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, JUNE 4, 2008 AND THURSDAY, JUNE 5, 2008.

The San Antonio City Council attended the 2008 Energy Summit hosted by CPS Energy on Wednesday, **June 4, 2008**, at 11:30 am at Pearl Stables. City Clerk Leticia M. Vacek noted a quorum of the Council with the following present: Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Rowe, Clamp, and Mayor Hardberger.

The City Council heard presentations on the following topics:

- Energy Overview: A New Energy Agenda for the 21st Century
- Energy Efficiency: Funding and True Costs
- Advanced Metering
- Utility Partnerships with Local Governments
- Low-Income Energy Programs
- National Trends in Energy Efficiency

Mr. Steve Bartley, Deputy General Manager of CPS Energy, stated that the following issues would be addressed: 1) Efficiency, 2) Conservation, 3) Climate Change, and 4) Clean Energy.

CPS Board Chair Aurora Geis provided a history of CPS Energy and highlighted its successes. She spoke of the customer base and noted that the City was experiencing significant growth on the South Side. She stated that the long investment cycle for the electric industry meant that it would be ten years before a project decision was implemented and more than twenty years before economic benefits were realized. Additional complexities include future energy sources, new technology available, and possible regulations. Ms. Geis explained the "No Silver Bullet Approach" and stated that for the current year, CPS Energy would take a closer look at energy efficiency. Lastly, Ms. Geis recognized Mr. Milton Lee, CEO and General Manager of CPS Energy, and the members of the CPS Board and Citizen Advisory Committee who were in attendance.

Mayor Hardberger stated that the Energy Summit was an opportunity for City Officials, Staff, CPS Energy, and citizens to gather to assess energy issues facing the City. He complimented CPS Energy on their ability to maintain low rates for customers. He noted that the following principles could be agreed upon by all:

1) The City will need more energy in the future and that need can be modified by proper conservation methods.
2) Everything possible should be done to develop sustainable sources of energy such as wind and solar power.
3) Energy needs should be diminished as much as possible.
4) There should be minimal damage to the environment.

Mr. Milton Lee stated that CPS was continuously looking toward the future. He noted that in 2003, formal approval had been issued by the Board for the CPS Strategic Energy Plan. The four elements of the plan included: 1) Generating affordable electricity through fuel diversification, 2) Increasing renewable energy capacity, 3) Living up to environmental commitments, and 4) Strengthening Energy Efficiency Programs.

Mr. Jeremy Rifkin presented "Leading the Way to the Third Industrial Revolution: A New Agenda for the US in the 21st Century." Mr. Rifkin stated that we were in the last stages of the Great Energy Era. He noted that we would be using oil, coal, and uranium in the near and distant future, but the problems pertaining to those energies were already beginning to overwhelm the benefits. He stated that there were four embedded problems in the twilight of the era: 1) Climate Change, 2) Increasing Inflation, Debt, and Marginalization of Wealth, 3) Political Stability in the Persian Gulf, and 4) Peak Oil on the Horizon. Mr. Rifkin added that experts had continually underestimated the rate of change because of feedback loops which were not yet understood.

Mr. Rifkin spoke about the Hubert Bell Curve which predicted that peak oil would occur in 2035, but re-evaluations have predicted the peak in 2020 with a supply crunch in 2014. He stated that adversity created opportunity and great economic revolutions occurred when people changed the organization of energy and communication. He noted that the communication revolution currently taking place included cell phones, satellites, and Wi-Fi.

Mr. Rifkin stated that the European Union, twenty-three states and various cities were making the shift to renewable energy. He noted that centralized plants would not be able to sustain the entire nation so individual buildings would serve as their own power plants. Mr. Rifkin explained that because the wind was not always blowing and the sun was not always shining, it would be necessary to store energy in hydrogen.

Mr. Ted Schultz presented "Funding and True Costs of Energy Efficiency Programs." Mr. Schultz spoke of the energy projects being pursued by Duke Energy, noting that they had begun work on a network energy environment. He stated that customer demand was growing with new technology despite increasing prices and environmental issues. He noted that energy efficiency could be an effective resource but added that if people were left to monitor their usage, it would not happen. He added that while conservation helped consumers keep bills low, it penalized energy companies, thus a stimulus would be needed to encourage companies to pursue energy efficiency plans.

Mr. Schultz spoke of the new responsibilities for energy companies including educating consumers so that they understood the value of programs and participated; updating and providing financing for newer and more efficient equipment when consumers could not otherwise afford them; and monitoring and leading customers to greater efficiency without spending excessively. He spoke of the possibility of fixed efficiency bills and automated usage.

Mr. Barry Smitherman, Panel Moderator, stated that because the world's population was increasing rapidly and because other nations were striving to match the United States economically, the amount of energy consumed would also increase. He noted that Resource Adequacy consisted of: 1) Consumer Tools, 2) Supply Side, and 3) New Transmission. He stated that he anticipated that 10 megawatts of the

energy needed could be produced by nuclear power and another 10 megawatts by wind. To get to the remaining 40 megawatts, the most practical approaches included efficiency and demand response.

He discussed House Bill 3693, noting that it included language on advance meters which would empower customers by letting them determine when, how much, and at what price they consumed. It would also allow for an instantaneous feedback loop which was yet available.

Mr. Jim Parks spoke on issues related to the Sacramento Municipal Utility District (SMUD). He noted residential peaks in energy used after working hours and stated that the company would need a plant to generate 500 megawatts for fifty hours per year. He mentioned that California had been running energy efficiency programs for the past thirty years. He made note of California's "loading order" of: 1) Energy Efficiency, 2) Renewables, 3) Clean Generation, and 4) Fossil Fuels.

Mr. Parks noted several initiatives that SMUD had worked on including a pilot program allowing permits for retrofitting to be free, easier, and faster to obtain. The Build it Green Public Agency standardizes efficiency and renewable efforts in the surrounding area; spreading to Chambers of Commerce; and a website called *Our Green Community*. Lastly, Mr. Parks stated that his five suggestions for sustainability were: 1) Energy Efficiency, 2) Emerging Technologies, 3) Transportation, 4) Renewable Energy, and 5) Codes, Standards, and Mandates.

Ms. Cindy Datig provided background information on the National Low Income Energy Consortium (NLIEC) and invited all to attend the 2008 Low Income Affordability Conference in Colorado. She introduced the Dollar Energy Fund and spoke on best and worst practices. Best practices recommended for organizations included using a holistic approach to maximize resources going into households and strategic investing in technology which could link stakeholders and provide real time information and accurate reporting. She noted that educating consumers was important and that one of the biggest problems consumers had was understanding their bills.

Mr. Scott Bernstein stated that in five trials to operate a Demand Response Program for residential customers, savings had ranged from 10-21%. He noted that the programs worked better when they were community based and that low-income populations responded best. He stated that while CPS had low rates, they had high consumption and that was the reason bills were so high. He added that the tools to aid in improving efficiency were not fully available and that contractors needed training. Additionally, companies needed to standardize and manufacture equipment and supply chains needed to be developed.

Mr. Bernstein spoke of early San Antonio and referenced the transportation and lighting systems and the difficulties with flooding. He stated that San Antonio had an original tight footprint; but after the introduction of the highway, people moved further out which caused a decrease in efficiency. He explained that although energy use and emissions would increase with more people in a concentrated area, they would decrease per household. Lastly, he provided an example of a utility company that found that they could save $1 billion annually by reorganizing the way they serviced their customers, implementing meters, and providing conservation incentives.

Mr. Bartley stated that CPS Energy's Vision 2015 was an aggressive plan for energy efficiency, conservation, and renewable power. He noted CPS Energy's revised goals of reduction of 771 megawatts, 2.9 million megawatt hour reductions, and the reduction of 1.7 million tons of CO_2 by 2020. He announced that CPS Energy would be establishing a new goal of renewable energy of 20% of

summer peak for 2020. Finally, he stated that to back up their commitment, CPS Energy would be creating a Senior Executive Position that would be responsible for sustainable energy solutions.

Mayor Hardberger stated that said meeting was a call to action and that at the next B Session, the Council would begin to outline the energy plan which could be implemented in the near future.

Ms. Geis stated that the CPS Board had been working on the strategic energy plan for five years and that with current rebates and customer service initiatives, CPS Energy had saved 32 megawatts. She noted various programs available to assist businesses and residents and asked for assistance in educating the community. She noted that CPS Energy would be working in partnership to obtain a $200,000 Solar City Grant from the Federal Government. Lastly, she stated that San Antonio would be the first city in the State of Texas to receive energy from wind generation from the coast.

There being no further discussion, Mayor Hardberger adjourned the meeting at 5:12 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **June 5, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Rev. Henry Bell, Pastor, Mount Moriah Christian Fellowship, guest of Councilmember Sheila D. McNeil, District 2.

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

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

MINUTES

Councilmember McNeil made a motion to approve the Minutes for the May 8, 2008 City Council Meeting. Councilmember Cisneros seconded the motion.

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

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

Item 4. A PUBLIC HEARING TO RECEIVE INPUT FROM CITIZENS REGARDING THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) CONSOLIDATED BUDGET PROCESS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PUBLIC SERVICE FUNDING RESOURCES FOR FY 2008-2009

Dennis Campa, Director of the Department of Community Initiatives, presented said item and summarized the process set out by HUD. He noted that the CDBG Public Service Allocation

recommendations would be brought before the Council on June 19, 2008. He stated that for Human Development Services, agencies submitted proposals for funding on a bi-annual basis. He outlined the City Council Ballot Results and the amount of funds available in each category. He provided a list of delegate agencies recommended for CDBG funding and noted that the General Fund recommendations would be presented as part of the City Manager's proposed budget on August 14, 2008.

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

Tony Penn, Adrian Reyes and Cynthia Hornsby representing the YMCA addressed the Council and advocated for their programs. They expressed concern over losing CDBG funding, noting that said funds were used to assist low-income families with childcare, after school care, and senior care. They thanked the Council for their continued support of the YMCA.

Jill Rips, Deputy Executive Director of the San Antonio AIDS Foundation (SAAF) addressed the Council regarding funding for the Hot Meal Program which has operated for 22 years. She noted that one-third of SAAF's clients are homeless and greatly rely on the program. She added that this was the first time SAAF had requested funding for this particular program. David Ewell, SAAF Executive Director, stated that SAAF had previously relied on federal funding for the Hot Meal Program but those funds had been greatly reduced. He urged the Council to find additional funding for SAAF.

Councilmember McNeil asked Mr. Drew Cameron to redirect $168,000 in the District 2 Makeover Program to BeatAIDS Program in the amount of $100,000 and $68,000 to Faith in Action for Capital Improvements. Councilmember Cisneros requested that $260,000 from District 1 HUD 108 Funds be redirected to Family Services Association. Councilmember Rodriguez requested that additional CDBG funds be directed toward Early Childhood Education.

Mayor Hardberger declared the Public Hearing closed. No Council action was required.

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos recognized the Public Works Department on Item 31 and thanked staff for installing a traffic light at the intersection of Highway 181 and Mission del Lago Parkway.

CONSENT AGENDA: Items 5–31

Consent Agenda Items 13, 16, 17, 20, 26, 28, 29 and 30 were pulled for Individual Consideration. Councilmember Herrera moved to approve the remaining Consent Agenda Items. Councilmember Cibrian seconded the motion.

Mr. Glen Alan Graham addressed the Council in support of Item 7. He asked the Council to reconsider their approval of digital billboards.

Ms. Bonnie Conner addressed the Council in support of Item 20 regarding the acquisition of an aquifer-protection conservation easement over the Hammond Ranch in Medina County. She stated that the acquisition was vitally important to the city's growth and an investment for the future. She provided several photos of the area and thanked the Council for their support.

Mrs. Vacek read two written testimonies from Faris Hodge, Jr. For Item 23, Mr. Hodge wrote that he was concerned with the accessibility of pornography on computers at City Libraries and that they should have filters. On Item 28, Mr. Hodge wrote that non-union workers should be entitled to pay raises across the board, as well as longevity pay and early retirement. He expressed concern regarding the discrimination between union and non-union employees.

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

2008-06-05-0465

Item 5. 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 2007-2008 FOR A COMBINED ESTIMATED COST OF $462,000.00, INCLUDING: (A) LABOR AND MATERIAL FOR CONCRETE WORK FOR PARK OPERATIONS; AND (B) NETLIBRARY/RECORDED BOOKS.

2008-06-05-0466

Item 6. AN ORDINANCE ACCEPTING THE BID FROM ALAMO AG-CON EQUIPMENT TO PROVIDE THE CITY WITH TRACTOR MOWING EQUIPMENT AND BACKHOES FOR A COST OF $139,237.00, FROM THE EQUIPMENT RENEWAL AND REPLACEMENT FUND.

2008-06-05-0467

Item 7. AN ORDINANCE ACCEPTING THE OFFER FROM AUSTIN RIBBON & COMPUTER, INC., UTILIZING A STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES CONTRACT, TO PROVIDE THE METROPOLITAN HEALTH DISTRICT WITH FORTY PANASONIC LAPTOP COMPUTERS FOR A COST OF $153,840.00.

2008-06-05-0468

Item 8. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE GUARANTEED MAXIMUM PRICE PROPOSAL FOR TERMINAL B SITE/PIERS, STRUCTURAL CONCRETE AND ELEVATORS AND ESCALATORS PACKAGES AT SAN ANTONIO INTERNATIONAL AIRPORT IN THE AMOUNT OF $31,143,083.00; AUTHORIZING THE CORRESPONDING AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/ THOS. BYRNE, A JOINT VENTURE; APPROPRIATING $20,990,437.94 IN THE 2007 PFC CONSTRUCTION FUND AND $10,152,645.06 IN THE 2007 AIRPORT CONSTRUCTION FUND; AND ESTABLISHING A CONSTRUCTION BUDGET.

2008-06-05-0469

Item 9. AN ORDINANCE AUTHORIZING A $851,976.00 PROFESSIONAL SERVICES AGREEMENT WITH DMJM AVIATION, INC. TO PROVIDE PLANNING, DESIGN, AND CONSTRUCTION SERVICES FOR THE RUNWAY 3/21 EXTENSION, TAXIWAY RC EXTENSION – PHASE 2, AND AIRFIELD PAVEMENT REPAIRS PROJECTS AT SAN ANTONIO INTERNATIONAL AIRPORT; AUTHORIZING $111,202.00 IN CONTINGENCY AND ADMINISTRATIVE EXPENSES; AND APPROPRIATING FUNDS.

2008-06-05-0470

Item 10. AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE GUARANTEED MAXIMUM PRICE PROPOSAL FOR TERMINAL 1 INBOUND BAGGAGE SYSTEM REPLACEMENT PACKAGE AT SAN ANTONIO INTERNATIONAL AIRPORT IN THE AMOUNT OF $1,973,024.00; AUTHORIZING THE CORRESPONDING AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/ THOS. BYRNE, A JOINT VENTURE; AND APPROPRIATING $1,973,024.00 IN THE 2007 AIRPORT CONSTRUCTION FUND.

2008-06-05-0471

Item 11. AN ORDINANCE AUTHORIZING A $1,390,580.00 AMENDMENT TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH CLARK CONSTRUCTION GROUP LLC/ THOS. BYRNE, A JOINT VENTURE, FOR PRECONSTRUCTION SERVICES FOR TERMINALS B & C, THE CONSOLIDATED BAGGAGE HANDLING SYSTEM, TERMINAL 2 DEMOLITION, AND CENTRAL UTILITY PLANT AT SAN ANTONIO INTERNATIONAL AIRPORT FOR THE PERIOD MAY 26, 2008 THROUGH MAY 15, 2009.

2008-06-05-0472

Item 12. AN ORDINANCE APPROVING TWO CHANGE ORDERS IN A COMBINED AMOUNT OF $1,808,784.47 TO THE $41,273,416.94 CONSTRUCTION CONTRACT WITH ARCHER WESTERN CONTRACTORS, LTD. FOR EXPANSION OF THE ECONOMY PARKING LOT, CONSTRUCTION OF A THREE-LANE BYPASS ROAD, INSTALLATION OF A CURBSIDE CANOPY AND A COVERED WALKWAY IN CONNECTION WITH PROJECT 6 – ROADWAYS & UTILITIES AND PROJECT 10 – VOLUME 2 – HYDRONIC LINES RELOCATION AT SAN ANTONIO INTERNATIONAL AIRPORT, FOR A REVISED CONTRACT VALUE OF $43,082,201.41.

2008-06-05-0474

Item 14. AN ORDINANCE AUTHORIZING THE APPROPRIATION OF $61,852.00 FROM HUD 108 LOAN PROGRAM FUNDS FOR THE REPLACEMENT OF FLOORS IN THE WOMEN'S LOCKER AND RESTROOM AREA IN CONNECTION WITH THE SAN ANTONIO NATATORIUM IMPROVEMENTS PROJECT, LOCATED IN COUNCIL DISTRICT 5.

PULLED

Item 15. AN ORDINANCE ACCEPTING THE LOWEST RESPONSIVE BID AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $2,258,855.63 TO KL&J LIMITED PARTNERSHIP IN CONNECTION WITH THE FINTON, EDWARDS, GIFFORD, AND SAN JACINTO PROJECT, AN AUTHORIZED HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT LOCATED IN COUNCIL DISTRICT 5 AND APPROPRIATING FUNDS; AUTHORIZING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PBS&J, INC. IN THE AMOUNT OF $22,966.00 FOR PROJECT MANAGEMENT PROFESSIONAL SERVICES, FOR A REVISED CONTRACT VALUE OF $4,901,969.00.

2008-06-05-0480

Item 18. AN ORDINANCE AUTHORIZING A MONTH-TO-MONTH LEASE WITH INTERNATIONAL RAM, L.C. FOR 195 SQUARE FEET IN TERMINAL 1 AT SAN ANTONIO INTERNATIONAL AIRPORT WITH ESTIMATED ANNUAL RENTALS OF $12,726.12.

2008-06-05-0481

Item 19. AN ORDINANCE AUTHORIZING ACQUISITION OF AN EASEMENT FROM FIELDSTONE HOMES TEXAS, LLC, THE EASEMENT TO RUN FROM CANTERBURY DRIVE TO CALLAGHAN ROAD, IN CONNECTION WITH THE LANDERS FARM DEDICATION, LOCATED IN COUNCIL DISTRICTS 6 AND 7.

2008-06-05-0483

Item 21. AN ORDINANCE APPROVING AN AMENDMENT TO THE FARMERS' MARKET LEASE AGREEMENT WITH BANDANA RUBY LLC FOR ITS RELOCATION FROM STALL S-11 TO STALL S-1 AND TO INCREASE THE MONTHLY RENTAL RATE FROM $400.00 TO $650.00.

Item 22. CONSIDERATION OF THE FOLLOWING ORDINANCES:

2008-06-05-0484

A. AN ORDINANCE APPROVING LEASE AMENDMENTS WITH TWENTY-TWO (22) TENANTS OF THE LA VILLITA HISTORIC ARTS VILLAGE TO PROVIDE FOR AN ADDITIONAL ONE-YEAR TERM ENDING ON JUNE 30, 2009 AND A RENTAL RATE INCREASE.

2008-06-05-0485

B. AN ORDINANCE APPROVING AN AMENDMENT TO A PROMOTION FUNDING AND USE AGREEMENT WITH THE LA VILLITA TENANTS ASSOCIATION TO PROVIDE FOR A ONE-YEAR EXTENSION OF THE FUNDING AGREEMENT THROUGH JUNE 30, 2009.

2008-06-05-0486

Item 23. AN ORDINANCE ACCEPTING A $5,000.00 GRANT FROM THE NATIONAL NETWORK OF LIBRARIES OF MEDICINE TO BE USED TO RAISE PUBLIC AWARENESS OF HEALTH RESOURCES AVAILABLE THROUGH THE SAN ANTONIO PUBLIC LIBRARY.

2008-06-05-0487

Item 24. AN ORDINANCE APPROVING A CONTRACT WITH SAN ANTONIO EDUCATION PARTNERSHIP (SAEP) IN AN AMOUNT UP TO $90,000.00 TO SUPPORT SUMMER INTERNSHIPS THROUGH THE AMBASSADOR PROGRAM FROM JUNE THROUGH SEPTEMBER, 2008.

2008-06-05-0488

Item 25. AN ORDINANCE APPROVING A $250,000.00 FUNDING AGREEMENT WITH BARRIO COMPREHENSIVE FAMILY HEALTH CARE CENTER, INC., D/B/A COMMUNICARE HEALTH CENTERS, FOR FACILITY IMPROVEMENTS, A 2007-2012 BOND FUNDED PROJECT.

2008-06-05-0490

Item 27. AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND CEVALLOS LOFTS, LTD., ENABLING CEVALLOS TO COMPLETE A BROWNFIELDS REDEVELOPMENT PROGRAM PROJECT AT THE 1400 BLOCK OF SOUTH FLORES STREET, UNDER THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY BROWNFIELDS PROGRAM.

2008-06-05-0494

Item 31. AN ORDINANCE AUTHORIZING THE CITY MANAGER OR THEIR DESIGNEE TO ENTER INTO LOCAL PROJECT ADVANCE FUNDING AGREEMENTS (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) IN THE AMOUNT OF $179,453.03 FOR THREE (3) TRAFFIC SIGNAL INSTALLATIONS.

[CONSENT ITEMS CONCLUDED]

ITEMS PULLED FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinance:

2008-06-05-0473

Item 13. AN ORDINANCE APPROVING A DEVELOPER PARTICIPATION CONTRACT IN AN AMOUNT UP TO $1,600,000.00 WITH WESTOVER-CULEBRA, LLC TO OVERSIZE CONSTRUCTION OF ROGERS ROAD AND UPGRADE DRAINAGE FACILITIES, IN CONNECTION WITH THE ROGERS ROAD EXTENSION PROJECT, LOCATED IN COUNCIL DISTRICT 6, AS PART OF THE 2007-2012 BOND PROGRAM.

Councilmember Herrera highlighted said project due to the successful public/private partnership and positive impact. Mr. Frank Burney, representative for the developer stated that said project was done through a Developer Participation Agreement and would alleviate drainage issues in the area.

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

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

The City Clerk read the following Ordinances:

Item 16. CONSIDERATION OF THE FOLLOWING ORDINANCES RELATING TO THE FY 2008 & FY 2009 STREET MAINTENANCE PROGRAM, ALL SUBJECT TO THE AVAILABILITY AND APPROPRIATION OF FUNDS:

2008-06-05-0475

A. AN ORDINANCE APPROPRIATING $5,610,498.65 AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $4,843,917.35 TO CLARK CONSTRUCTION OF TEXAS, LTD., FOR ASPHALT RECYCLING & OVERLAY, OF WHICH $224,550.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

2008-06-05-0476

B. AN ORDINANCE APPROPRIATING $18,578,977.45 AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $16,490,466.17 TO CLARK CONSTRUCTION OF TEXAS, LTD., FOR HOT PAVER-LAID MICROSURFACE, OF WHICH $1,022,000.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

2008-06-05-0477

C. AN ORDINANCE APPROPRIATING $27,948,784.73 AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $24,844,806.06 TO CLARK CONSTRUCTION OF TEXAS, LTD., FOR ASPHALT OVERLAY, OF WHICH $1,145,000.00 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM.

2008-06-05-0478

D. AN ORDINANCE APPROPRIATING $715,877.20 AND AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $598,087.56 TO CLARK CONSTRUCTION OF TEXAS, LTD., FOR SLURRY SEAL.

Councilmember Cortez asked if said items awarded all of the contracts for Street Maintenance Projects for the next Fiscal Year and what portion San Antonio Water System (SAWS) was responsible for. Mr. Majed Al-Ghafry stated that said contracts were for street maintenance for Fiscal Years 2008 and 2009 and that SAWS would reimburse the City for manhole and valve adjustments. Councilmember Cortez asked that the Public Works Department work closely with SAWS so that utility work would be completed prior to the paving of the streets.

City Manager Sculley stated that for the 2009 Bond Program, one contractor would be designing and constructing the street and drainage work which was different from any other Bond Program. She added that Public Works Staff was working closely with the various utilities so that work in the right-of-way was completed prior to street pavement.

Councilmember Cortez moved to adopt Ordinances 16A, 16B, 16C and 16D. Councilmember Ramos seconded the motion.

The motion to approve Ordinances 16A-16D prevailed by the following vote: **AYES:** Cisneros, McNeil, Ramos, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger. **NAY:** None. **ABSENT:** Rowe.

The City Clerk read the following Ordinance:

2008-06-05-0479

Item 17. AN ORDINANCE AUTHORIZING THE PURCHASE OF 66.23 ACRES OF LAND ADJACENT TO STINSON MUNICIPAL AIRPORT; AUTHORIZING THE EXPENDITURE OF $833,547.62 IN CONNECTION WITH THE PURCHASE AND DUE DILIGENCE COSTS; AND APPROPRIATING FUNDS IN THE STINSON CAPITAL IMPROVEMENT FUND.

Councilmember Ramos asked what the property would be used for. Mr. Mark Webb stated that it had various potential uses including parking and a buffer for the surrounding property owners. He added that said item was part of the on-going improvements to Stinson Airport.

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

The City Clerk read the following Ordinance:

2008-06-05-0482

Item 20. AN ORDINANCE AUTHORIZING THE ACQUISITION OF AN AQUIFER-PROTECTION CONSERVATION EASEMENT OVER THE HAMMOND RANCH, UVALDE AND MEDINA COUNTIES, TEXAS, FOR $18,246,000.00, INCLUDING $207,000.00 TO REIMBURSE BEXAR LAND TRUST, INC. DBA GREEN SPACES ALLIANCE FOR RELATED EXPENSES IN CONNECTION WITH THE PROPOSITION ONE EDWARDS AQUIFER PROTECTION VENUE PROJECT.

Councilmember Cibrian requested additional information regarding said project. Steve Hodges and Kristal Smith stated that the property was approximately 16,000 acres and had 45 streams on it. They presented a video clip highlighting points of interest on the property including a sinkhole and 45 miles of stream bed. Ms. Smith noted that said property had an average recharge capacity that could provide enough water for San Antonio Water System's daily pumping rates for more than six days for the entire city and had native clumping grasses which held a large capacity for water retention.

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

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

The City Clerk read the following Ordinance:

2008-06-05-0489

Item 26. AN ORDINANCE APPROVING A $550,000.00 FUNDING AGREEMENT WITH EL CENTRO DEL BARRIO, D/B/A CENTROMED, FOR CONSTRUCTION OF A COMMUNITY HEALTH CENTER, A 2007-2012 BOND FUNDED PROJECT.

Councilmember Ramos thanked all those involved in said project and moved to adopt the proposed Ordinance. Councilmember Cisneros seconded the motion.

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

The City Clerk read the following Ordinance:

2008-06-05-0491

Item 28. AN ORDINANCE APPROVING A CONTRACT WITH HAY GROUP, INC. TO PROVIDE COMPREHENSIVE BENEFITS CONSULTING SERVICES FOR AN ESTIMATED ANNUAL

COST OF $375,000.00 FROM THE EMPLOYEE BENEFITS SELF-INSURANCE FUND, FOR A THREE-YEAR TERM, BEGINNING JUNE 15, 2008, WITH AN OPTION TO RENEW FOR AN ADDITIONAL TWO-YEAR PERIOD, CONTINGENT UPON APPROPRIATION OF FUNDS.

Councilmember Cortez asked if said consultant had been previously utilized and what benefits the City would realize with said contract. Mr. Edward Belmares stated that the consultant had been utilized in the past and helped develop strategies to effectively control costs while maximizing benefits. He provided examples in which they identified reductions to the liability for future retiree benefits and recommended changes to the Wellness Incentives for City Employees.

Councilmember Cortez moved to adopt the proposed Ordinance. Councilmember McNeil 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.

The City Clerk read the following Ordinance:

2008-06-05-0492

Item 29. AN ORDINANCE APPROVING A $125,000.00 FUNDING AGREEMENT WITH THE NATIONAL AUDUBON SOCIETY, INC. IN SUPPORT OF IMPROVEMENTS TO THE MITCHELL LAKE WETLANDS CONSERVATION AND EDUCATIONAL CENTER FACILITY, LOCATED IN COUNCIL DISTRICT 3, AS PART OF THE 2007-2012 PARK BOND PROGRAM.

Councilmember Ramos acknowledged Former Councilmember Gutierrez on said project and asked if the National Audubon Society had raised the additional funds needed. Mr. Malcolm Matthews stated that they had received a $100,000 grant from the Kronkosky Foundation and were confident that they could secure the remaining $50,000.

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

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

The City Clerk read the following Ordinance:

2008-06-05-0493

Item 30. AN ORDINANCE APPROVING A $60,000.00 FUNDING AGREEMENT WITH THE UNIVERSITY OF THE INCARNATE WORD IN SUPPORT OF THE DESIGN OF IMPROVEMENTS TO DENMAN PARK, LOCATED IN COUNCIL DISTRICT 8, AS PART OF THE 2007-2012 PARK BOND PROGRAM.

Councilmember Cibrian highlighted said project and asked for a status report. Mr. Malcolm Matthews stated that renovations had been completed on the main house and on another structure on the property. He noted that said item was for design completion of the park area and parking facility. Ms. Cindy Escamilla of the University of the Incarnate Word thanked the Mayor and Council for their support and stated that renovations were moving forward quickly. Former City Manager Lou Fox thanked the City

Council and City Manager for their support and noted that City Staff had been cooperative and communicative. He expressed enthusiasm for said project.

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

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

CITY MANAGER'S REPORT

Ms. Sheryl Sculley reported on the following:

- The Parks and Recreation Department Outdoor Swimming Pool Summer Program will officially open on June 7th. Twenty-three swimming pools will be open to the community Tuesday through Sunday from 1:00pm-7:00 pm. Water aerobics and swimming lessons will be offered for a nominal fee.

POINT OF PERSONAL PRIVILEGE

Councilmember Ramos thanked the City Manager for all of the projects being worked on in District 3.

Councilmember Clamp thanked City Staff for providing captions for each agenda item broadcast on Channel 21.

Councilmember Cibrian recognized the Office of the City Clerk for their work on the Campaign Finance Electronic Filing System.

Councilmember Rodriguez wished his daughter Miranda a Happy 8th Birthday.

EXECUTIVE SESSION

At this time, Mayor Hardberger recessed the Regular Meeting at 12:10 pm to break for lunch and convene in Executive Session at 1:30 pm for the purpose of:

A. Discuss legal issues related to the towing services contract pursuant to Texas Government Code Sec. 551.071 (consultation with attorney). **PULLED**

B. Deliberate the purchase, exchange, lease, or value of certain real properties and discuss related legal issues pursuant to Texas Government Code Sec. 551.072 (real property) and Texas Government Code Sec. 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 3:01 pm at which time it was noted that the City Council had been briefed on the above-styled matter but took no action.

CONSENT ZONING

Councilmember Cisneros made a motion to approve the following re-zoning cases, noting that Staff and Zoning Commission recommendation were to approve and that no Citizens had registered to speak: Z-1, P-1, Z-7, Z-8, Z-9, Z-10, P-2, Z-12, and Z-13. Councilmember Cibrian 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.

2008-06-05-0495

Item Z-1. **ZONING CASE # Z2008148 (District 8):** An Ordinance changing the zoning district boundary from "PUD MF-33" Planned Unit Development Multi-Family District to "C-3NA" General Commercial District, Non Alcoholic Sales, on 1.098 acres out of NCB 15823 and 0.236 acres out of NCB 17247, 6430 Babcock Road as requested by Paul Tausch, Applicant for Tausch & Kansal Joint Venture, 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: 1.098 ACRE OUT OF NC 15823 AND 0.236 ACRE OUT OF NCB 17247 TO WIT: FROM "PUD MF-33" PLANNED UNIT DEVELOPMENT MULTI-FAMILY DISTRICT TO "C-3NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

2008-06-05-0501

Item P-1. **PLAN AMENDMENT # 08020 (District 2):** An Ordinance amending the land use plan in the Downtown Neighborhood Plan, a component of the Master Plan of the City, by changing the use of an 0.1 acre tract of land located at 701 Montana from Residential to Mixed Use Land Use. Staff and Planning Commission recommend approval. **(Associated Zoning Case Z2008139)**

2008-06-05-0502

Item Z-7. **ZONING CASE # Z2008139 (District 2):** An Ordinance changing the zoning district boundary from "HS RM-4" Historic Significant Residential Mixed District to "HS IDZ" Historic Significant Infill Development Zone with uses permitted in "C-1" Light Commercial District and a Meeting Facility on 0.100 acres out of Lot 18, Block 109, NCB 1386, 701 Montana as requested by Charles E. Williams, Sr., Applicant for Charles E. Williams, Sr., Owner. Staff recommends approval pending plan amendment. Zoning Commission recommendation pending the June 3, 2008 public hearing.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: 0.100 ACRE OUT OF LOT 18, BLOCK 109, NCB 1386 TO WIT: FROM "HS RM-4" HISTORIC SIGNIFICANT RESIDENTIAL MIXED DISTRICT TO "HS IDZ" HISTORIC SIGNIFICANT INFILL DEVELOPMENT ZONE DISTRICT WITH USES PERMITTED IN "C-1" LIGHT COMMERCIAL DISTRICT AND A MEETING FACILITY.

2008-06-05-0503

Item Z-8. **ZONING CASE # Z2008132 (District 4):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District and "C-1" Light Commercial District to "C-3" General Commercial District on 1.18 acres out of NCB 11186, 8503 South Zarzamora as requested by Stephen J. Kramer, Applicant for Boy Scouts of America/Alamo Area Council, Inc. c/o John Coyle, 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: 1.18 ACRES OUT OF NCB 11186 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT AND "C-1" LIGHT COMMERCIAL DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

2008-06-05-0504

Item Z-9. **ZONING CASE # Z2007197 (District 6):** An Ordinance changing the zoning district boundary from "R-6" Residential Single Family District to "C-3 R" General Commercial District, Restrictive Alcohol Sales (4.179 acres) and "C-2" Commercial District (22.825 acres) all on 27.004 acres out of NCB 17639, 10148 and 9936 Culebra Road as requested by Jay Khadem, Applicant for Jay Khadem, 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: 27.004 ACRES OUT OF NCB 17639 TO WIT: FROM "R-6" RESIDENTIAL SINGLE FAMILY DISTRICT TO "C-3 R" GENERAL COMMERCIAL DISTRICT, RESTRICTIVE ALCOHOL SALES (4.179 ACRES) AND "C-2" COMMERCIAL DISTRICT (22.825 ACRES).

2008-06-05-0505

Item Z-10. **ZONING CASE # Z2008062 (District 7):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District to "MF-33" Multi-Family District on Lots Parcel 22B and Parcel 22C, NCB 15052 and Lots 7 through 13, Block 8, NCB 18098, 5831 Northwest Loop 410 and 5052 through 5082 Wurzbach Road as requested by Kaufman & Associates, Inc., Applicant for Thomas Alex R. Jr. and Paul Herder, 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: LOTS PARCEL 22B AND PARCEL 22C, NCB 15052 AND LOTS 7 THROUGH 13, BLOCK 8, NCB 18098 TO WIT: FROM "C-3" GENERAL COMMERCIAL DISTRICT TO "MF-33" MULTI-FAMILY DISTRICT.

2008-06-05-0506

Item P-2. **PLAN AMENDMENT # 08021 (District 7):** An Ordinance amending the land use plan contained in the Northwest Community Plan, a component of the Master Plan of the City, by changing the use of a 0.58 acre tract of land located at 7905 Bandera Road from Community Commercial to Regional Commercial land use. Staff and Planning Commission recommend approval. **(Associated Zoning Case Number: Z2008126)**

2008-06-05-0507

Item Z-12. **ZONING CASE # Z2008126 (District 7):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "C-3 NA" General Commercial District, Nonalcoholic Sales on Lot 1, NCB 18559, 7905 Bandera Road as requested by Oscar Andres Hernandez, Applicant for Oscar Andres Hernandez, Owner. Staff and Zoning Commission recommend approval pending plan amendment.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOT 1, NCB 18559 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "C-3 NA" GENERAL COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

2008-06-05-0508

Item Z-13. **ZONING CASE # Z2008135 (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "C-2 NA" Commercial District, Nonalcoholic Sales on Lot 12, Block 21, NCB 17971, save and except .030 acres out of NCB 17971, 6700 Block of John Marshall Road as requested by Jerry Arredondo, Applicant for Ruben Yanez, Jr, Owner. Staff and Zoning Commission recommend approval. Deed restrictions for said item are attached to the Ordinance.

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 12, BLOCK 21, NCB 17971, SAVE AND EXCEPT .030 ACRES OUT OF NCB 17971 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA" COMMERCIAL DISTRICT, NONALCOHOLIC SALES.

[ZONING CONSENT ITEMS CONCLUDED]

ZONING ITEMS FOR INDIVIDUAL CONSIDERATION

2008-06-05-0496

Item Z-2. **ZONING CASE # Z2008085 CD S ERZD (District 9):** An Ordinance changing the zoning district boundary from "C-1 ERZD" Light Commercial Edwards Recharge Zone District to "C-2 CD S ERZD" [CD-Veterinary Hospital - Small Animals (No Outside Runs, Pens and Paddocks Permitted)] Commercial Edwards Recharge Zone District with a Conditional Use for a Veterinary Hospital - Small Animals (No Outside Runs, Pens and Paddocks Permitted) and a Specific Use Authorization for a Veterinary Hospital - Small Animals (No Outside Runs, Pens and Paddocks Permitted) within the Edwards Recharge Zone on 0.5869 acres out of Parcel 25B, NCB 18218 the west side of Stone Oak Parkway between U.S. Highway 281 and Bulverde Road, as requested by RAD Investments, Inc., Applicant for RAD Investments, Inc., Owner. Staff recommends approval with the exception of no recommendation on the impervious cover limits, Zoning Commission recommends approval.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Jack M. Finger asked that the impervious cover for Item Z-2 be reduced. He spoke against Item Z-11, noting that the Ingram Hills Neighborhood Association was in opposition and stated that neighbors were opposed to Item Z-6.

Ms. Elyzabeth Earnley, AGUA Representative, spoke in favor of said item and thanked all those involved in the project. She noted the importance of the Edwards Aquifer to the City of San Antonio.

Dr. Jamie M. Fehlis, Cibolo Canyons Vet Hospital, stated that she and her business partner had been looking to purchase land in the area for three years so that they could start their own animal hospital. She noted that said item had previously gone before the Council and had since lowered the impervious cover.

Councilmember Rowe moved to adopt the proposed Zoning Item with the condition that there be a 65% impervious cover with an aquifer plan that would limit the impervious cover to 50% on the overall nine acres. Councilmember Clamp seconded the motion.

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

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: 0.5869 ACRES OUT OF PARCEL 25B, NCB 18218 TO WIT: FROM "C-1 ERZD" LIGHT COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT TO "C-2 CD S ERZD" [CD-VETERINARY HOSPITAL - SMALL ANIMALS (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED)] COMMERCIAL EDWARDS RECHARGE ZONE DISTRICT WITH A CONDITIONAL USE FOR A VETERINARY HOSPITAL - SMALL ANIMALS (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED) AND A SPECIFIC USE AUTHORIZATION FOR A VETERINARY HOSPITAL - SMALL ANIMALS (NO OUTSIDE RUNS, PENS AND PADDOCKS PERMITTED) WITHIN THE EDWARDS RECHARGE ZONE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2008-06-05-0497

Item Z-3. **ZONING CASE # Z2008125 (District 9):** An Ordinance changing the zoning district boundary from "O-2" Office District to "C-2" Commercial District on Lots 1, 2 and 3, Block 20, NCB 11736, 1702, 1710 and 1718 Anchor as requested by Jaime Arechiga, Applicant for Archstone Construction, Ltd c/o Jaime Arechiga, Owner. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.
Councilmember Rowe moved to adopt the proposed Zoning Item. Councilmember Clamp seconded the motion.

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

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 1, 2 AND 3, BLOCK 20, NCB 11736 TO WIT: FROM "O-2" OFFICE DISTRICT TO "C-2" COMMERCIAL DISTRICT.

2008-06-05-0498

Item Z-4. **ZONING CASE # Z2008154 S (District 10):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "I-1 S" General Industrial District with a Specific Use Authorization for a Correctional and Rehabilitation Facility on 4.0 acres out of NCB 16585, 17500 Block of Nacogdoches Road/ FM 2252, as requested by Bobby Perez, Applicant for J. Allen Family Partners, Ltd., Owner. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Ismael Galvan, Holy Cross Cemetery Manager, spoke in opposition to said item. He stated that the cemetery management had returned their notice in opposition to the location and not the facility. He added that during Zoning Commission proceedings, Holy Cross Cemetary was only viewed as a cemetery and not as a chapel or an extension of the Church.

Mr. Robert Cornejo, Executive Director for Cemeteries for the Archdiocese, cited City Zoning Code that prevented the construction of the proposed facility within 1,000 feet of a church. He noted that when the item had gone before the Zoning Commission, there was a question as to whether their property was a cemetery or a church. He also referenced the Texas Government Code on exemptions.

Mr. Bobby Perez spoke on behalf of the applicant. He provided background information on the facility and stated that it had strong community support. He stated that to determine land use, you had to look at the primary use; for Holy Cross, that was as a cemetery. Mr. Perez noted that if Council determined otherwise, there was an exemption in the Texas Government Code that might still allow the facility to be built.

Councilmember Clamp moved to adopt the proposed Zoning Item. Councilmember Rowe 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.

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: 4.0 ACRES OUT OF NCB 16585 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO "I-1 S" GENERAL INDUSTRIAL DISTRICT WITH A SPECIFIC USE AUTHORIZATION FOR A CORRECTIONAL AND REHABILITATION FACILITY PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2008-06-05-0499

Item Z-5. **ZONING CASE # Z2008103 (District 2):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to "I-1" General Industrial District on Lots 11

and 12, Block 1, NCB 15732, 140 and 144 Remount Drive as requested by Benjamin G. Lopez, Applicant for Benjamin G. Lopez, Owner. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Councilmember McNeil moved to adopt the proposed Zoning Ordinance with the condition that it be designated "C-2 NA CD" for Wrecker Services. 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.

AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS: LOTS 11 AND 12, BLOCK 1, NCB 15732 TO WIT: FROM "R-6" RESIDENTIAL SINGLE-FAMILY DISTRICT TO "C-2 NA CD" (CD-WRECKER SERVICE) COMMERCIAL DISTRICT, NONALCOHOLIC SALES WITH A CONDITIONAL USE FOR A WRECKER SERVICE PROVIDED ALL CONDITIONS IMPOSED BY THE CITY COUNCIL ARE ADHERED TO.

2008-06-05-0500

Item Z-6. **ZONING CASE # Z2008117 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "IDZ " Infill Development Zone with uses permitted in C-3 General Commercial District and a stone monument retail and wholesale use on Lots 4, 5, 6 and 7, Block 3, NCB 641, 815, 819 and 823 Hoefgen Avenue as requested by DeLeon & Silvestri Co, Applicant for Elias DeLeon & Sandra Silvestri, Owner. Staff and Zoning Commission recommend approval.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Eli De Leon of De Leon & Silvestri noted that he was one of the owners of the property and read a letter on behalf of the Designer of the original blueprint in favor of the change.

Mr. Raymundo A. Martinez stated that he and his wife had operated the Mexican Restaurant on the property for over thirty years and had recently retired due to health issues. He spoke in favor of the zoning change, adding that the area needed new businesses.

Councilmember McNeil moved to adopt the proposed Zoning Ordinance. Councilmember Cisneros 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.

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 4, 5, 6 AND 7, BLOCK 3, NCB 641 TO WIT: FROM "I-1" GENERAL INDUSTRIAL DISTRICT TO

"IDZ" INFILL DEVELOPMENT ZONE WITH USES PERMITTED IN C-3 GENERAL COMMERCIAL DISTRICT AND A STONE MONUMENT RETAIL AND WHOLESALE USE.

WITHDRAWN

Item Z-11. **ZONING CASE # Z2008113 CD (District 7):** An Ordinance changing the zoning district boundary from "R-20 NCD-3" Residential Single Family Ingram Hills Neighborhood Conservation District-3 to "C-2 NCD-3 CD" (CD-Auto Sales) Commercial Ingram Hills Neighborhood Conservation District-3 with a Conditional Use for Auto Sales on a 0.542 acre tract out of Block E, NCB 11538, 2259 Bandera Road as requested by Jerry Arredondo, Applicant for Carp, Vasile and Sabou, Ioan, Owners. Staff recommends Approval with conditions. Zoning Commission recommends denial.

CITIZENS TO BE HEARD

Father Walter D'Heejene spoke on behalf of COPS/Metro Alliance in opposition to the increase in registration fees for the Kid Quest Summer Program. He noted that discounts were available to low-income families but required much paperwork. He stated that the programs in northern San Antonio were at capacity but programs in less affluent areas were empty.

Mr. Paul Martinez, also representing COPS/Metro Alliance, stated that if families could not afford to put their children in the summer program, the children would stay home where they could cause trouble. He noted that the community was told that enrollment would not change and added that the City should invest in struggling families.

Mr. Mark Perez stated that City Departments did not have proper training and were not able to respond to his questions. He noted that many facilities contained hazardous chemicals and were operating without a Certificate of Occupancy.

Mr. Faris Hodge, Jr. stated that longevity pay should be provided to non-union employees and spoke against the City's Dress Code. He expressed concern with CPS Energy because if payments were made after 5:00 pm, electricity was not restored until the following day. He asked that CPS Energy's hours of operation be extended to 9:00 pm. Lastly, he sang a song.

Mr. Jack M. Finger spoke on the importance of elections. He noted that Mr. Nazirite Ruben Flores Perez who serves on a Board and had been lobbied to vote in favor of raising taxes. He added that the result of that vote was a tie.

Ms. Paula Arias spoke against the rent increase by the San Antonio Housing Authority (SAHA). She stated that it was unfair for her rent to increase 90% while others increased slightly. She noted that she had a contract with her landlord and asked how SAHA could change that. She thanked the Council for appointing new SAHA Board Members and asked how she could become a Resident Representative.

Ms. Catrina Jacobo expressed concern that $450,000 or one-third of the total cost for repairs to Mirasol Homes had been spent in administrative costs. She stated that the residents wanted to disband the Task Force and that it was unfair for Task Force Members to get special treatment. She urged the Council for their support.

Mr. Guadalupe Lopez stated that the Task Force had been in place for over a year but nothing had changed for the residents. He noted that it had taken six months to repair twenty-two homes and he doubted that the remaining 224 would be finished by the August deadline.

Ms. Laura Rodriguez stated that KB Homes had made some initial repairs to her Mirasol Home but had damaged her air conditioner in the process. She asked SAHA for assistance but they have not helped. She urged the Council to assist the Mirasol Homeowners.

Mr. George Alejos read a letter on behalf of Ms. Alicia Lazaro from the Texas Real Estate Commission. The letter was in response to Mr. Alejos' complaint of deceptive trade practices and stated that the case had been closed due to insufficient evidence. He expressed concern that SAHA reported to the Texas Real Estate Commission that they did not know who had built her home.

Ms. Henrietta DeHoyos stated that she was on the Section 8 Waiting List and felt it unfair to be at the bottom of the list when Ms. Stephanie Battle had been moved to the top.

Ms. Martha Gamboa stated that she had been out of her Mirasol Home for eight months and during that time, her elephant collection had been broken and her floors were damaged. She added that she also had sewer problems with her home. She asked the Council to look into same.

ADJOURNMENT

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:45 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
City Clerk

20080605
LV/lys