERTAIN BENCHMARKS ASSOCIATED WITH THE PROJECT.

**ITEM PULLED BY STAFF**

Item 23. AN ORDINANCE AUTHORIZING THE RENAMING OF "BULVERDE ROAD" TO "CATHERINE PASS" BETWEEN THE CROSS-STREETS OF "CLASSEN ROAD" AND "REDLAND ROAD."

**2009-04-16-0303**

Item 26. AN ORDINANCE APPOINTING THE MUNICIPAL COURT PRESIDING JUDGE; AND ESTABLISHING SALARY AND BENEFITS.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

At this time, Mayor Hardberger addressed Item 25.

The City Clerk read the following Ordinance:

**2009-04-16-0302**

Item 25. AN ORDINANCE RE-APPROPRIATING A PORTION OF COUNCIL DISTRICT 2 NEIGHBORHOOD AND MOBILITY PROGRAM (NAMP) FUNDS TO PROVIDE FUNDING FOR A PROFESSIONAL SERVICE AGREEMENT WITH THOMPSON MARKETING IN THE AMOUNT OF \$270,000.00 FOR PUBLIC RELATIONS AND MARKETING SERVICES ASSOCIATED WITH THE RECOMMENDATIONS MADE BY THE 2005 BASE REALIGNMENT AND CLOSURE COMMISSION.

Mayor Hardberger called upon those citizens registered to speak.

Leon Thomas spoke in support of Item 25 and stated that he had spent over 16 years at Fort Sam Houston. He noted that it would be important to provide adequate housing in close proximity to Fort Sam Houston for the personnel that would be stationed there. He urged the Council to support a public relations and marketing plan for the Base Realignment and Closure (BRAC).

Ms. Vacek read written testimony from Carmen Vasquez-Gonzalez, Executive Director of Governmental and Community Relations for the San Antonio Independent School District in support of Item 25. She wrote that SAISD endorsed the contract to provide marketing and promotion of BRAC-related activities. She noted that raising awareness of the activities and opportunities of BRAC would facilitate needed development and bring more families to the school district. Lastly, she thanked Councilmember McNeil for her efforts and work on the Military Transformation Task Force (MTTF).

Gwendolyn Robinson, Executive Director of the Alamo City Black Chamber of Commerce spoke in support of Item 25. She stated that BRAC should be provided with its share of economic and employment enhancements. She noted that BRAC would provide opportunities for business growth and development and asked the Council to vote in favor of marketing services for BRAC.

Councilmember Cortez expressed concern that Neighborhood Access/Mobility Program (NAMP) Funds were being utilized to pay for the public relations and marketing services. A lengthy discussion ensued regarding the purpose of NAMP Funds and the bidding process. Deputy City Manager Pat DiGiovanni stated that a Request for Qualifications had been utilized for the awarding of said contract. Mr. Majed Al-Ghafry stated that the public relations and marketing services contract was not a construction project

and therefore; was not required to follow the Indefinite Delivery/Indefinite Quantity (IDIQ) process for NAMP Projects.

Mayor Hardberger announced at 12:00 noon that the Council would recess for lunch and return at 1:30 pm to continue said item.

### **POINT OF PERSONAL PRIVILEGE**

Councilmember Ramos recognized Mary Fara of City Year, George Mays of United Way, Ross Treviño of Communities in Schools, Isabel Fears of Navarro Academy, Alfred Contreras of Family Services Association, Marshall Farewell of Firstmark, and Roberto Ruiz of the Texas Youth Commission for participating in Global Youth Service Day. She stated that the event highlighted and celebrated the contributions of youth and their communities through volunteer services. She thanked Mr. Ruiz for spearheading the efforts in District 3. Mr. Ruiz thanked the Mayor and Council for their support.

Mayor Hardberger reconvened the meeting at 1:30 pm and continued with Item 25 calling upon Councilmember McNeil to speak.

Councilmember McNeil stated that she had met with over 20 Neighborhood Association Presidents from District 2 and had received their support for said item. She noted that the committees of the MTTF had recognized the need for a Public Relations Campaign. She asked General Robert Murdock to address the Council. General Murdock spoke of the various MTTF Committees and noted that they had been meeting monthly for three years. He reported that the vast majority of the committee chairs had expressed support for a Public Relations Campaign. Councilmember McNeil asked if NAMP Funds had ever been used for purposes outside of their original intent. Mr. DiGiovanni reported that there were several occasions where NAMP Funds were used for things other than specified in the ordinance.

Councilmember Rodriguez stated he was supportive of BRAC but had questions about the bidding process. He asked if the project required a re-bid. City Attorney Michael Bernard confirmed that it did not need to go through the bidding process again. Councilmember Rodriguez asked if NAMP Funds had ever been used for a professional services contract. Mr. DiGiovanni stated that they had not been used for that purpose. Councilmember Rodriguez expressed concern that said action would revise policy set through the budget process and had not been posted as such on the Council Agenda.

Councilmember Galvan stated that funding for Infrastructure was very limited. She asked when the individuals relocating to San Antonio due to BRAC would arrive. Mr. DiGiovanni stated that a few of them were already here and very little outreach had been done. He added that the vast majority had not arrived yet. Councilmember Galvan expressed concern with the Infrastructure in District 2 and stated that she could not support using NAMP Funds for a marketing campaign.

Councilmember Herrera expressed support for said item. She noted the importance of a marketing campaign for BRAC. She added that the City did not have the capacity to perform the work in-house for various reasons including the current hiring freeze. Councilmember Rowe expressed concern with utilizing NAMP Funds outside of their intended purpose but noted that the public relations campaign for BRAC was a good project and deserved support. Councilmember Ramos asked of those projects funded by NAMP but not utilized for their intended purpose and if they had been brought before the Council. Mr. DiGiovanni stated that they had not but staff would review the possibility of bringing them to the Council in the future.

Councilmember Clamp stated that he was in support of said item. He asked of the opportunities for contractors, suppliers and businesses that were not aware of BRAC in San Antonio. General Murdock stated that his experience in the Military suggested that as new missions evolve at military installations, Department of Defense (DOD) Contractors locate with products and services to support the missions. Councilmember Cisneros expressed her support for said item and recognized Councilmember McNeil for her efforts related to BRAC.

Councilmember Cortez moved to deny the proposed Ordinance. Councilmember Rodriguez seconded the motion.

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

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

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

### **EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting at 2:30 pm to convene in Executive Session for the purpose of:

- A. Deliberate the selection of the City's independent auditor and related legal issues, pursuant to Texas Government Code Sections 551.074 (personnel matters) and 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 4:20 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action.

At this time, Mayor Hardberger addressed Item 11.

#### **2009-04-16-0290**

Item 11. AN ORDINANCE RATIFYING A CHANGE ORDER IN THE AMOUNT OF \$81,795.00 TO THE CONSTRUCTION CONTRACT WITH CONSTRUCTORS & ASSOCIATES, INC. FOR REMOBILIZATION COSTS TO COMPLETE THE DEMOLITION OF THE EAST END OF TERMINAL 2 AT SAN ANTONIO INTERNATIONAL AIRPORT.

Councilmember Rowe recused himself on Item 11 by exiting the Council Chambers and noting that he had submitted the recusal forms to the City Clerk.

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

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

**2009-04-16-0294**

Item 15. AN ORDINANCE AWARDED A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$2,267,215.00 TO INTERSTATE BARRICADES & MARKINGS, INC. TO PERFORM CONSTRUCTION WORK FOR THE CITY WIDE PAVEMENT MARKINGS PROJECT.

Mr. Majed Al-Ghafry reported that this item was the first year of a three-year rolling maintenance program for pavement marking. He noted that 140 miles of road pavement would be painted and used to replace markers using thermal plastic which has longevity over conventional paint. Councilmember Cibrian expressed her support. Councilmember Rodriguez asked if the project was limited to arterial streets. Mr. Al-Ghafry stated that both collector and arterial streets would be targeted.

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

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

**2009-04-16-0295**

Item 16. AN ORDINANCE AUTHORIZING A 10-YEAR LEASE FROM CRONUS ENTERPRISES LLC OF APPROXIMATELY 7,000 SQUARE FEET AT 5502 SW MILITARY DRIVE, COUNCIL DISTRICT 4, FOR \$11,083.00 MONTHLY DURING THE FIRST FIVE-YEARS AND \$11,667.00 MONTHLY DURING THE SECOND FIVE YEARS, THE SPACE TO BE USED BY THE DEPARTMENT OF COMMUNITY INITIATIVES, AND PROVIDING FOR THE POSSIBILITY OF RENEWAL.

Councilmember Cortez requested additional information regarding the Senior Center. Mr. Dennis Campa stated that the facility encompassed 7,000 square feet and would offer an array of services including nutritional meals, immunizations, and a computer lab. Councilmember Cortez recognized all involved in the project and expressed his support. Councilmember Ramos expressed her support for the project. Councilmember Cisneros recognized staff for their work and expressed support.

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

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

**2009-04-16-0297**

Item 18. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION, AND ACCEPTANCE OF FUNDS UPON AWARD, FROM THE TEXAS DEPARTMENT OF AGRICULTURE FOR \$1,563,443.00 TO FUND THE 2009 SUMMER FOOD SERVICE PROGRAM OPERATED BY THE PARKS AND RECREATION DEPARTMENT FOR THE PERIOD OF JUNE 15, 2009 THROUGH AUGUST 21, 2009.

Councilmember Cortez asked of the grant award and summer program. Mr. Xavier Urrutia stated that the grant would be awarded in May and the program would begin in June. He noted that the program would serve 9,825 children at 81 City Park Summer Youth Sites and 35 Community-based Sites supported by the Summer Food Program. Councilmembers Cortez and Ramos expressed support and asked that families be made aware of the program. Councilmember Ramos requested that the Centro Med Clinic in the Harlandale School District be included as a program site in the future.

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

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

**2009-04-16-0301**

Item 24. AN ORDINANCE AUTHORIZING AN AGREEMENT WITH BEXAR COUNTY FOR PURCHASING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT IN AN AMOUNT UP TO \$340,030.00 IN COUNCIL DISTRICT 6.

Kent Hickingbottom stated that the project was being coordinated by Bexar County and the Texas Department of Transportation. He reported that it would cover the area from Loop 410 to FM 471 and widen the street to six lanes (three lanes in each direction) with a median in the center. He also reported that the Interlocal Agreement would authorize the purchase and installation of signal equipment to coordinate with the Traffic Signal System Modernization Program. Councilmember Herrera noted the positive impact of the project to facilitate and ease traffic flow in the area.

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

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

Item 27. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO INTERLOCAL AGREEMENTS WITH BEXAR COUNTY:

**2009-04-16-0304**

- A. AN ORDINANCE APPROVING A THREE YEAR INTERLOCAL AGREEMENT WITH BEXAR COUNTY FOR THE PROVISION OF ANIMAL CARE SERVICES IN UNINCORPORATED AREAS OF BEXAR COUNTY DURING THE PERIOD OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2012 FOR A TOTAL AMOUNT OF \$2,525,000.00.

**2009-04-16-0305**

- B. AN ORDINANCE APPROVING A THREE YEAR INTERLOCAL AGREEMENT FOR THE PROVISION OF PUBLIC LIBRARY SERVICES TO BEXAR COUNTY RESIDENTS RESIDING OUTSIDE THE CITY IN EXCHANGE FOR ANNUAL SUPPORT FROM BEXAR COUNTY IN AN AMOUNT NO LESS THAN \$3,521,337.00.

Councilmember Rodriguez asked for an overview of the Interlocal Agreements with Bexar County. Deputy City Manager A.J. Rodriguez stated that in regard to Library Services, Bexar County had agreed

to increase their budget amount each year by the same percentage that the City increases theirs. Additionally, Bexar County has agreed to increase their payment to the City for Animal Care Services as follows: FY 2010- \$725,000; FY 2011 - \$850,000; and FY 2012 - \$950,000. Councilmember Rodriguez expressed support and noted the importance of collaborating with Bexar County.

Councilmember Ramos noted that she had received several Library Services requests from East Central and one of them was located within Bexar County. She asked that it be discussed with the Bexar County Commissioner representative for that area to see if they could assist with funding. Councilmember McNeil recognized Mr. Rodriguez for his work with Bexar County.

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

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

### **ZONING ITEMS FOR INDIVIDUAL CONSIDERATION**

#### **CONTINUED TO MAY 21, 2009**

Item P-1. **PLAN AMENDMENT # 09008 (District 3):** An Ordinance amending the land use plan in the South Central San Antonio Community Plan, a component of the Master Plan of the City, by changing the use of a 0.3099 acre tract of land located at 2011 Probandt from Low Density Residential to Mixed Use. Staff recommends approval. Planning Commission recommends denial.

#### **ORIGINALLY CONTINUED TO MAY 21, 2009-SEE PAGE 20**

Item Z-1. **ZONING CASE # Z2009057 S (District 3):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel on 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937 located at 644 Avondale Avenue. Staff and Zoning Commission recommend approval.

Councilmember Ramos moved to continue items P-1 and Z-1 to May 21, 2009. Councilmember Cisneros seconded the motion.

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

**Item Z-1 was reconsidered. See page 20.**

#### **2009-04-16-0307**

Item Z-2. **ZONING CASE # Z2009065 (District 5):** An Ordinance amending the Zoning District Boundary from "I-1" General Industrial District to "C-2NA" Commercial District, Nonalcoholic Sales on Lot 6, Block 20, NCB 3685 located at 364 Castroville Road. Staff and Zoning Commission recommend approval.

**AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT**

6, BLOCK 20, NCB 3685 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2NA" COMMERCIAL, NONALCOHOLIC SALES DISTRICT.

Mr. Chris Looney presented the proposed Zoning Case.

Yolanda Molina, Jennifer Chevalier, and Cynthia Diaz of Christian Academy of San Antonio (CASA), spoke against said zoning. Ms. Diaz stated that CASA was in support of development in the area.

Councilmember Galvan asked Mr. Rod Sanchez to explain the liquor restrictions on the property. Mr. Sanchez noted three conditions: 1) C-2 Zoning does not allow bars; 2) NA (Nonalcoholic Sales) Zoning does not allow alcohol to be sold for off-premise consumption; and 3) The Texas Alcohol and Beverage Commission did not allow alcohol sales within 300 feet of a school. It was noted that the intent for the property was to open a barber school and the lot was currently vacant.

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

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

**2009-04-16-0308**

Item Z-3. **ZONING CASE # Z2009067 (District 7):** An Ordinance amending the Zoning District Boundary from multiple zoning districts to multiple zoning districts with the application of the Jefferson Neighborhood Conservation District Overlay (NCD-7) on multiple lots generally bound by Babcock Road to the north; Wilson Boulevard and Kampmann Boulevard to the east; West Woodlawn Street to the south; and Saint Cloud Road to the west; and to adopt the Jefferson Neighborhood Conservation Plan. 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: MULTIPLE LEGAL DESCRIPTIONS GENERALLY BOUND BY BABCOCK ROAD TO THE NORTH; WILSON BOULEVARD AND KAMPMANN BOULEVARD TO THE EAST; WEST WOODLAWN STREET TO THE SOUTH; AND SAINT CLOUD ROAD TO THE WEST. TO WIT: FROM MULTIPLE ZONING DISTRICTS TO ADD THE JEFFERSON NEIGHBORHOOD CONSERVATION DISTRICT-7.

Mr. Chris Looney presented the proposed Zoning Case.

Ms. Pat Hardy spoke in favor of the zoning and stated that there was opposition from a business owner that did not live in the area.

Ms. Mary Jane Reyna also spoke in favor of the zoning request. She noted that her birthday was tomorrow and nothing would make her happier than the approval of said item.

Ms. Toni Cadena, Vice President of the Jefferson Neighborhood Association, addressed the Council and stated that she was also in favor of the plan.

Ms. Elia Reyna, President of the Jefferson Neighborhood Association, also stated that she was in favor of the plan.

Mr. Jeffrey J. Chladek stated that he represented the business owners/operators of the Jefferson Village Shopping Center and had the written support of seven other business owners/operators to delay a vote on said item. He requested to meet with the design planning team.

Ms. Bianca Maldonado read two letters of support for the plan from the Monticello Park Neighborhood Association and the Jefferson Woodlawn Lake Community Development Corporation. She noted that the Association had unanimously voted to support the zoning item.

Ms. Becky Whitehead spoke in favor of the zoning item because it would enhance property values.

Councilmember Rodriguez thanked the individuals who spoke on said item. He noted that the neighborhood had been working on said item since 2002. He stated that he had spoken with staff and would make a commitment to work with the store owners so as not to impede business.

Councilmember Cibrian thanked Councilmember Rodriguez for his work on the zoning item and for including the business community. She noted that it had been a long and deliberate process.

Councilmember Rodriguez moved to adopt the proposed Zoning Item. Councilmember Cibrian seconded the motion.

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

**CONTINUED TO MAY 7, 2009**

Item Z-4. **ZONING CASE # Z2009066 (District 8):** An Ordinance amending the Zoning District Boundary from "PUD MF-25 GC-1 MLOD" Planned Unit Development Multi-Family Hill Country Gateway Corridor Military Lighting Overlay District and "PUD C-3 GC-1 MLOD" Planned Unit Development General Commercial Hill Country Gateway Corridor Military Lighting Overlay District to "PUD MF-33 GC-1 MLOD" Planned Unit Development Multi-Family Hill Country Gateway Corridor Military Lighting Overlay District (on 10.85 acres) and "PUD C-3 GC-1 MLOD" Planned Unit Development General Commercial Hill Country Gateway Corridor Military Lighting Overlay District (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.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Michael DeNuccio requested a continuance on behalf of Rialto Village.

Councilmember Cibrian moved to continue said item to May 7, 2009. Councilmember Ramos seconded the motion.

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

**2009-04-16-0309**

Item Z-5. **ZONING CASE # Z2009018 ERZD CD (District 10):** An Ordinance amending the Zoning District Boundary from "MF-25 ERZD" Multi-Family Edwards Recharge Zone District to "C-2 ERZD" Commercial Edwards Recharge Zone District (1.69 acres) and "MF-25 ERZD CD" Multi-Family Edwards Recharge Zone District with a Conditional Use for an Office (15.39 acres) on 17.08 acres out of NCB 17725 located at 17120 Bulverde Road. Staff and Zoning Commission recommend approval of the request for "C-2 ERZD" on 1.69 acres, and denial of the request for "MF-25 ERZD CD" on 15.39 acres.

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: 17.08 ACRES OUT OF NCB 17725 TO WIT: FROM "MF-25 ERZD" MULTI-FAMILY EDWARDS RECHARGE ZONE DISTRICT TO "C-2 ERZD" COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT (1.69 ACRES).

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Ken Brown spoke on behalf of the applicant. He stated that there was an issue on part of the property and the applicant had decided to withdraw the application for that portion of the case. He stated that they would be seeking approval for the 1.67 acres which was supported by staff and the Zoning Commission.

Councilmember Clamp noted that there would be increased development but less density. He stated that the impervious cover would be higher but there was a trade off in lower density and traffic. He added that SAWS, Redland Ranch at Elm Creek, Range Rider, Redland Springs, and Green Springs Valley Neighborhoods were all in support of the zoning case.

Councilmember Clamp moved to adopt the proposed Zoning Item of the 1.67 acres only as stated by Mr. Brown with 45% impervious cover. Councilmember Rowe seconded the motion.

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

**2009-04-16-0310**

Item Z-6. **ZONING CASE # Z2009060 CD (District 1):** An Ordinance amending the Zoning District Boundary from "R-4 NCD-2" Residential Single Family Alta Vista Neighborhood Conservation District to "R-4 CD NCD-2" Residential Single Family Alta Vista Neighborhood Conservation District with a Conditional Use to allow a four-family dwelling on Lot 7 Block A NCB 6611 located at 125 Hess. Staff and Zoning Commission recommend approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 7, BLOCK A, NCB 6611 TO WIT: FROM "R-4 NCD-2" RESIDENTIAL SINGLE FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION DISTRICT TO "R-4 CD NCD-2" RESIDENTIAL SINGLE FAMILY ALTA VISTA NEIGHBORHOOD CONSERVATION DISTRICT WITH A CONDITIONAL USE TO ALLOW A FOUR-FAMILY DWELLING.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember Cisneros stated that staff and the Zoning Commission had recommended approval of the Zoning Item. She noted that she had also received approval from the Alta Vista Neighborhood Association.

Councilmember Cisneros moved to adopt the proposed Zoning Item with a conditional use to allow a four-family dwelling. Councilmember Cortez seconded the motion.

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

#### **2009-04-16-0306**

Item Z-1. **ZONING CASE # Z2009057 S (District 3):** An Ordinance amending the Zoning District Boundary from "R-4" Residential Single Family District to "C-2 S" Commercial District with a Specific Use Authorization for a Hotel on 1.3699 acres out of Lots 31 and 32, Block 5, NCB 10937 located at 644 Avondale Avenue. 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: 1.3699 ACRES OUT OF LOTS 31 AND 32, BLOCK 5, NCB 10937 TO WIT: FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2 S" COMMERCIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A HOTEL.

Councilmember Ramos moved to reconsider Item Z-1. Councilmember Clamp seconded the motion.

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

Councilmember Ramos moved to approve Item Z-1. Councilmember Clamp seconded the motion.

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

#### **CEREMONIAL ITEMS**

Mayor Hardberger presented a proclamation to the San Antonio Conversation Society for "A Night in Old San Antonio" (NIOA) that will be held on April 21-24, 2009 while they presented their Official Fiesta Medal. The four-night event is held in the La Villita National Historic District and celebrates San Antonio's diverse cultural heritage. NIOA showcases 15 ethnic-themed areas with more than 250 food and drink booths, and over 20 regional bands and dance teams.

The Centro San Antonio Amigos presented their Official Fiesta Medal. The Amigos serve as goodwill ambassadors by assisting downtown patrons by paying extra attention to the overall appearance of downtown San Antonio. They accommodate the growing residential population through the efforts of the Public Improvement District to position Downtown as a premier destination.

Mayor Hardberger presented a proclamation to the Texas Department of Transportation San Antonio District Traffic Safety Office for their annual "Fiesta Safe, Drive Sober" Campaign. Their mission is to educate the community on the dangers of drinking and driving during Fiesta.

### **CITIZENS TO BE HEARD**

Mr. Tony Turner, President of Texas Crane Services, thanked the individuals who were in attendance to support his cause. He stated that his company had not been paid for the services they provided to the Grand Hyatt Hotel Project. He noted that they had been involved in a lawsuit for eighteen months and asked the Council for help in making the bond company pay the \$650K that was owed to his company.

Mr. Rex Webb recognized the employees of Patriot Erectors. He spoke of the work that his company had performed on the Grand Hyatt Hotel Project and reported that they had worked through April 2008 but had not received payment since November 2007. He stated that they were owed approximately \$900K from FaulknerUSA.

Mr. Richard White, Schmidt Electric, stated that his workers had been involved in the Grand Hyatt Hotel Project from July 2006 through August 2008 and had not received payment since April 2008. He added that they were owed \$2.1 million.

Mr. George Major, Owner of Holes of San Antonio, stated that his company was very small and had not been paid in the last fifteen months. He noted that they were owed more than \$50K and that no complaints had been made regarding the work his company had provided. He expressed concern that payment issues had occurred with FaulknerUSA on other construction projects.

Ms. Cheryl Ludwick, Owner of Elron Supply Company, stated that she had three unpaid contracts on the Grand Hyatt Hotel Project. She noted that she had filed suit against FaulknerUSA and SAFECO and had received a summary judgment for over \$800K but it had not been paid. She reported that her company was owed more than \$6.5 million.

Mr. George Alejos, LULAC, noted that he was a mediator between FaulknerUSA and Hernandez Drywall. He stated that there were over seventy liens filed against FaulknerUSA totaling over \$14 million and the workers were in dire need of the money that was owed to them.

Mr. Henry Rodriguez, LULAC, expressed concern that the workers had done their job but had not been paid. He spoke of the suffering by the workers because they were not receiving their income. He asked the City Council to help ensure that FaulknerUSA paid their commitments and that this did not happen again.

Mr. Bob Salvatore, San Antonio AFL-CIO Building Trades, expressed concern with the lack of payment from FaulknerUSA to their subcontractors. He stated that because many small businesses had not been paid, they did not have funding to bid on new work. He urged the City Council to assist them.

Mr. Emilio Vasquez, Jr. spoke of an assault that had occurred at a San Antonio Bakery by Ms. Roxanna Garcia. He expressed concern that no one was willing to help him because her uncle was the Former Police Chief for the City of Laredo.

Mr. Mark Perez spoke of an evacuation that had occurred in District 2 and expressed concern that he had not received responses to various Open Records Requests he had submitted. He stated that he had notified Development Services of several facilities operating without Certificates of Occupancy but nothing had been done.

Mr. Nazirite Ruben Flores Perez stated that the State of Texas should assist the contractors who spoke against FaulknerUSA. He noted that he would be retiring from the City of San Antonio on April 30, 2009. He spoke against people protesting President Obama's policies.

Mr. John Yoggerst spoke of the entrance to Fort Sam Houston from IH-35 on Walters Road. He stated that the waterlines were not able to support commercial development. He noted that the current waterlines provided for 678 gallons per minute, but a 2,000 gallon-per-minute flow would be required for a proper fire sprinkler system.

Mr. Jack M. Finger spoke of the SAWS board appointments and the lack of a formal nomination process. He expressed concern that interviews had not been conducted and that a current City Councilmember had been nominated.

Mr. Faris Hodge, Jr. expressed concern with the nomination of Councilmember Rowe to the SAWS Board of Trustees. He spoke against a nuclear power plant and stated that he would like the Alamodome to be named after him. He expressed concern with City's vehicle purchases due to current economic conditions. He noted his support for light rail and sang a song to the Council.

**ADJOURNMENT**

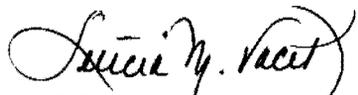
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:14 pm.

A P P R O V E D



PHIL HARDBERGER  
MAYOR

Attest:



LETICIA M. VACEK  
City Clerk