

STATE OF TEXAS  
COUNTY OF BEXAR  
CITY OF SAN ANTONIO

**A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SAN ANTONIO  
WAS HELD IN THE COUNCIL CHAMBERS, MUNICIPAL PLAZA BUILDING,  
WEDNESDAY, APRIL 18, 2007 AND THURSDAY, APRIL 19, 2007**

The City Council convened in a Work Session at 3:00 pm, Wednesday, April 18, 2007, Municipal Plaza Building "B" Room.

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

1. STAFF BRIEFING RELATED TO THE PROPOSED ACQUISITION AND DEVELOPMENT OF PROPERTY, AND THE CREATION OF A FUND, IN CONNECTION WITH THE HAVEN FOR HOPE HOMELESS CAMPUS.

Mr. Dennis Campa, Director Community Initiatives reported on the Haven for the Hope Homeless Campus. An upcoming Ordinance will approve acquisition, condemnation, if necessary and environmental remediation of 22 parcels. Staff has been directed to evaluate zoning changes and initiate any necessary amendments to the Unified Development Code. The Hope Fund will be created with the sale of the Commerce Street SAMM and Dwyer Shelters. Mr. Campa identified the proposed services as follows: Safe sleeping zones; Overnight treatment and supportive housing; Medical and dental treatment; Education, and job training and employment assistance. Lastly, Mr. Campa announced the Haven for Hope is scheduled to open December, 2008.

2. STAFF BRIEFING BY THE INFORMATION TECHNOLOGY SERVICES DEPARTMENT CONCERNING THE REQUEST FOR COMPETITIVE SEALED PROPOSALS (RFCSP) TO SOLICIT COMMUNICATION SERVICES.

Mr. Michael Armstrong, Chief Information Officer presented a staff briefing related to the Request for Competitive Sealed Proposals (RFCSP) to solicit communication services. The RFCSP allow for one or many of the categories of communication services requested by the CSP to encourage competition among the various providers. The RFP is scheduled to be released on April 23<sup>rd</sup> with a recommendation to Council in November 2007.

The Meeting was adjourned at 4:31 pm.

The San Antonio City Council convened in the Council Chambers, Municipal Plaza Building in a Regular Council Meeting on Thursday, April 19, 2007 at 9:00 am.

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

The Invocation was led by Reverend Otis I. Mitchell, Pastor, Mt. Zion First Baptist Church, Guest of Councilmember Sheila McNeil, District 2.

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

### **MINUTES**

Councilmember Perez made a motion to approve the Minutes of the April 5, 2007 Regular City Council Meeting. Councilmember Wolff seconded the motion.

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

### **CEREMONIAL SWEARING-IN OF CHARLES HOOD, FIRE CHIEF**

Mayor Hardberger ceremonially swore-in Charles Hood as San Antonio's new Chief of the Fire Department. He joins the City with more than 24 years of experience with the City of Phoenix Fire Department. Chief Hood will serve as the first African-American Fire Chief in the history of San Antonio.

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following caption:

2007-04-19-0415

Item 5. AN ORDINANCE APPROPRIATING \$5,400,000.00 FOR ALAMODOME RENOVATIONS AND ENHANCEMENTS NECESSARY TO HOST FUTURE EVENTS AND TO MAINTAIN THE FACILITY'S VIABILITY AND MARKETABILITY FOR LURING AND HOSTING FUTURE EVENTS; AND PROVIDING FOR PAYMENT THROUGH SHORT-TERM CITY OF SAN ANTONIO, HOTEL OCCUPANCY TAX NOTES, SERIES 2007.

Councilmember Perez made a motion to adopt the proposed Ordinance. Councilmember McNeil seconded the motion.

Mr. Mike Sawaya, Director of Convention Sports and Entertainment Facilities gave a powerpoint presentation on the Alamodome Improvement Plan. Mr. Sawaya noted that the renovations and improvements that have been identified are as follows: 1) Improving the building's control system (Metasys); 2) Exterior upgrades-roof replacement; 3) Plaza and Club Level improvements; and 4) Chairs, rigging motors, faucets, elevator refinishing, and scoreboard upgrades. The City of San Antonio's Economic Development Department conducted an economic impact analysis of the Alamodome from January 2003 to February 2007. The average annual impact was estimated at \$237 million.

The following citizens appeared to speak:

Mr. Greg Shaheen President of Basketball and Strategies for NCAA addressed the Council noting that he first came to San Antonio in 1998 for the Final Four. Mr. Shaheen noted that the City of San Antonio offers great hospitality and values that portray and convey what makes San Antonio so special. Mr. Shaheen noted that in 1998 there were 48,000 Final Four tickets sold, an average of 1.1 visitors to San Antonio per ticket. Last year there were 54,000 Final Four tickets sold and the average was two visitors per ticket. The Men's Final Four will be held in San Antonio in 2008 and the Women's Final Four in 2010.

Mr. Joe Krier, President/CEO of the Greater San Antonio Chamber of Commerce addressed the Council in support of said item. Mr. Krier noted that the renovations are essential if the facility is going to host future events and maintain its viability and market ability.

Mr. Pat Frost, President of Frost Bank also addressed the Council in support of said item. Mr. Frost serves as Chairman for the San Antonio Organizing Committee NCAA 2008 and is also a member of the Sports Foundation and Alamodome Directors. Mr. Frost explained that the Alamodome is a premier sports facility and a community asset. Mr. Frost noted that the Alamodome must be maintained and improved in order to excel in an increasingly competitive sporting environment.

Mr. Bob Cohen, President of the International Radio Division of Clear Channel Communications addressed the Council in support of said item. Mr. Cohen noted that the Alamo Bowl has become a great brand in collegiate sports and in the process has continued to enhance the value of San Antonio as a great travel destination. Mr. Cohen added that this past December the Alamo Bowl featured the Texas Longhorns and the Iowa Hawkeyes. It was a record crowd of 65,875 people and the fastest sellout and the most watched college football game broadcast on ESPN. The City of San Antonio received national and international media exposure with 8.8 million viewers. Mr. Cohen stated that the City of San Antonio is competing with a \$325 million facility in Houston and a billion dollar facility scheduled to open in Dallas in 2009.

Mr. Jack M. Finger addressed the Council noting that the Alamodome was a project of former Mayor Henry Cisneros. Mr. Finger stated that the Alamodome had been neglected over the years and now must pay the price for that neglect. Mr. Finger asked why the Alamodome calendar of events is not fully booked. Mr. Finger quoted Roddy Stinson by stating that the Alamodome once hailed as a preeminent project and future economic development magnet sits vacant most weekdays and requires cash transfusions from taxpayers to remain upright.

Leticia M. Vacek, City Clerk read the following written testimony from Mr. Faris Hodge Jr.: I write to you about renaming the Alamodome after myself, Faris Hodge Jr. Dome. It is normal for buildings to be named for someone after they are deceased, but I believe people should receive their due beforehand. The City has named Nelson Wolff Stadium after Nelson Wolff, so why can't I have the Alamodome named after me.

Ms. Julie Oldham addressed the Council and congratulated Fire Chief Hood on his appointment. Ms. Oldham stated that the Alamodome was built on the site where Alamo Irons Works operated

and stated that the site is contaminated. Ms. Oldham added that the Alamodome should be maintained; however, there were other issues in the City that should be addressed. Ms. Oldham noted that she contacted Mr. Santiko and requested that the Mission Drive-In be named the Mission Drive-In Chapel.

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

The City Clerk read the following caption:

2007R-04-19-0416

Item 6. A RESOLUTION SUPPORTING A GREEN BUILDING POLICY FOR NEW CITY-OWNED FACILITIES.

Ms. Rose Ryan, Interim Director of Environmental Services gave a presentation on the Green Building Policy for City-Owned Facilities. Ms. Ryan explained that Green Building is a common name for high performance buildings, designed to construct in a manner that maximizes the useful life of the building while minimizing the building's impact on the environment. Ms. Ryan noted that Green Buildings are built to conserve electricity, water and other natural resources and reduces the lifecycle operating cost of the facility. Ms. Ryan added that the policy guidelines will utilize the standards and requirements of the Silver Level under the US Green Building Council LEED rating system. City staff worked with local members of the American Institute of Architects and the US Green Building Council, along with the Metropolitan Partnership for Energy on crafting said Resolution.

The following citizens appeared to speak:

Ms. Anita Ledbetter of Metropolitan Partnership for Energy addressed the Council in support of the Resolution. Ms. Ledbetter thanked the Council for their commitment to the environment that will improve the Quality of Life in San Antonio for generations to come.

Mr. Chris Schultz, President of the San Antonio Chapter of the American Institute of Architects (AIA) addressed the Council in support of the Resolution. Mr. Schultz noted that the Architect design can either benefit or harm the environment. Mr. Shultz added that buildings consume 48% of the national energy production. The National AIA 2007 Conference will be held in San Antonio in two weeks; the theme is "Growing Beyond Green". Lastly, Mr. Schultz stated that if people want to change the status quo globally, it must begin locally.

Mr. Robert Harris addressed the Council in support of the Resolution noting that LEED has become the benchmark by which all high performance buildings have been measured. Mr. Harris noted that 48% of the total carbon dioxide output into the atmosphere is directly attributed to the construction, operation and maintenance of buildings, which outstrips automobiles. Lastly, Mr. Harris noted that he is committed to providing resources to help the City and City staff to educate them and to be a participant in the process.

Ms. Heather Degrela addressed the Council in support of said Resolution and stated that the biggest step forward has been LEED going online. Earlier versions required redundant

documentation but now, anyone can use the same construction documents that are already produced in the course of the design. Ms. Degrela added another crucial advance is to accurately document the LEED benefits such as energy and water savings.

County Commissioner Tommy Adkisson addressed the Council in support of the Resolution. Commissioner Adkisson stated that the Metropolitan Partnership for Energy (MPE) has been a collaborative. Commissioner Adkisson noted that by passage of said Resolution, the City of San Antonio is going to be a great leader in making things green. Commissioner Adkisson stated that as the baby boomers begin to age, their energy bills will not compete with their prescription drugs cost or their ability to eat and enjoy life. Commissioner Adkisson noted that the City can produce energy efficient and cleaner energy using solar technology.

Ms. Teena Florian addressed the Council in support of the Resolution. Ms. Florian stated that she is an Architect in San Antonio, a LEED Accredited Professional, a member of the US Green Building Council (USGBC), and AIA Chapter. Ms. Florian noted that construction and maintenance account for 70% of the US electricity use that means buildings have a direct effect on the air we breathe and the health and well-being of the community. Ms. Florian stated that Americans spend 90% of their time indoors and the vast majority of their waking hours in an office space consuming energy. Lastly, Ms. Florian mentioned that the LEED Certification process provides the implementation and documentation tools to assure achievement in building high performance buildings.

Mr. Cesar Garcia addressed the Council noting that he is a LEED Accredited Professional at MD Architects in San Antonio and a member of the US Green Building Council (USGBC). Mr. Garcia stated that building a LEED Certified building can save energy consumption by 50% and save 30% to 40% of water resources. Mr. Garcia noted that through good planning the LEED Rating system provides a payback within the first three years, in many cases at no additional costs.

Mr. Marcello Martinez addressed the Council stating that he is a member of the US Green Building Council (USGBC) Local Chapter, and AIA. Mr. Martinez stated that the construction community supports LEED and an example of same is Zachry Construction. Mr. Martinez stated that Zachry is going for the top level of LEED which is Platinum. Mr. Martinez reported that the Allen Architects Building is LEED registered by which they expect the payback within a year.

Mr. Robert Hanley Co-Chair of AIA addressed the Council noting that LEED Certification is an evolution of a process. Mr. Hanley stated that people have to be better stewards of the natural resources. Mr. Hanley stated that the City Council adopted the International Building Code in 2004 followed by the State adopting same during the 79<sup>th</sup> Legislative Session making LEED the industry standard.

Mr. Steve Colly addressed the Council stating that he is an Architect with Metropolitan Partnership for Energy (MPE) and Co-Chair of the Local AIA Chapter. Mr. Colly stated that the MPE is owner and operator of the residential Green Building Program, Build San Antonio Green. Mr. Colly added that his job is to support LEED Silver as the basis for the Green

Building Program. Mr. Colly noted that the requirements for the Green Building Policy would be based on attributes that are climate-specific to San Antonio.

Leticia M. Vacek, City Clerk read the following written testimony from Heather Weiler: I am a LEED Accredited Professional and I support the Resolution promoting LEED Silver Certification for new City owned facilities. The USGBC through the LEED rating system is at the forefront of setting an effective standard of sustainable design. Let us continue in the tradition of those who constructed the Alamo and create buildings that stand the test of time.

Councilmember Haass made a motion to support the Green Building Policy by requiring National LEED Certification for new City owned facilities. Councilmember Flores seconded the motion.

Councilmember Flores made an Amendment to apply LEED Standards to new City Buildings and that it be applicable to any single person or entity that receives City funding or has the benefit of City funding. Councilmember Guajardo seconded the motion.

### **EXECUTIVE SESSION**

At this time, Mayor Hardberger recessed the Regular Meeting (12:00 noon) to break for lunch and convene in Executive Session at 2:00 pm for the purposes of:

- A. Discuss legal issues related to *Paula Martinez v. City of San Antonio*, in the 150th Judicial District Court, Bexar County, Texas, Cause No. 2006-CI-16784, pursuant to Texas Government Code Section 551.071 (consultation with attorney). **Pulled; not addressed.**
- B. Deliberate competitive matters regarding CPS Energy and discuss related legal issues pursuant to Texas Government Code Sec. 551.086 (competitive matters) and Texas Government Code Sec. 551.071 (consultation with attorney).
- C. Discuss legal issues related to the Police and Fire Collective Bargaining Agreements, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:00 pm, at which time he stated the City Council had been briefed on the above-styled matters and gave staff direction, but that no official action would be taken. The Council continued with Item 6.

### **Item 6 Continued after Executive Session.**

Councilmember Flores withdrew his amendment and directed City staff to look at what can be done with entities seeking partnership with the city and bring a recommendation back in two weeks. Mayor Hardberger asked Councilmember Guajardo whom seconded the amendment if she agreed with the withdrawal of the amendment. Councilmember Guajardo agreed.

Mayor Hardberger announced that the Council would vote on the motion made by Councilmember Haass before the recess. Mayor Hardberger reiterated that motion approving a

Resolution supporting a Green Building Policy and requiring the USBGC LEED Certification (Silver) for new City-owned facilities.

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

The City Clerk read the following caption:

**Item 7. STAFF BRIEFING AND POSSIBLE ACTION ON BILLS PENDING IN THE 80TH STATE LEGISLATIVE SESSION.**

Mr. Andrew Smith gave a presentation on the Bills pending as they relate to the City of San Antonio. No action was necessary.

- An Eminent Domain Bill will now go to the Full House Floor. Some of the changes are the condemnation law and revolve around good-faith effort by the condemning authority. They must make a good-faith effort to purchase the property before going through with the condemnation process. Thus, offering the property owner an opportunity to buy-back the property.
- Both SB 1777 Fire and Police Retiree Pension Funds and SB 1778 Retiree Health Care Fund were heard in the Senate Intergovernmental Relations Committee. Both Bills were voted out and are moving to the Full House Floor.
- SB 940 would clarify language in the Library District; the Bill passed the Senate and was heard in the Local Government Ways and Means Committee.
- The City filed HB 3257 dealing with volunteer annexation. This would allow land owners and municipalities with populations of less than 1.6 million to enter into voluntary agreements. This would give the City and the property owner more flexibility to directly negotiate on agreements in lieu of annexation.
- HB 535 a Land Use Bill involves the transfer of a portion the City of San Antonio's ETJ to the City of Helotes. The City of San Antonio opposes this Bill because it is open ended and would allow the City of Helotes to take back property from the City's ETJ on a continuous basis. There is no sunset provision in the Bill and it does not require consent of the San Antonio City Council.
- HB 328 was opposed by several of the larger Cities in Texas and also the Texas Municipal League (TML). The Bill would make it easier for an area to petition for disannexation if they are not satisfied with the services being provided by the City.
- HJR 53 is a Limitation on Taxation and Expenditures by State and Local Government. On the Local Government side, the amendment would amend the Texas Constitution to limit the rate of growth and Local Government expenditures for a standard fiscal year to no more than the rate of growth during the standard fiscal year of the economy of the Local Governments geographic jurisdiction as estimated by the State Comptroller.
- HB 4077 would create East Side Improvement District Number One. This Bill was the East San Antonio Economic Development District and has extraordinary powers of annexation and the ability to levy taxes and assessments. There is no consent needed by the City of San Antonio. The City of San Antonio was prepared to testify against this

Bill. Once Ruth Jones McClendon (the Bill sponsor) was informed, she was willing to work with the City's concerns. The City of San Antonio has assisted in writing a Committee Substitute Bill that would require San Antonio City Council consent for the creation or enlargement of the district. Council would appoint the Directors and Council Consent would be required to create any non-profit corporations.

Mayor Hardberger asked Mr. Smith for an update on HB 2099 and the proposed SEIU Substitute Bill drafted by Mr. Bernard. Mr. Smith stated that he provided a copy of the language that the City Council approved last week. Mr. Smith noted that there was one section added to the Bill that the Governor's Office said he will only sign (Meet and Confer Bill) if it contains a provision that will allow citizens to petition the repeal of any agreement.

Councilmember Hall asked Mr. Smith for an update on SB 1677. Mr. Smith replied the Bill is pending in Committee. City SAWS staffs worked on an amendment to offer to the Bill sponsor.

Councilmember McNeil asked for an update on the Group Home Bill. Mr. Smith replied that Bill was heard two weeks ago. Mr. Smith stated that he would check on the status of the Bill and report back.

Councilmember Radle asked about the Detox Bill. Mr. Smith replied that HB 2524 is on the Local and Consent Calendar Committee in the House of Representatives and should be certified and voted on early next week and then go to the Senate.

#### **CONSENT AGENDA: Items 8-49C**

Consent Agenda Items 10, 15 and 18 were pulled for Individual Consideration. Councilmember Flores moved to approve the remaining Consent Agenda Items. Councilmember Perez seconded the motion.

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

2007-04-19-0417

Item 8. AN ORDINANCE ACCEPTING THE BIDS OF VARIOUS COMPANIES TO PROVIDE THE CITY WITH VARIOUS TYPES OF COMMODITIES AND SERVICES ON AN ANNUAL CONTRACT BASIS FOR FY 2006-2007 FOR A COMBINED ESTIMATED COST OF \$1,253,427.00, INCLUDING: (A) CUSTODIAL PAPER PRODUCTS; (B) PARK POLICE BIKE UNIFORMS; (C) LIGHT DUTY AUTOMATIC TRANSMISSION PARTS & SERVICE; (D) VOGELE, PRO PAV AND CHAMPION ASPHALT STREET PAVERS PARTS & SERVICE; (E) CORN COB SPILL ABSORBENT; (F) AUTOMOTIVE BELTS, RADIATOR HOSES, HEATER HOSES, & HOSE CLAMPS; (G) BIOLOGICALS & ADULT VACCINES; AND (H) ENGLISH TRAINING MATERIALS.

2007-04-19-0418

Item 9. AN ORDINANCE ACCEPTING THE BID FROM WINDHAM MOTOR CO. TO PROVIDE 64 REPLACEMENT ADMINISTRATIVE SEDANS TO VARIOUS CITY

DEPARTMENTS FOR A COST OF \$915,008.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2007-04-19-0420

Item 11. AN ORDINANCE AMENDING THE PROFESSIONAL SERVICES AGREEMENT WITH DRASH CONSULTING ENGINEERS, INC. (A SUBSIDIARY OF TERRACON CONSULTANTS, INC.) TO PROVIDE ADDITIONAL CONSTRUCTION AND MATERIAL TESTING, AND OBSERVATION SERVICES IN CONNECTION WITH TAXIWAY ROMEO EXTENSION PROJECT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR AN AMOUNT NOT TO EXCEED \$134,417.00.

2007-04-19-0421

Item 12. AN ORDINANCE APPROVING A \$69,547.00 PROFESSIONAL SERVICES CONTRACT WITH K.M. NG & ASSOCIATES, INC. FOR ENGINEERING SERVICES IN CONNECTION WITH THE WESTSIDE YMCA STRUCTURAL REPAIRS PROJECT, LOCATED IN DISTRICT 5; AND APPROPRIATING HUD 108 LOAN PROGRAM FUNDS.

2007-04-19-0422

Item 13. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$111,893.15 TO INCLUDE AWARDDING A \$96,000.00 CONTRACT WITH LVA CONSTRUCTION, INC. FOR THE CONSTRUCTION OF AMERICANS WITH DISABILITIES ACT (ADA) IMPROVEMENTS AS PART OF THE BOTANICAL GARDEN ADA IMPROVEMENTS PROJECT – PHASE 3, AN APPROVED 2003 PARK BOND FUND PROJECT LOCATED IN DISTRICT 9.

2007-04-19-0423

Item 14. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$276,809.77, TO INCLUDE AWARDDING A \$215,304.78 CONTRACT WITH RAM BUILDING SERVICES, LLC, FOR WORK IN CONNECTION WITH THE DAWSON PARK PARKING LOT EXPANSION PROJECT, AN AUTHORIZED PROJECT FUNDED THROUGH 1994-1998 PARK BOND AND HUD 108 LOAN PROGRAM IN DISTRICT 2; AND APPROPRIATING FUNDS.

2007-04-19-0425

Item 16. AN ORDINANCE AUTHORIZING PAYMENT UP TO \$100,000.00 TO THE SAN ANTONIO RIVER AUTHORITY FOR DESIGN AND CONSTRUCTION OF THE CROFTON/CONSTANCE PEDESTRIAN PARK, IN CONNECTION WITH THE EAGLELAND/RIVERWALK LINK PROJECT LOCATED IN DISTRICT 5, AND APPROPRIATING FUNDS.

Item 17. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE PUBLIC PURPOSE OF ACQUISITION BY NEGOTIATION AND/OR CONDEMNATION OF ELECTRIC TRANSMISSION AND DISTRIBUTION LINES EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS AND RELATED RIGHTS OF INGRESS AND EGRESS AND THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN REAL PROPERTY FOR THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO'S GAS AND ELECTRIC SYSTEMS, IN CERTAIN PRIVATELY OWNED REAL PROPERTY LOCATED

IN COUNTY BLOCKS 4353 AND 4376 IN BEXAR COUNTY AND IN SURVEYS NO. 40, 41, 42, 42 ¼ AND 255 IN MEDINA COUNTY, TEXAS. **PULLED FROM AGENDA.**

2007-04-19-0427

Item 19. AN ORDINANCE AUTHORIZING RENEWAL OF A SAN ANTONIO POLICE DEPARTMENT LEASE IN LAS PALMAS MALL, CASTROVILLE ROAD.

2007-04-19-0428

Item 20. AN ORDINANCE AUTHORIZING A PARKS DEPARTMENT LEASE RENEWAL FOR SPACE AT THE CATHOLIC LIFE INSURANCE BUILDING.

2007-04-19-0429

Item 21. AN ORDINANCE AUTHORIZING A TWO-YEAR RENEWAL OF THE DISTRICT 4 CONSTITUENT OFFICE LEASE AT THE SW DIAGNOSTIC BUILDING, INC., 102 PALO ALTO ROAD WITH PROVISION FOR A POSSIBLE FURTHER RENEWAL.

2007-04-19-0430

Item 22. AN ORDINANCE APPROVING ASSIGNMENT AND MODIFICATION OF THE TERMS OF THE DANTE'S PIZZA LEASE IN THE RIVERBEND PARKING GARAGE AT COMMERCE AND PRESA.

2007-04-19-0431

Item 23. AN ORDINANCE APPROVING A 4-YEAR RENEWAL OF WESTERN BEVERAGE'S RETAIL LEASE IN THE RIVERBEND GARAGE, 412 E. COMMERCE.

2007-04-19-0432

Item 24. AN ORDINANCE ACCEPTING THE CONVEYANCE AND DEDICATION OF A NEW RIVER WALK PEDESTRIAN WALKWAY AND OTHER INFRASTRUCTURE IMPROVEMENTS LOCATED BETWEEN DOLOROSA ALLEY AND COMMERCE STREET ALONG THE RIVER WALK, AS DEVELOPED BY ALAMO NATIONAL BANK BUILDING DEVELOPMENT PARTNERSHIP, L.P ACCORDING TO THE TERMS OF THE DEVELOPMENT AGREEMENT APPROVED BY ORDINANCE NO. 100185 PASSED AND APPROVED ON DECEMBER 16, 2004.

Mr. Rick Drury of the National Bank Building Development Partnership addressed the Council in support of said item. Mr. Drury introduced Dennis Volenk and recognized his dedication to said project.

2007-04-19-0433

Item 25. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION IN AN AMOUNT UP TO \$200,000.00 BY THE CITY ATTORNEY'S OFFICE ON BEHALF OF THE CITY OF SAN ANTONIO TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, AVAILABLE UNDER THE VIOLENCE AGAINST WOMEN ACT, FOR THE PURPOSE OF CONTINUING THE EARLY INTERVENTION FOR WOMEN LIVING IN DOMESTIC VIOLENCE PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008.

2007-04-19-0434

Item 26. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE MICHAEL AND SUSAN DELL FOUNDATION, AND ACCEPTANCE UPON AWARD OF A GRANT IN AN AMOUNT UP TO \$4,720.00 IN ORDER TO SUPPORT THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS (START) SUMMER PROGRAM FOR THE PERIOD JUNE 1, 2007 TO JULY 31, 2007; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-04-19-0435

Item 27. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, STATE OF TEXAS, AND ACCEPTANCE UPON AWARD OF A JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT GRANT IN AN AMOUNT UP TO \$129,763.00 IN ORDER TO SUPPORT THE STRIVING TOGETHER TO ACHIEVE REWARDING TOMORROWS (START) PROGRAM IN TWO ADDITIONAL SCHOOLS IN THE EDGEWOOD INDEPENDENT SCHOOL DISTRICT FOR THE PERIOD SEPTEMBER 1, 2007 TO AUGUST 31, 2008; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-04-19-0436

Item 28. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AND ACCEPTANCE UPON AWARD OF A FAIR HOUSING INITIATIVES PROGRAM (FHIP) GRANT IN AN AMOUNT UP TO \$100,000.00 TO PROVIDE FAIR HOUSING EDUCATION AND OUTREACH SERVICES FOR THE PERIOD OCTOBER 1, 2007 TO SEPTEMBER 30, 2008; AND AUTHORIZING THE EXECUTION OF ANY AND ALL RELATED DOCUMENTS.

2007-04-19-0437

Item 29. AN ORDINANCE APPROVING A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES WHICH WILL PROVIDE AN ADDITIONAL \$1,189,557.00 FOR THE PUBLIC HEALTH EMERGENCY PREPAREDNESS PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE CONTRACT PERIOD FROM SEPTEMBER 1, 2005 THROUGH AUGUST 31, 2007.

2007-04-19-0438

Item 30. AN ORDINANCE AUTHORIZING CONTRACTS, EACH FOR AN AMOUNT UP TO \$250,000.00, WITH MERCED HOUSING TEXAS (MHT) AND UNITED UNITARIAN HOUSING ASSISTANCE CORPORATION (UUHAC) TO ASSIST IN ADMINISTRATION AND IMPLEMENTATION OF THE EMERGENCY HOUSING REPAIR PROGRAM FOR A ONE-YEAR TERM, WITH TWO ONE-YEAR RENEWAL OPTION PERIODS.

2007-04-19-0439

Item 31. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$800,000 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE DWI SELECTIVE TRAFFIC ENFORCEMENT PROGRAM AND AUTHORIZING AN IN-KIND MATCH OF

\$72,715.00 AND A CASH MATCH OF \$16,215.00 FOR THE GRANT PERIOD OCTOBER 1, 2007 TO SEPTEMBER 30, 2008.

Leticia M. Vacek, City Clerk read the following written testimony from Mr. Faris Hodge Jr.: I write to you about the DWI problem that we have year round in this city. Intoxicated individuals do not belong in the driver's seat. About 300 drunken driving-related deaths are recorded on the nation's highways during most non-holiday weeks. Improving those statistics is everyone's responsibility and not just during the holiday season.

2007-04-19-0440

Item 32. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$350,000 FROM THE DEPARTMENT OF JUSTICE, OFFICE ON VIOLENCE AGAINST WOMEN FOR A THREE-YEAR PROGRAM TO ASSIST FEMALE VICTIMS OF VIOLENT CRIME IN SECURING TRANSITIONAL AND PERMANENT HOUSING; ESTABLISHING A PERSONNEL COMPLEMENT; AND AUTHORIZING A CASH MATCH OF \$28,344 IN THE FINAL YEAR OF THE GRANT.

2007-04-19-0441

Item 33. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$105,338.00 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION, CRISIS ASSISTANCE TEAM ADMINISTRATION FOR THE GRANT PERIOD JULY 1, 2007 TO JUNE 30, 2008; AUTHORIZING AN IN-KIND MATCH OF \$26,335.00; AND APPROVING A BUDGET AND PERSONNEL COMPLEMENT.

2007-04-19-0442

Item 34. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$112,654.00 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION FOR PROJECT EDUCATE, ASSESS, SERVE AND EMPOWER FOR THE PERIOD JULY 1, 2007 TO JUNE 30, 2008; AUTHORIZING AN IN-KIND MATCH OF \$28,164.00; AND APPROVING A BUDGET AND PERSONNEL COMPLIMENT.

2007-04-19-0443

Item 35. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE, UPON AWARD, OF \$90,000.00 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE "CLICK IT OR TICKET" SELECTIVE ENFORCEMENT PROGRAM'S SEAT BELT AND CHILD SAFETY SEAT ENFORCEMENT PROGRAM FOR THE PERIOD MAY 21, 2007 TO JUNE 3, 2007.

2007-04-19-0444

Item 36. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF UP TO \$1,000,000 FROM THE TEXAS AUTOMOBILE THEFT PREVENTION AUTHORITY (ATPA) FOR THE GRANT PERIOD SEPTEMBER 1, 2007 TO AUGUST 31, 2008; AUTHORIZING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND BEXAR COUNTY SHERIFF'S OFFICE TO FUND TWO (2) DEPUTIES;

APPROVING A CASH MATCH UP TO \$534,433 AND AN IN-KIND MATCH OF \$1,400,000; AND ESTABLISHING A BUDGET AND PERSONNEL COMPLEMENT.

2007-04-19-0445

Item 37. AN ORDINANCE RATIFYING THE SUBMISSION OF A GRANT APPLICATION AND AUTHORIZING THE ACCEPTANCE, UPON AWARD, OF \$26,449.00 FROM THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) 421 STATE PLANNING FUNDS FOR OPERATION FAST TRACK FOR THE GRANT PERIOD SEPTEMBER 1, 2007, TO AUGUST 31, 2008.

2007-04-19-0446

Item 38. AN ORDINANCE AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND THE ACCEPTANCE, UPON AWARD, OF UP TO \$105,000.00 FROM THE BUREAU OF JUSTICE ASSISTANCE FOR THE SEVENTH YEAR OF FUNDING FOR THE PURCHASE OF BALLISTIC VESTS FOR LAW ENFORCEMENT PERSONNEL.

2007-04-19-0447

Item 39A. AN ORDINANCE DECLARING THE HAVEN FOR HOPE PROPERTY ACQUISITION A PUBLIC PROJECT; DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION BY NEGOTIATION AND/OR CONDEMNATION OF REAL PROPERTY LOCATED IN DISTRICT 5, AN AREA BOUNDED BY ARBOR PLACE, FRIO STREET, MARTIN STREET AND COLORADO STREET AND CONTAINING NCB'S 196, 197, 198, 199, 220, 221, 250, 2211, 2212, 2181, 2182, 219; AND APPROPRIATING FUNDS.

2007-04-19-0448

Item 39B. AN ORDINANCE APPROVING ANY ENVIRONMENTAL REMEDIATION WORK AND ALL EXPENSES TO COMPLETE ENVIRONMENTAL INVESTIGATION REQUIRED FOR DEVELOPMENT OF A COMPREHENSIVE HOMELESS CAMPUS, AT A COST NOT TO EXCEED THE AMOUNT BUDGETED FOR SAID PROJECT; ADDING \$155,000.00 IN AMENDED COMPENSATION TO THE CONTRACT OF ATC GROUP SERVICES, INC., FOR CERTAIN IMMEDIATE ENVIRONMENTAL WORK; RATIFYING THE EXECUTION OF A PROFESSIONAL SERVICE CONTRACT WITH DUGGER, CANADAY AND GRAFE, INC. FOR \$100,000.00 FOR REAL PROPERTY APPRAISALS; RATIFYING THE EXECUTION OF CONTRACTS AND AUTHORIZING THE EXECUTION OF ADDITIONAL CONTRACTS WITH STEPHEN G. COOK ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$40,000.00 FOR REAL PROPERTY SURVEYS.

2007-04-19-0449

Item 39C. AN ORDINANCE DIRECTING STAFF TO TAKE APPROPRIATE STEPS IN BRINGING FORWARD AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, REZONING THE PROPERTIES AND SURROUNDING AREA, AND AUTHORIZING STAFF TO WAIVE ALL NECESSARY DEVELOPMENT FEES ASSOCIATED WITH THE HAVEN FOR HOPE HOMELESS CAMPUS.

2007-04-19-0450

Item 39D. AN ORDINANCE AUTHORIZING THE CREATION OF THE HAVEN FOR HOPE FUND, AND THE DEPOSIT OF NET PROCEEDS FROM THE SALE OF THE COMMERCE STREET SAN ANTONIO METROPOLITAN MINISTRIES' SHELTER AND

THE DWYER CENTER INTO SAID FUND FOR COSTS RELATED TO THE OPERATIONS OF THE HAVEN FOR HOPE HOMELESS CAMPUS SUBJECT TO ANY FEDERAL, STATE OR LOCAL REQUIREMENTS FOR UTILIZING FUND SOURCES TO PURCHASE THIS LAND.

2007-04-19-0451

Item 40. AN ORDINANCE AUTHORIZING THE PAYMENT OF \$175,000.00 TO THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION FROM BUDGETED FISCAL YEAR 2006-2007 COMMUNITY & VISITOR FACILITIES FUND HOSTING OBLIGATION MANDATE FUNDS IN LIEU OF PROVIDING ADDITIONAL SEATING COMMITTED BY THE CITY FOR THE 2007 NCAA DIVISION I MEN'S SOUTH REGIONAL BASKETBALL TOURNAMENT IN THE ALAMODOME MARCH 22 AND 24, 2007. THIS RESULTS IN A \$77,000.00 SAVINGS TO THE CITY RELATED TO THIS EVENT.

2007R-04-19-0452

Item 41. A RESOLUTION APPROVING THE ISSUANCE OF ADJUSTABLE RATE DEMAND REVENUE BONDS BY THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE UNIVERSITY OF THE INCARNATE WORD, A TEXAS NONPROFIT CORPORATION.

2007-04-19-0453

Item 42. AN ORDINANCE APPROVING THE TERMS AND CONDITIONS AND AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH RAMON FLORES IN THE AMOUNT OF \$48,000.00 TO SERVE AS THE EXECUTIVE DIRECTOR OF THE WESTSIDE DEVELOPMENT CORPORATION (WDC) FOR A TERM COMMENCING MAY 1, 2007 AND TERMINATING ON DECEMBER 31, 2007.

2007-04-19-0454

Item 43. AN ORDINANCE AUTHORIZING EXECUTION OF RENEWAL OPTIONS ON TWO STAND-BY PROFESSIONAL SERVICES AGREEMENTS FOR LANDFILL COMPLIANCE, ENVIRONMENTAL REMEDIATION AND CONSULTING WITH HARTNETT ENGINEERED SOLUTIONS, INC. (HES), AND STEARNS, CONRAD AND SCHMIDT, INC. (SCS), FOR ANNUAL COMPENSATION NOT TO EXCEED \$350,000.00 EACH.

2007R-04-19-0455

Item 44. A RESOLUTION AUTHORIZING THE CREATION OF THE SA ENERGY ACQUISITION PUBLIC FACILITIES CORPORATION, PURSUANT TO CHAPTER 303 OF THE TEXAS LOCAL GOVERNMENT CODE, APPROVING ARTICLES OF INCORPORATION AND RELATED FORMATION DOCUMENTS, SUBJECT TO ACQUIRING SATISFACTORY INDEMNIFICATIONS AND INSURANCE.

2007-04-19-0456

Item 45. AN ORDINANCE APPROVING A CONTRACT UP TO \$235,000.00 WITH SAN ANTONIO FOR THE GROWTH OF THE EASTSIDE, INC. (SAGE) IN SUPPORT OF REVITALIZATION AND ECONOMIC DEVELOPMENT EFFORTS IN DISTRICT 2 FOR THE PERIOD FROM APRIL 15, 2007 THROUGH SEPTEMBER 30, 2007.

2007-04-19-0457

Item 46. AN ORDINANCE APPROVING THE REQUEST OF BEXAR COUNTY COMMISSIONER'S COURT TO CHANGE ONE OF THE TWO COUNTY MEMBERS ON THE JOINT OPERATIONS COMMITTEE FROM THE EXECUTIVE DIRECTOR OF INFRASTRUCTURE SERVICES (OR HIS/HER DESIGNEE) TO THE CHIEF INFORMATION OFFICER (OR HIS/HER DESIGNEE).

2007-04-19-0458

Item 47. AN ORDINANCE AUTHORIZING FIELD USE AND MAINTENANCE LICENSE AGREEMENTS WITH THE FOLLOWING SIX (6) YOUTH OR ADULT NON-PROFIT SPORTS LEAGUES: ALAMO CITY RUGBY AND EAST CENTRAL LAKESIDE ATHLETIC ASSOCIATION AT BROOKS PARK; SOUTHEAST PONY BASEBALL AT SOUTHSIDE LIONS PARK; SOUTHSIDE LITTLE COWBOYS FOOTBALL AND SOUTH CENTRAL COUGARS POP WARNER FOOTBALL ASSOCIATION AT STINSON PARK; AND LITTLE COWBOYS - NORTH AMERICAN JUNIOR INDEPENDENT FOOTBALL AT JOE WARD PARK, EACH FOR A FIVE YEAR TERM BEGINNING ON MAY 1, 2007 AND ENDING ON APRIL 30, 2012 IN CONSIDERATION OF THE MAINTENANCE SERVICES PROVIDED BY THE LISTED SPORTS LEAGUES.

2007-04-19-0459

Item 48. AN ORDINANCE APPROVING AMENDMENTS IN THE TOTAL AMOUNT OF \$800,000.00 TO FOUR INDEFINITE DELIVERY PROFESSIONAL CONSULTING SERVICES AGREEMENTS, AS AMENDED, WITH ARIAS & ASSOCIATES, DRASH CONSULTING ENGINEERS, INC, FUGRO SOUTH, INC., AND RABA-KISTNER CONSULTANTS, INC. IN THE AMOUNT OF \$200,000.00 EACH FOR ADDITIONAL CONSTRUCTION MATERIALS TESTING SERVICES AND APPROPRIATING FUNDS.

Item 49. CONSIDERATION OF DISTRICT AND AT-LARGE BOARD, COMMISSION AND COMMITTEE APPOINTMENTS:

- A. APPOINTING RAMIRO A. CAVAZOS (DISTRICT 4) TO THE BROOKS DEVELOPMENT AUTHORITY (CATEGORY: TECHNOLOGY/RESEARCH) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE COMMENCING IMMEDIATELY, TO EXPIRE NOVEMBER 4, 2007.
- B. REAPPOINTING REED PACE (DISTRICT 3) TO THE KEEP SAN ANTONIO BEAUTIFUL, INC., FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE COMMENCING IMMEDIATELY, TO EXPIRE DECEMBER 22, 2008.
- C. APPOINTING RAUL RODRIGUEZ, JR. (MAYOR'S APPOINTEE) TO THE SAN ANTONIO HOUSING TRUST FUND BOARD OF DIRECTORS FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE COMMENCING IMMEDIATELY, TO EXPIRE MAY 31, 2007.

**[CONSENT ITEMS CONCLUDED]**

2007-04-19-0419

Item 10. AN ORDINANCE ACCEPTING THE OFFER FROM PHILPOTT FORD TO PURCHASE 21 GASOLINE/ELECTRIC HYBRID SEDANS FOR THE CITY FOR A COST OF \$446,166.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

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

Councilmember Haass asked staff where the 21 Hybrid Sedans would be used. Mr. Pena replied the allocation of 6 are for Public Works, 6 will go to Code Compliance, 4 for the Environmental Services, 2 are for Development Services, 2 are for the Health Department, and 1 will be for the Asset Management Department.

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

2007-04-19-0424

Item 15. AN ORDINANCE APPROVING A \$4,855,200.00 CONTRACT WITH WALLACE L. BOLDT, GENERAL CONTRACTOR, INC. FOR WORK IN CONNECTION WITH THE PARKS AND RECREATION DEPARTMENT FACILITY HEADQUARTERS AND COMMUNITY CENTER PROJECT, AN AUTHORIZED PROJECT FUNDED THROUGH 2002 CERTIFICATES OF OBLIGATION, 2005 CERTIFICATES OF OBLIGATION, 2003-2007 PARK BOND FUNDS, HUD 108 LOAN PROGRAM FUNDS AND PROPOSITION 3 PARKS DEVELOPMENT AND EXPANSION VENUE PROJECT SALES TAX INITIATIVES FUNDS IN DISTRICT 6; AND APPROPRIATING FUNDS.

Councilmember Hall made a motion to adopt the proposed Ordinance. Councilmember Perez seconded the motion.

Councilmember Hall expressed concern in that the City did not select and recommend the low bid. Mr. Malcolm Matthews stated that the process was ranked on the competitive sealed proposal process. The team qualification is ranked at 10%, past performance ranked at 15%, experience and reputation 15%, price 40%, and SEBEDA participation at 20%.

The following citizens appeared to speak:

Mr. O'Haver, President of O'Haver stated that he has been in the commercial construction business for 33 years. He asked the Council to reject staff's recommendation due to not being the lowest bidder. Mr. O'Haver stated that his issue is with the taxpayers paying more money. Mr. O'Haver stated that the process was flawed because the scorecard method used to make the recommendation was not fair.

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

Item 18. AN ORDINANCE AUTHORIZING A 10-YEAR LEASE RENEWAL FOR THE COMMUNITY LINK SERVICE CENTER IN THE LAS PALMAS MALL, CASTROVILLE ROAD, AND PROVIDING FOR THE POSSIBILITY OF FUTURE RENEWAL.

Councilmember Perez made a motion to adopt the proposed Ordinance. Councilmember Gutierrez seconded the motion.

Councilmember Radle asked City staff for a review of the services that are going to be provided and if any services would be added or dropped. Mr. Bosmans responded that noted the services provided are birth and death certificates, immunization records, police reports, plumbing and electrical permits and many other services.

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

### **POINT OF PERSONAL PRIVELEDGE**

Councilmember Perez announced that a resident of San Antonio, Linda C. Garza will be on Good Morning America Tuesday April 24, 2007 in a competition called Dancing with the Mom's. In this nationwide competition, the public sent in videos of mom's dancing with family members. Ms. Garza' video was filmed in front of the Alamo dancing to Salsa Music with her son. Councilmember Perez encouraged the public to watch Good Morning America and vote for Ms. Garza.

Councilmember Herrera congratulated Haley Scarnato for participating on American Idol. Ms. Scarnato is a District 6 Taft High School graduate. Councilmember Herrera applauded Ms. Scarnato and her family for her success.

### **CITY MANAGER'S REPORT**

Ms. Sheryl Sculley reported on the following:

Staff has made last minute preparations for the annual Fiesta Event which draws millions from across the country with an economic impact of more than \$200 million. She thanked Downtown Operations, Parks and Recreation, Public Works, Police, and Fire Department for their efforts and collaboration with the Fiesta Events scheduled.

Earth Day will be celebrated this weekend April 21, 2007. As part of that recognition, the City is looking at a program to help clean up the Downtown Area in an environmentally sensitive way.

In January 2006, Ms. Sculley met with the President of SAP and launched an SAP Health Check at no cost to the City. SAP spent four weeks analyzing the implementation of SAP City-Wide. The result was a list of 113 recommendations on improvements that the City needed to make in order for the SAP System to be more effective. As of this month, the items identified are 100 % completed.

The Animal Care Strategic Plan and Chapter 5 Code Update were adopted by the Council in September 2006. The central challenge of the plan was to achieve a no-kill goal by 2012. The strategic objective in that plan includes updating Chapter 5 of the City Code specifically dealing with animals. The Animal Care Advisory Board formed an Ad-Hoc Committee with both board and non-board members. Since January the Ad-Hoc Committee has meet several times and has made significant changes to Articles 1 through 4 of Chapter 5. Three committee meetings will be held in May to complete Articles 5 and 6. It is anticipated that the Ad-Hoc Committee will present the revised Chapter 5 to the Advisory Board. Two Public Input Meetings will take place in June and the final recommendations will be presented to City Council in August.

2007-04-19-0460

Item P-1. AN ORDINANCE AMENDING THE OAKLAND ESTATES NEIGHBORHOOD PLAN AS A COMPONENT OF THE MASTER PLAN OF THE CITY FOR AN AREA COVERING APPROXIMATELY 937 ACRES OF LAND BOUND BY PRUE ROAD TO THE NORTH, FREDERICKSBURG ROAD TO THE EAST, HUEBNER ROAD TO THE SOUTH, AND BABCOCK ROAD TO THE WEST; AND SUPERSEDING THE LAND USE ELEMENT IN THE OAKLAND ESTATES NEIGHBORHOOD PLAN ADOPTED AUGUST 31, 2000.

Mr. Emil Moncivais presented the proposed Plan Amendment.

Councilmember Hall made a motion to adopt the proposed Plan Amendment. Councilmember Perez seconded the motion.

The following citizen(s) appeared to speak on P-1 and Z-11:

Ms. Sue Snyder President of Oakland Estates Neighborhood Association addressed the Council stating that Oakland Estates was platted in 1926 and have the same plats since then. The neighborhood is rural in character with a lot of vegetation and wildlife. Ms. Snyder noted that the area is unique and would like it to stay that way. The neighborhood association asked Councilmember Hall to rezone the entire area to one-acre minimum lots. It was stated that the neighborhoods adjacent, Alamo Farmstead, Jade Oaks, Wood Ridge all agreed with Oakland Estates recommendation.

Mr. Carl Zettner, 5665 Verbena addressed the Council and stated that several Zoning Cases; P-1, P-2, Z-9, Z-10, Z-11, Z-12, and Z-13 are in this area. Mr. Zettner stated that the area is unique, has large lots and has a country setting. Mr. Zettner stated that Oakland Estates is a rural area with wildlife and open space where people raise horses and ride them and noted that the area is prone to flooding.

Mr. Robert Hamilton 6325 Babcock addressed the Council on behalf of Regan Smith who resides on the Northeast corner of Lockhill and Babcock. Mr. Smith's family has lived there since the beginning of the neighborhood. Mr. Hamilton noted that the Smith Home was built close to the street; now with the increased traffic, the noise is really loud. Since the apartment's driveways empties into Mr. Smith's back-yard, Mr. Smith had to construct a privacy fence to shield his home from the headlights. Lastly, Mr. Hamilton stated that Mr. Smith supports low density mixed use from Lockhill North to Prue Road.

Mr. Ross Langhead 5975 Lockhill addressed the Council noting that he is the Zoning and Planning Chair for the Oakland Estates and President of Public Affairs for the Northwest Coalition of Neighborhoods. Mr. Langhead stated that the main issue is the difference between Prue Road and Babcock Road. Mr. Langhead stated that the Planning Department worked very hard to do what they felt they should do by recommending low-density mixed use and recommend adoption of the Plan Amendment.

Mr. Henry Christopher, 5802 NW Expressway addressed the Council and requested the Master Plan that has been approved by City Staff and the Planning Commission would be appropriate plan to adopt for Prue Road. Lastly, Mr. Christopher requested that Zoning Case Z-11 retain R-6 and that there not be a lesser density zoned.

Mr. Anthony Salvagno addressed the Council and noted that Prue Road does not have sewer lines for septic or draining. Mr. Salvagno noted Section 8-03 of the Safe and Environmental Land Use Law requires one acre or one and one-half acres when septic and wells are used. Lastly, Mr. Salvagno asked the Council not to allow the R-6 zoning as it will add to drainage problems.

Mr. Dean Ismail owner of 5604 and 5606 Prue Road addressed the Council noting that he supports the Zoning recommendation of City staff.

Ms. Billy Pitts 6230 Prue Road addressed the Council with the history of Prue Road. Ms. Pitts stated that her family purchased the property in 1946 when Prue Road ran from Fredericksburg Road to Babcock Road. Ms. Pitts stated that the zoning was requested by Oakland Estates Homeowners Association who desires to change the zoning from R-6 to R-E which is Residential Estates with one acre minimum. Ms. Pitts stated that the property owners along Prue Road do not want to be rezoned to R-6 and felt that the estate lots are not suitable for Prue Road property because of the traffic and noise.

Mr. David Rich 5340 Hollyhock addressed the Council and noted the controversy this rezoning issue has caused from homeowners on the interior and exterior of Oakland Estates. Mr. Rich noted that both sides have a legitimate disagreement and noted that both sides have come to a consensus whereby neither side gets what they want; and both sides have to give something up.

Ms. Pat Zettner 5665 Verbena addressed the Council noting that her main concern is flooding. Ms. Zettner stated that if the Council approves all the rezoning issues on the Agenda it will reduce the impermeable cover that surrounds the area. Ms. Zettner stated the flooding issues will be exacerbated.

Ms. Francis Lawbock 5550 Prue Road addressed the Council noting that she has lived in her home for 50 years and have been Zoned R-6 for many years. Ms. Lawbock stated that Prue Road was extended West to Bandera Road thus increasing traffic to approximately 19,000 cars per day, and another 8,000 are anticipated in the near future, according to City Engineers. Lastly, Ms. Lawbock stated the she supported City staff's recommendation which is a compromise by all parties involved.

Mr. Joe Conrad 5892 Prue Road addressed the council in support of the Planning Department recommendation of R-6 on Prue Road. Mr. Conrad noted that he has lived in his home for 28 years. Mr. Conrad noted that he was selected to be the Prue Road representative in creating a

neighborhood master plan. Mr. Conrad stated that they are now faced with a zoning classification which they did not ask for and do not want imposed. Mr. Conrad stated that he speaks for 16 people who own 21 lots and is 95% of Prue Road homeowners.

Mr. Gilbert Lawbock 5550 Prue Road addressed the Council stating that he moved into his home in 1957. Mr. Lawbock noted that the interior of Oakland Estates do not have traffic issues like the Prue Road residents and stated that the interior streets had eight speed humps installed to slow down traffic. Lastly, Mr. Lawbock stated that the Prue Road property owner's rights should not be taken away because of the desire of others who want to be rezoned.

Ms. Wanda McCarthy addressed the Council stating that flooding is an issue and increased when the City allowed high density. Ms. McCarthy stated that City staff said the flooding will be cured when Prue Road is widened. Lastly, McCarthy asked the Council to approve the City staff and Zoning recommendations.

Mr. Ken Brown addressed the Council on behalf of the Martin Estate and the Southwell family. Mr. Brown noted that he has worked on this project for 6 to 7 years and is here to support the plan. Mr. Brown stated that he submitted a separate Plan Amendment (P-2) just in case this Plan Amendment was not approved. Mr. Brown stated the he will withdraw his individual plan (P-2) today if this Plan Amendment is approved.

Councilmember Hall moved to amend staff's recommendation by adding the following: Commercial on Huebner; Southwell issues have been resolved; R-E on Babcock; R-6 will stay on Prue Road. With that Mayor I will move staffs recommendations with the following changes; add the land use classification of low density residential estate which would allow an individual lot no less that 15,000 square feet; designate the properties of the interior of the neighborhood and the properties along Babcock as low density residential estate; delete the entire selection on pages 10 an 11 under Babcock and Prue Road land uses patterns; and add low density residential estate uses consisting of single family residence are preferred for the interior lots in the Babcock Road properties; low density residential land uses are preferred for the properties along Prue Road; on page 11 under the section land uses for triangular area bound by Prue Road, Prue Road Extension, Huebner Road, and Southwell remove the third sentence for vegetative. Councilmember Perez seconded the motion.

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

2007-04-19-0471

Item Z-11. **ZONING CASE # Z2007141 (District 8):** An Ordinance changing the zoning district boundary from "R-20" Residential Single-Family District and "R-6" Residential Single-Family District to "RE" Residential Estate District on properties bounded by Prue Road on the North, Huebner Road on the South, Southwell Road on the East, and Babcock Road on the West, as requested by City of San Antonio, Applicant for Numerous Owners. Staff and Zoning Commission recommend Approval.

Councilmember Hall made a motion to adopt the proposed rezoning case with the following Amendments: R-E residential estate district on lot 21, block 9, NCB 14709 located at 5902 Prue Road; R-20 residential single family district on lots 14, 15, 16, 17, 18, 19, and 20; block one

NCB 14701; lots 1, 2, 3, 4, 5, 6, 7, 8, and 9, block 8 NCB 14708 lots 1, 2, 3, and 43; and block 9 NCB 14709. Councilmember Perez seconded the motion.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: PROPERTIES BOUND BY PRUE ROAD TO THE NORTH; HUEBNER ROAD TO THE SOUTH; SOUTHWELL ROAD TO THE EAST AND BABCOCK ROAD TO THE WEST TO WIT: FROM "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT AND "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RE" RESIDENTIAL ESTATE DISTRICT AND "R-20" RESIDENTIAL SINGLE FAMILY DISTRICT MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

"R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "RE" RESIDENTIAL ESTATE DISTRICT ON:

LOTS 21 THROUGH 40 AND LOTS 42, 49 AND 62, BLOCK 1, NCB 14701

LOTS 19 THROUGH 39, BLOCK 2, NCB 14702

ALL OF BLOCK 3, NCB 14703

ALL OF BLOCK 4, NCB 14704

ALL OF BLOCK 6, NCB 14706

ALL OF BLOCK 7, NCB 14707

LOTS 13 THROUGH 22 AND LOTS 24 THROUGH 28, BLOCK 8, NCB 14708

LOT 21, LOTS 24 THROUGH 27, LOTS 29 THROUGH 37, AND LOTS 39 THROUGH 44, BLOCK 9, NCB 14709

LOTS 15 THROUGH 22 AND LOTS 25 THROUGH 31, BLOCK 10, NCB 14710

LOT 21, BLOCK 1, NCB 15652

LOTS 1 THROUGH 3, BLOCK 8, NCB 16238

"R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-20" RESIDENTIAL SINGLE-FAMILY DISTRICT ON:

LOTS 14 THROUGH 20, BLOCK 1, NCB 14701

LOTS 1 THROUGH 9, BLOCK 8, NCB 14708

LOTS 1 THROUGH 3 AND LOT 43, BLOCK 9, NCB 14709

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

2007-04-19-0467

Item Z-8. **ZONING CASE # Z2007093 CD (District 7):** An Ordinance changing the zoning district boundary from "R-4" Residential Single-Family District to "R-4" (CD-Real Estate Office) Residential Single-Family District with a Conditional Use for a Real Estate Office on the East 45 feet of Lot 33 and the West 10 feet of Lot 1, Block 12, NCB 9212, 260 Westminster Avenue as requested by Cynthia S. Ortiz, Applicant for Frankie L. Rodriguez, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks presented the proposed rezoning case.

Councilmember Guajardo made a motion to adopt the proposed rezoning case with conditions. Councilmember McNeil seconded the motion.

Mr. Jack M. Finger addressed the Council in opposition to said rezoning case. Mr. Finger noted that it is not a good idea to rezone because of the reasons that city staff gave at the last meeting where this item was continued. Mr. Finger noted that City staff said the intent of the neighborhood plan is to limit and not encourage the encroachment of commercial uses into existing residential neighborhoods.

Mr. Finger spoke on Item 11 that dealt with a contract with Drash Consulting. Mr. Finger stated that no bidding took place on said item and that campaign contributions were given to the Council by Drash Consulting. Mr. Finger also spoke on Item 14 that dealt with building Dawson Park Parking Lot Expansion Project. Mr. Finger stated that Dawson Park was to be built with 1994 Bonds (13 years ago). Lastly, Mr. Finger asked the Council if the 2007 Bond Election fails, will the taxpayers get a tax cut.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE EAST 45 FEET OF LOT 33 AND THE WEST 10 FEET OF LOT 1, BLOCK 12, NCB 9212 TO WIT: FROM "R-4" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "R-4" (CD-REAL ESTATE OFFICE) RESIDENTIAL SINGLE-FAMILY DISTRICT WITH A CONDITIONAL USE FOR A REAL ESTATE OFFICE PROVIDED THAT ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

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

### **CEREMONIAL ITEMS**

Mayor Hardberger presented a Certificate of Appreciation to Mr. T.J. Tajima, President of Toyota. Mr. Tajima will be leaving San Antonio as President of the Toyota Plant and return to Japan. Mayor Hardberger recognized Mr. Tajima for his leadership over the past four years including hiring over 2,000 employees and overseeing the construction of the \$1 billion Toyota Facility.

Mayor Hardberger presented 2007 King Antonio and El Rey Feo with a Proclamation as they make their annual visit to City Council. Mr. Joe R. Peacock Jr was selected by the Texas Cavaliers to serve as this year's King Antonio. Mr. Brian Weiner was chosen as El Rey Feo, representing LULAC Council #2.

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

Mayor Hardberger excused himself from the meeting at which time Mayor Pro Tem Herrera presided.

Item Z-1. **ZONING CASE #Z2007082 (District 2):** An Ordinance changing the zoning district boundary from ""R-5" Residential Single-Family District to "I-1" General Industrial District on Lots 26, 27, 28 and 29, NCB 12883, 406 Creswell Drive, 422 Creswell Drive and 502 Creswell Drive, as requested by Salem Leasing Corp., Applicant for Salem Leasing Corp, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks presented the proposed rezoning case. Councilmember McNeil asked Mr. Jacks if notices were mailed out. Mr. Jacks stated that 21 notices were mailed out to property owners noting that one was received in opposition while five were in favor of the rezoning.

Councilmember McNeil made a motion to amend the proposed rezoning case as follows: C-3 NA with a conditional use for a semi-truck parking with the following conditions; 1) No ingress/egress on Creswell Drive or Waycross Lane; 2) A type D landscape buffer to the rear of the property; 3) All on-site lighting is to be directed to on the site using 90 degree or less cut-off fixtures. Councilmember Perez seconded the motion.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 26 THROUGH 29, NCB 12883 TO WIT: FROM "R-5" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-3 NA" (CD - SEMI-TRUCK PARKING) GENERAL COMMERCIAL NONALCOHOLIC SALES DISTRICT WITH A CONDITIONAL USE FOR SEMI-TRUCK PARKING.

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

### CONSENT ZONING ITEMS

Consent Zoning Items Z-2, Z-3, Z-4, Z-5, Z-6, Z-7, Z-9, Z-10, Z-12, Z-13, Z-14, Z-15, Z-16, Z-17, and Z-18. Additionally, Councilmember Gutierrez requested that Item 2 be continue Z-2 for 30 days. Councilmember Hall moved to include Deed Restrictions on Z-9, Z-10, Z-12, Z-13 and Z-14 add the Field Notes, and approve the remaining Consent Zoning Items with the continuance of Z-2. Councilmember Perez seconded the motion.

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

Item Z-2. **ZONING CASE # Z2007126 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD-Beauty Shop) Residential Single Family District with a Conditional Use for a Beauty Shop on Lot 41, Block 3, NCB 11159, 806 E. Ashley Road as requested by Cristina Arredondo and Norma Ruano, Applicant, for Juan M. Perez and Mary E. Perez, Owners. Staff and Zoning Commission recommend Approval with Conditions. **CONTINUED FOR 30 DAYS (MAY 17, 2007).**

2007-04-19-0462

Item Z-3. **ZONING CASE # Z2007133 (District 3):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "C-3" General Commercial District on 6.96 acres out of NCB 10879, 3000 Block of Goliad Road as requested by McEntee Engineering and Design, Applicant for Goliad-Dorado Ltd., Owner. 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: 6.96 ACRES OUT OF NCB 10879 TO WIT: FROM "I-2" HEAVY INDUSTRIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2007-04-19-0463

Item Z-4. **ZONING CASE #Z2007140 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD-Dwelling, Two-Family) Residential Single Family District with a Conditional Use for a Two-Family Dwelling with a density not exceeding 13 units per acre on Lot 3, Block 8, NCB 6507, 309 Arlington Court and 311 Arlington Court as requested by Manuel Cano and Theresa Gaona, Applicants for Manuel Cano and Theresa Gaona, Owners. 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 3, BLOCK 8, NCB 6507 TO WIT: FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" (CD-DWELLING, TWO-FAMILY) RESIDENTIAL SINGLE FAMILY DISTRICT WITH A CONDITIONAL USE FOR A TWO-FAMILY DWELLING WITH A DENSITY NOT EXCEEDING 13 UNITS PER ACRE OR A TOTAL OF 2 UNITS.

2007-04-19-0464

Item Z-5. **ZONING CASE #Z2007134 (District 3):** An Ordinance changing the zoning district boundary from "C-1" Light Commercial District to "R-6" Residential Single Family District on the South 120 feet of Lot 13 and the South 120 feet of Lot 14, NCB 6713, 530 Mitchell Street as requested by Victor M. and Monica Aguilar, Applicants for Victor M. and Monica Aguilar, Owners. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE SOUTH 120 FEET OF LOT 13 AND SOUTH 120 FEET OF LOT 14, NCB 6713 TO WIT: FROM "C-1" LIGHT COMMERCIAL DISTRICT TO "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT.

2007-04-19-0465

Item Z-6. **ZONING CASE #Z2007132 CD (District 3):** An Ordinance changing the zoning district boundary from "R-4" Residential Single Family District to "R-4" (CD-Manufactured Home) Residential Single Family District with a Conditional Use for a Manufactured Home on

Lot 17 and Lot 18, Block 6, NCB 5699, 15961 Rosa Street as requested by Alfonzo and Anna Diaz, Applicants for Alfonzo and Anna Diaz, Owners. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 17 AND 18, BLOCK 6, NCB 5699 TO WIT: FROM "R-4" RESIDENTIAL SINGLE FAMILY DISTRICT TO "R-4" (CD-MANUFACTURED HOME) RESIDENTIAL SINGLE FAMILY DISTRICT WITH CONDITIONAL USE FOR A MANUFACTURED HOME.

2007-04-19-0466

Item Z-7. **ZONING CASE # Z2007172 (District 5):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-2" Commercial District on the West 95 feet of Lot 19 and Lot 20, Block 1, NCB 8289, 743 North General McMullen as requested by City of San Antonio, Applicant for Emilio and Maria Rocha, Owners. Staff recommends Approval. Zoning Commission pending April 17, 2007.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: THE WEST 95 FEET OF LOTS 19 AND 20, BLOCK 1, NCB 8289 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT.

Item P-2. **PLAN AMENDMENT #07003 (District 8):** An Ordinance amending the text contained in the Oakland Estates Neighborhood Plan, Chapter III: Zoning and Land Use, Section A. Zoning, a component of the Master Plan of the City to allow for a mix of multi-family and commercial land uses for the properties located to the East of Southwell Road, bound by Prue Road, Fredericksburg Road, and Huebner Roads. Staff and Planning Commission recommend Approval. **(Associated Zoning Cases Z2006236CD, Z2006237CD and Z2006254) WITHDRAWN BY THE APPLICANT (KEN BROWN).**

2007-04-19-0469

Item Z-9. **ZONING CASE # Z2006236 CD (District 8):** An Ordinance changing the zoning district boundary from "R-20" Residential Single Family District to "RM-4" (CD – Professional Offices) Residential Mixed District with a Conditional Use for Professional Offices on Lot 5, Lot 6, Lot 7, Lot 8, and Lot 9, Block 5, NCB 14705, 10256 Southwell Road and 10380 Southwell Road. as requested by Brown, P.C., Applicant for Scott Southwell, Owner. Staff recommends Denial. Zoning Commission recommends Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 5 THROUGH 9, BLOCK 5, NCB 14705 TO WIT: FROM "R-20" RESIDENTIAL SINGLE FAMILY DISTRICT TO "RM-4" (CD – PROFESSIONAL OFFICES) RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR

PROFESSIONAL OFFICES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-04-19-0470

Item Z-10. **ZONING CASE # Z2006283 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on Lot 11, Block 2, NCB 14702, 9465 Huebner Road as requested by Dr. Gerald Sioco, Applicant for George Robert Jr. and Cynthia D. Grimes, Owners. 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 11, BLOCK 2, NCB 14702 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2007-04-19-0472

Item Z-12. **ZONING CASE # Z2006237 CD (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "RM-4" (CD - Professional Offices) Residential Mixed District with a Conditional Use for Professional Offices on Lot 4, Block 5, NCB 14705, 10566 Southwell Road and 10690 Southwell Road, as requested by Brown, P.C., Applicant for Dick L. Winters, Owner. Staff recommends Denial. Zoning Commission recommends 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 4, BLOCK 5, NCB 14705 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "RM-4" (CD - PROFESSIONAL OFFICES) RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR PROFESSIONAL OFFICES PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-04-19-0473

Item Z-13. **ZONING CASE # Z2006254 (District 8):** An Ordinance changing the zoning district boundary from "R-20" Residential Single Family District and "R-6" Residential Single Family District on 44.17 acres out of NCB 14705 and NCB 14864 to "C-2" Commercial District on 25.91 acres out of NCB 14864; to "C-2" Commercial District on 12.07 acres out of NCB 14705, Save and Except Lot P-36G, Lot P-63 and Lot P-64 (6.764 acres) to "O-1" Office District; and to "RM-4" (CD- Professional Offices) Residential Mixed District with a Conditional use for Professional Offices on 6.19 acres out of NCB 14705, generally bounded by Southwell Road, Prue Road and Huebner Road as requested by Brown, P.C., Applicant for Judith Morton, Owner. Staff recommends Denial. Zoning Commission recommends 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: 44.17 ACRES OUT OF NCB 14705 AND 14864 TO WIT: FROM "R-20" RESIDENTIAL SINGLE FAMILY DISTRICT AND "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT ON 25.91 ACRES OUT OF NCB 14864, "C-2" COMMERCIAL DISTRICT ON 12.07 ACRES OUT OF NCB 14705 SAVE AND EXCEPT LOT P-36G, LOT P-63 AND LOT P-64 (6.764 ACRES) TO "O-1" OFFICE DISTRICT, "RM-4" (CD- PROFESSIONAL OFFICES) RESIDENTIAL MIXED DISTRICT WITH A CONDITIONAL USE FOR PROFESSIONAL OFFICES ON 6.19 ACRES OUT OF NCB 14705 PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2007-04-19-0474

Item Z-14. **ZONING CASE # Z2006258 (District 8):** An Ordinance changing the zoning district boundary to designate historic significance on 1.663 acres out of NCB 15656, 9396 Huebner Road as requested by City of San Antonio, Planning Department, Historic Preservation, Applicant for Spectrum Lending, APT JV Ltd, Owners. Staff and Zoning Commission recommend Approval.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.068 ACRES OUT OF NCB 15656 TO WIT: TO DESIGNATE HISTORIC SIGNIFICANCE.

2007-04-19-0475

Item Z-15. **ZONING CASE # Z2007074 (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2" Commercial District on 2.124 Acres out of NCB 18009, and "C-1" Light Commercial District on 0.276 Acres out of NCB 18009, 10920 East Bandera Road as requested by Brown, P. C., Applicant for Michael R. Wilson, Owner. 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, NCB 18009 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2" COMMERCIAL DISTRICT

2007-04-19-0476

Item Z-16. **ZONING CASE # Z2007101 S (District 8):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-2" S Commercial District with a Special Use Permit for a Car Wash on Lot 7, NCB 18009, 10951 Biering Lane as requested by Brown, P.C., Applicant for Martha H. Machts, Owner. 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, NCB 18009 TO WIT: FROM "R-6" RESIDENTIAL

SINGLE FAMILY DISTRICT TO "C-2" S COMMERCIAL DISTRICT WITH A SPECIFIC USE PERMIT FOR A CAR WASH.

2007-04-19-0477

Item Z-17. **ZONING CASE # Z2007136 (District 9):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3 R" General Commercial Restrictive Alcohol Sales District on .371 acres out of NCB 11971, 10101 US Hwy 281 North, as requested by Griffin Partners, Applicants for Griffin Partners, Owners. 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: .371 ACRES OUT OF NCB 11971 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3R" COMMERCIAL RESTRICTIVE ALCOHOL SALES DISTRICT.

2007-04-19-0478

Item Z-18. **ZONING CASE # Z2007070 (District 1):** An Ordinance changing the zoning district boundary from "C-3NA" HS NCD-1 RIO-4 Commercial District, Nonalcoholic Sales Historic Significance, Neighborhood Conservation River Improvement Overlay District and "C-3NA" NCD-1 RIO-4 Commercial District, Nonalcoholic Sales Neighborhood Conservation River Improvement Overlay District to "IDZ" HS NCD-1 RIO-4 Infill Development Historic Significant Neighborhood Conservation River Improvement Overlay District with uses permitted in "C-2 NA" Commercial Nonalcoholic Sales District and "MF-25" Multi Family District and to "IDZ" NCD-1 RIO-4 Infill Development Neighborhood Conservation River Improvement Overlay District with uses permitted in "C-2 NA" Commercial Nonalcoholic Sales District and "MF-25" Multi Family District at Lot 22, Lot 23 and east 46.2 feet of south 22 feet of Lot 10, NCB 2979, 1802 S. St. Mary's Street, 1804 S. St. Mary's Street and 143 Jacobs Street as requested by Darryl Ohlenbusch, Applicant for Darryl Ohlenbusch and Scott Sanders, Owners. 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 22, 23 AND EAST 46.2 FEET OF SOUTH 22 FEET OF LOT 10, NCB 2979 TO WIT: FROM "C-3NA" HS NCD-1 RIO-4 COMMERCIAL DISTRICT, NONALCOHOLIC SALES HISTORIC SIGNIFICANCE, NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT AND "C-3NA" NCD-1 RIO-4 COMMERCIAL DISTRICT, NONALCOHOLIC SALES NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT TO "IDZ" HS NCD-1 RIO-4 INFILL DEVELOPMENT HISTORIC SIGNIFICANT NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT WITH USES PERMITTED IN "C-2NA" COMMERCIAL NONALCOHOLIC SALES DISTRICT, "MF-25" MULTI FAMILY DISTRICT AND "O-1" OFFICE DISTRICT AND "IDZ" NCD-1 RIO-4 INFILL DEVELOPMENT NEIGHBORHOOD CONSERVATION RIVER IMPROVEMENT OVERLAY DISTRICT WITH USES PERMITTED IN "C-2NA" COMMERCIAL

NONALCOHOLIC SALES DISTRICT, "MF-25" MULTI FAMILY DISTRICT AND "O-1" OFFICE DISTRICT.

Item Z-19. **ZONING CASE # Z2007058 (District 1):** An Ordinance changing the zoning district boundary from current base zoning districts to designate Historic District to all base zoning districts on an area generally bounded by North Laredo Street and Fredericksburg Road on the north, Jackson on the east, Interstate Highway 35 on the south, and Interstate Highway 10 West on the west, as requested by City of San Antonio, Planning Department, Historic Preservation Officer, Applicant for Multiple Property Owners. Staff recommends Approval. Zoning Commission recommendation pending April 17, 2007. **PULLED FROM THE AGENDA BY STAFF (NO ACTION TAKEN).**

**[ZONING CONSENT ITEMS CONCLUDED]**

**CITIZENS TO BE HEARD**

Mr. Nazirite Ruben Flores Perez addressed the Council relating to an article that was published in the April 9, 2007 publication of the Express News. The article is entitled "Insider's Statement Accuse Blanco Monks". He also spoke of his religious beliefs and Freedom of Speech.

Mr. Glen Allen Graham addressed the Council relating to Council Term-Limits. Mr. Graham recommended that there be a city-wide movement to change the length of elected terms for Mayor and Councilmembers. He proposed four-year terms, with a limit of two consecutive terms. Mr. Graham noted that the word consecutive is crucial. This would enable any outstanding public servant to serve two terms, and then sit out a term and be eligible for re-election. Lastly, Mr. Graham requested that his proposed change to Term-Limits be retroactive.

Mr. Dominic Juarez addressed the Council relating to Graffiti. Mr. Juarez stated that those who put graffiti on the property should be held responsible, not the homeowner. The law abiding citizens should not have to cleanup the graffiti.

Ms Patsy Cheyney addressed the Council relating to the need of a Furniture Bank. Ms. Cheyney noted that hotels are in need of disposing mattresses and box springs. The Furniture Bank can receive such items for the elderly. Ms. Cheyney posted her idea on the United Way web site and immediately started receiving phone calls from SAHA, City of San Antonio Youth Division, Bexar County Housing Authority and Community Initiatives.

Mr. Faris Hodge Jr., addressed the Council relating to an article entitled "Goin to Pot" that was written about him in the Express News. Mr. Hodge stated that he has submitted 200 suggestions for the Budget Input Box and requested additional forms. Mr. Hodge noted that the City Taser Guns have over 50,000 volts and stated that the Police Department is not properly trained to use them. Mr. Hodge noted Buddy Hall with Code Compliance would like to support the Bond Election and noted that the City rules do not allow him to participate. Mr. Hodge asked Councilmember Wolff if he had to be in love to get married on the Riverwalk. Mr. Hodge concluded with singing "You Are My Sunshine".

Ms. Laurie Zertuche addressed the Council to voice her concerns with VIA. Ms. Zertuche noted that she is disabled and rides the Star Shuttle. She noted that there are three seats, the passenger seat, the middle seat and the rear seat. She added that the shuttle gets full and there are not enough seatbelts for all the passengers. She stated that has complained to VIA a number of times, however nothing has been done. Mayor Pro Tem Herrera directed Frances Gonzalez, Assistant City Manager and Dawn Larios with the Mayor's Office to meet with Ms. Zertuche.

Mr. Ed Ocampo of 402 Precious Drive addressed the Council and stated that he has been advised to sue independently for poor craftsmanship, failure to disclose, and severe health issues. Mr. Ocampo asked that his home be bought back and that the monies be returned including punitive damages.

Ms. Maria Flores 436 Precious Drive addressed the Council and stated that she received a phone call from her husband that her daughter has become ill. Ms. Flores stated that her daughter requires breathing treatments and medication. She blamed SAHA for their illness.

Ms. Estefana Adame Battle addressed the Council and requested to be placed on the next Council Agenda in reference to her SAHA issues. Ms. Battle stated that she has a broken life, broken dreams and no one is listening or cares about the health of her children.

Mr. Luis A. Cintron 432 Precious Drive, addressed the Council stated that his KB Home is a nightmare. Mr. Cintron found out that he is the third person to live in the home. He said he was disappointed in the way he is being treated and asked the City not to allow KB Homes to continue building homes. Mr. Cintron stated that his home was inspected by SAHA and they have informed him he has a sewer leak in the foundation. Mr. Cintron stated that he has a 10 year warranty on his home. SAHA stated that this was not covered under the warranty.

Mr. Mark Perez addressed the Council in reference to City of San Antonio's 311 Customer Service. Mr. Perez noted that he called 311 about a spill containing hazardous chemicals. Mr. Perez stated that 311 notified the Environmental Department, which went out to the site but did nothing. Mr. Perez stated that he has been complaining about a business polluting the environment for years and nothing is being done.

Ms. Perle Reyes 3422 Fontenay Park addressed the Council relating to Ryland Homes. Ms. Reyes stated that her home does not have proper draining and the City Inspector passed the inspection anyway. Ms. Reyes stated that Ryland Homes should have to pay to fix the problem.

Ms. Crystal De Los Santos addressed the Council stating that she is tired of SAHA running tests on her home. Ms. De Los Santos stated that she will never move back into her home so SAHA is wasting their time and money. Ms. De Los Santos stated that SAHA has put her up in a hotel and she is tired of eating Pizza Hut food everyday.

Ms. Janet Ahmad addressed the Council and distributed out a press release. Ms. Ahmad met with the State Legislators and voiced her concerns. Ms. Ahmad stated that home buyers are regulated by the state but builders are not. Ms. Ahmad stated that KB Homes have pipes leaking in their foundations because they are not put in a sleeve. Ms. Ahmad requested the City inspectors go out and inspect these properties.

Mr. Henry Alvarez of SAHA addressed the Council noting that he is working with Metro Health to utilize their health assessment with the Mirasol Homes. Mr. Alvarez stated that progress has been made with HUD to request the buy back of homes. HUD has requested that SAHA amend their homeownership plan in order to go forward. Mr. Alvarez stated that SAHA is running a number of tests to find solutions to the homeowner's concerns.

Mr. Carlos Contreras of KB Homes addressed the Council and introduced Robert Miller who is the Environmental Consultant who performed assessments on three homes. Mr. Miller reported that he is a licensed Independent Mold Consultant who was hired by KB Homes to conduct mold tests. Mr. Miller stated he is a Certified Industrial Hygienist and places public health first. Mr. Miller stated that he has been a Certified Hygienist for over 30 years.

Mr. Miller stated that he tested three different homes and read the conclusions noting they are all similar. Mr. Miller noted that samples were collected and tested and a detailed inspection took place. Mr. Miller quoted "Physical conditions within the home as confirmed by the microbiological sampling results did not identify a mold condition at the time of the evaluation that requires remediation as defined in the Texas Department of State Health Services Mold Assessment and Remediation rules". Mr. Miller stated that the reports list recommendations for remediation in each of the three reports. Mr. Miller stated that Crystal De Los Santos, and the Zaragoza Home were part of the three homes tested.

**ADJOURNMENT**

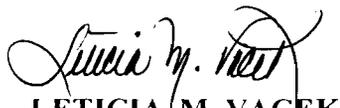
There being no further business to discuss, Mayor Hardberger adjourned the meeting at 7:30 pm.

A P P R O V E D



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk