

**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, JANUARY 9, 2008 AND THURSDAY, JANUARY 10, 2008.**

The San Antonio City Council convened in a Work Session at 3:00 pm Wednesday, **January 9, 2008**, Municipal Plaza Building with the following Councilmembers present: Cisneros, McNeil, Cortez, Galvan, Herrera, Rodriguez, Cibrian, Clamp, and Mayor Hardberger.

**1. INTERVIEWS OF QUALIFIED CANDIDATES SEEKING APPOINTMENT TO FILL UNEXPIRED TERMS OF OFFICE FOR CITY COUNCIL DISTRICT 3 AND CITY COUNCIL DISTRICT 9.**

Interviews for vacant Council Districts were conducted with District 3 Applicants interviewed first in alphabetical order followed by District 9 Applicants in alphabetical order.

Mrs. Vacek introduced the following applicants for District 3:

Dr. C.P. Garcia stated that he had been a resident of San Antonio since 1969 and had practiced medicine in various places throughout the city. He noted that he was a member of the Pecan Valley Neighborhood Association and that his recent efforts were focused on Veterans and Healthcare issues.

Mr. Leo Lopez stated that he had served on the VIA Metropolitan Board of Trustees for the past eight years, adding that he had worked on the successful Advanced Transportation District Referendum during his tenure. He provided the Council with a copy of his resume and stated that the most important issue facing the Southside was basic Infrastructure – drainage, sidewalks, and potholes.

Mr. Ruben Martinez Pena stated that he was one of ten children and had lived on the Southside since he was eight years old. He volunteered in the school district and was involved in his church. He noted that he was a partner in a local real estate company and previously served on the Planning Commission. He stated that a critical issue facing District 3 Residents was housing and he would work diligently to keep housing affordable throughout the district.

Ms. Jennifer Ramos stated that she was born and raised in San Antonio and had been a resident of District 3 all her life. She stated that she worked in a family-owned business in the Riverside Area of the district and added that she had served on the Alamo Community College District (ACCD) Board of Directors since 2004. Ms. Ramos highlighted various programs she had worked on while on the ACCD Board. She outlined her work experiences as a Council Aide to Former District 3 Councilmember Roland Gutierrez. Additionally, she noted that she would support the Texas A&M Campus and City South Initiatives in District 3. She added that she would focus on a new library and additional parks within the district, while working to improve streets and drainage.

Ms. Rebecca Viagran stated that she was a lifelong District 3 Resident and a current member of the Ministry Team at St. Mary's University. She noted her community service at both the local and national levels and that she had previously served as Council Aide to Former Councilmembers Robert Marbut

and Bonnie Conner. She added that she would work closely with the Council on funding for Project Quest and on the issue of easing the Council Term Limits. She stated that the most critical issue facing District 3 was infill development.

Mr. Ernest Zamora, Jr. stated that he was born and raised in the Southside of San Antonio and was employed in his father's auto repair shop. He noted that his hobby was producing a Japanese Animated public access television show. He added that he wanted to become the Councilmember for District 3 to relieve traffic and sidewalk issues and suggested the use of Light Emitting Diodes (LED) for street lights.

Mrs. Vacek introduced the following applicants for District 9:

Ms. Jane C. Fritz stated that she was the Director of Client Services for the law firm of Prichard Hawkins McFarland & Young and that they fully supported her decision to seek public office. She noted that previously, she had served as the Executive Director for the San Antonio Bar Association's Community Justice Program, providing pro bono services to the indigent population of San Antonio. Ms. Fritz stated that she had been recruiting lawyers to work pro bono on the issues facing Mirasol Homeowners. She noted her current service as the Community Coordinator for Texas Bio and Agro Defense Facility, a local consortium whose objective is to have San Antonio selected as the site for a new federal lab. She added that she had recently been elected to serve a 3-year term on the Greater Chamber's Executive Committee. Lastly, she noted her support to relax current term limits and that she would work to alleviate traffic congestion in the district.

Mr. Weston Martinez stated that he had lived in San Antonio his entire life and was a Design Engineer for AT&T. He mentioned that he was pursuing this position due to his interest in the City of San Antonio. He distributed his resume, noting that he served as President and Chairman of the Board for Harvest Fellowship Community Church and Harvest Academy. He also noted his service on the Alamo Community College Bond Oversight Committee. Mr. Martinez felt that he could commit the time necessary for this position noting that his position was fluid. He stated that within District 9, the major issues were streets and infrastructure.

Mr. Louis Rowe stated he was born in San Antonio and referenced his father's Military Service. He noted that he is the current President/CEO of Goetting & Associates, Inc., Consulting Engineers. He also stated that he serves on the San Antonio River Authority (SARA) Board of Directors as Chairman. He stated he was seeking the Council position to give back to the community and to his district. In reference to any perceived conflicts of interest, Mr. Rowe stated his company would not pursue any City contracts and that he would abstain from any item related to his wife's employer, Carter Burgess. He felt confident that he could serve his constituents even if he had to recuse himself from various items. He noted his support for revised term limits and added that he would focus on water and transportation issues within his district.

Mr. Roger A. Scott stated that he was a full-time substitute teacher and that he was seeking this position as an opportunity to serve and be a role model. He noted that he was born and raised in the City of San Antonio and that he was involved with Big Brothers Big Sisters and SAMM Ministries. He added that his top three priorities for District 9 were Taxes, Transportation, and Homelessness.

There being no further discussion, Mayor Hardberger adjourned the meeting at 6:41 pm.

The San Antonio City Council convened in a Regular Meeting on Thursday, **January 10, 2008** at 9:00 am in the City Council Chambers.

The Invocation was delivered by Dr. Doug Diehl, Pastor, Crossroads Baptist Church, guest of Councilmember Justin Rodriguez, District 7.

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

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

### **MINUTES**

Councilmember Cibrian made a motion to approve the Minutes for the November 5, 2007 Special City Council Meeting and the November 29, 2007 Regular City Council Meeting. Councilmember Rodriguez seconded the motion.

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

### **ITEMS FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following caption:

Item 4. FIRST PUBLIC HEARING ON THE PROPOSED DISANNEXATION OF SOUTHSIDE INITIATIVE STUDY AREAS 1 (WITH THE EXCEPTION OF THE 532.59-ACRE PARCEL KNOWN AS THE CROSSWINDS AT SOUTHLAKE SPECIAL IMPROVEMENT DISTRICT), 4, 6, AND 7 (THE SOUTHSIDE EXPANSION AREA) FROM LIMITED PURPOSE STATUS.

Jesus Garza presented said item noting that the public hearing was for the disannexation of the Limited Purpose Areas of City South. He stated that on June 26, 2007, the City approved a development agreement which extended the limited purpose annexation status for the Crosswinds at Southlake Project. The date for full purpose annexation of this area is December 31, 2035 and therefore, this particular subdivision is not being proposed for disannexation at this time. He noted that the public hearing was on the proposed disannexation of Southside Initiative Study Areas 1, 4, 6 and 7 from the current limited purpose status.

Mayor Hardberger declared the Public Hearing open. There being no citizens signed to speak, Mayor Hardberger declared the Public Hearing closed.

Councilmember Cortez asked about the residents who currently reside in the Limited Purpose Annexation areas. Mr. Garza stated that they were eligible to vote in Municipal Elections except for those that dealt with bond issues or any monetary issues until the area was disannexed. He added that they did not pay municipal taxes and that the County was responsible for infrastructure issues.

**CONSENT AGENDA: Items 5 – 24F**

Consent Agenda Items 7, 15, 19, 20 and 22 were pulled for Individual Consideration. Councilmember Rodriguez moved to approve the remaining Consent Agenda Items. Councilmember Cisneros seconded the motion.

Jack M. Finger spoke against the new security measures at City Hall. In reference to Item 23, he spoke in opposition to the issuance of revenue bonds to be issued by the Kendall County Health Facilities Development Corporation.

Mrs. Vacek read written testimony from Faris Hodge, Jr. regarding Items 16 and 18. He wrote that it was not right to stop small businesses from selling to big businesses because it went against the concept of free enterprise. He added that it was the small businesses that made the Riverwalk, not the river. He wrote against the accessibility of pornography in City Libraries. He expressed that filters should be installed in the computers at City Libraries due to federal funding received for the computers.

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

**2008-01-10-0001**

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 \$9,260,000.00, INCLUDING: (A) PASSENGER TIRES; (B) FERRARA FIRE TRUCK PARTS & SERVICE; (C) CORRUGATED POLYETHYLENE PIPE; (D) CITRUS CLEANING SOLVENT; (E) DEMOLITION SERVICES; (F) TELEPHONE SYSTEM PARTS AND SERVICE {Item F was pulled}; (G) SPRINT PCS/NEXTEL WIRELESS AND CELLULAR SERVICES & PRODUCTS {Item G was pulled}; (H) INFRASTRUCTURE SUPPORT SERVICES; AND (I) EZ-IO ADULT INTRAOSSEOUS INFUSION NEEDLE SETS.

**PULLED**

Item 6. AN ORDINANCE APPROVING CHANGE ORDER NO. PW-04 IN THE AMOUNT OF \$67,898.21 AND CHANGE ORDER NO. PW-05 (FINAL) IN THE NET DEDUCTIVE AMOUNT OF \$86,786.12 TO THE CONSTRUCTION CONTRACT, WITH PRONTO SAND BLASTING, COATING & OIL FIELD SERVICE COMPANY IN CONNECTION WITH THE ROSABELL-CULEBRA TO INEZ PROJECT, LOCATED IN DISTRICT 5, AND APPROPRIATING FUNDS.

**2008-01-10-0003**

Item 8. AN ORDINANCE APPROVING A TOTAL CONSTRUCTION PROJECT AMOUNT OF \$347,814.99, TO INCLUDE AWARDED A CONTRACT IN THE AMOUNT OF \$285,797.04 TO RAM BUILDING SERVICES, L.L.C. UNDER AN EXISTING INDEFINITE DELIVERY CONTRACT FOR PUBLIC WORKS INFRASTRUCTURE MAINTENANCE AND CONSTRUCTION IN CONNECTION WITH THE LAUREL HILLS AREAS STREETS/BLUEMEL SIDEWALK PROJECT, AN AUTHORIZED U.S. DEPARTMENT OF

HOUSING AND URBAN DEVELOPMENT (HUD) 108 LOAN PROGRAM FUNDED PROJECT  
LOCATED IN DISTRICT 8; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

**2008-01-10-0004**

Item 9. AN ORDINANCE APPROPRIATING \$1,010,000.00 FOR THE FY 2007-2008 ANNUAL TRAFFIC SIGNAL PROGRAM AND \$350,000.00 FOR THE FY 2007-2008 ANNUAL TRAFFIC SIGNAL UPGRADE PROGRAM; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE BY EIGHT AFFIRMATIVE VOTES.

**2008-01-10-0005**

Item 10. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO REIMBURSE THE CITY OF SAN ANTONIO AN AMOUNT NOT TO EXCEED \$51,750.00 FOR THE COST OF FURNISHING AND INSTALLING TRAFFIC SIGNAL EQUIPMENT ALONG THE IH-35 FRONTAGE ROAD AT THE INTERSECTIONS OF FM 78 (OLD SEGUIN ROAD), BINZ-ENGLEMAN ROAD, AND RITTIMAN ROAD.

**2008-01-10-0006**

Item 11. AN ORDINANCE AUTHORIZING A LEASE BETWEEN THE CITY OF SAN ANTONIO AND HOWELL-KITENDAUGH, LLC, FOR APPROXIMATELY 2,077 SQUARE FEET OF SPACE IN THE OAK RIDGE PLAZA SHOPPING CENTER FOR A 5-YEAR TERM WITH A BASE RENT OF \$171,023.52 AND AN ESTIMATED COMMON AREA RENT OF \$34,257.60 COMMENCING UPON SUBSTANTIAL COMPLETION OF THE TENANT IMPROVEMENTS BY THE LANDLORD, BUT NOT LATER THAN APRIL 1, 2008.

**2008-01-10-0007**

Item 12. AN ORDINANCE DECLARING A PUBLIC NECESSITY FOR THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTIES FOR THE PUBLIC PURPOSE OF THE EXPANSION AND OPERATION OF THE CITY OF SAN ANTONIO GAS AND ELECTRIC SYSTEM ("SYSTEM"), INCLUDING THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A NEW ROAD ENTRANCE AND AN ADDITIONAL RAILROAD SIDING AND RELATED APPURTENANCES ("THE CALAVERAS LAKE PROJECT") LOCATED IN THE FOLLOWING AREA OF BEXAR COUNTY, TEXAS: JUAN MONTES GRANT NO. 6, ABSTRACT 11, COUNTY BLOCK 4007, BEXAR COUNTY, TEXAS, FOR THE PUBLIC PURPOSES OF THE EXPANSION AND OPERATION OF THE SYSTEM, INCLUDING THE CALAVERAS LAKE PROJECT; AUTHORIZING ALL APPROPRIATE ACTION OF THE CITY PUBLIC SERVICE BOARD OF SAN ANTONIO IN THE INSTITUTION AND PROSECUTION OF CONDEMNATION PROCEEDINGS TO ACQUIRE ANY SUCH NEEDED FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTIES THAT CANNOT BE ACQUIRED THROUGH NEGOTIATION; RATIFYING AND AFFIRMING ALL PRIOR ACTS AND PROCEEDINGS DONE OR INITIATED BY ATTORNEYS, AGENTS AND EMPLOYEES OF THE CITY PUBLIC SERVICE BOARD TO ACQUIRE SUCH FEE SIMPLE TITLE TO PROPERTIES; AUTHORIZING ALL OTHER LAWFUL ACTION NECESSARY OR INCIDENTAL TO SUCH ACQUISITIONS OR EMINENT DOMAIN PROCEEDINGS TO INVESTIGATE, SURVEY, SPECIFY, DEFINE, DESCRIBE AND SECURE THE NECESSARY PROPERTY RIGHTS; AND DECLARING THE SECTIONS OF THE ORDINANCE TO BE

SEVERABLE ONE FROM THE OTHER IN THE EVENT ANY SECTION OF THIS ORDINANCE IS DETERMINED TO BE INVALID.

**2008-01-10-0008**

Item 13. AN ORDINANCE AUTHORIZING ACQUISITION OF EASEMENTS FOR BUILDING AND MAINTAINING CROSSING AND DRAINAGE IMPROVEMENTS AT THE INTERSECTION OF PRUE ROAD AND HUEBNER CREEK, DISTRICT 8.

**2008-01-10-0009**

Item 14. AN ORDINANCE AUTHORIZING ACQUISITION OF FLOOD PLAIN PROPERTY IN VALLEY VIEW ACRES NEAR THE INTERSECTION OF DANVERS AND NICKLE AS PART OF THE HUESTA CREEK PROJECT, DISTRICT 8, FOR APPROXIMATELY \$66,300.

**2008-01-10-0011**

Item 16. AN ORDINANCE APPROVING AN AMENDMENT TO A RIVER WALK PATIO SPACE LEASE AGREEMENT WITH RIVERWALK PROPERTIES LTD., D/B/A THE ORIGINAL MEXICAN RESTAURANT, INCREASING THE LEASED PREMISES BY 24.2 SQUARE FEET.

**2008-01-10-0012**

Item 17. AN ORDINANCE APPROVING THE ACQUISITION OF A 0.1856 ACRE PARCEL OF LAND ADJACENT TO THE SAN ANTONIO BOTANICAL GARDEN AS PART OF THE SAN ANTONIO BOTANICAL SOCIETY FUNDING AGREEMENT.

**2008-01-10-0013**

Item 18. AN ORDINANCE AUTHORIZING ACCEPTANCE OF A FY2008 LOAN STAR LIBRARIES GRANT AWARD IN THE AMOUNT OF \$185,933.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED FOR A VARIETY OF LIBRARY SERVICE ENHANCEMENTS FOR THE SAN ANTONIO PUBLIC LIBRARY SYSTEM.

**2008-01-10-0016**

Item 21. AN ORDINANCE CREATING A GRANT-FUNDED POSITION AND APPROVING A PERSONNEL COMPLEMENT IN CONNECTION WITH A U.S. DEPARTMENT OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES GRANT.

**2008-01-10-0001R**

Item 23. A RESOLUTION CONSENTING TO THE ISSUANCE AND USE OF VARIABLE RATE DEMAND HEALTH CARE REVENUE BONDS NOT TO EXCEED \$59,000,000, SERIES 2008A AND SERIES 2008B, TO BE ISSUED BY THE KENDALL COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION TO PAY CERTAIN COSTS OF ISSUANCE AND TO FINANCE AND REFINANCE THE COSTS OF CONTINUING CARE FACILITIES OF MORNINGSIDE MINISTRIES AND/OR THE MORNINGSIDE MINISTRIES FOUNDATION, INC. LOCATED WITHIN THE BOUNDARIES OF SAN ANTONIO, TEXAS; AND RESCINDING RESOLUTION NO. 2007-12-06-022R.

Item 24. CONSIDERATION OF BOARD, COMMISSION AND COMMITTEE NOMINEES, FOR TERMS TO BE EFFECTIVE IMMEDIATELY UPON APPOINTMENT:

- A. Reappointing Edward Riojas (District 2) and Wayne S. Alexander (District 9) to the Port Authority of San Antonio for the remainder of unexpired terms of office to expire November 30, 2009.
- B. Appointing Raymond E. Tate (District 2) to the Linear Creekway Parks Advisory Board for the remainder of an unexpired term of office to expire May 31, 2009.
- C. Reappointing Victor M. Helbling (District 10 - Category: Community Representative) to the Capital Improvements Advisory Committee for the remainder of an unexpired term of office to expire October 25, 2009.
- D. Reappointing Sabrina Hammel (District 10) to the City of San Antonio, Texas Education Facilities Corporation for the remainder of an unexpired term of office to expire December 15, 2009.
- E. Reappointing Billy Chamberlin (District 10 - Category: Master Electrician/Union Rep.) to the Electrical Supervisory Board for the remainder of an unexpired term of office to expire July 31, 2008.

**2008-01-10-0002R**

- F. A Resolution reappointing John Clamp (District 10) to the Austin-San Antonio Intermunicipal Commuter Rail District (Category: City Council Member) for a two year term to commence February 2, 2008, and expire on February 1, 2010, as requested by Mayor Phil Hardberger.

**[CONSENT ITEMS CONCLUDED]**

**ITEMS PULLED FOR INDIVIDUAL CONSIDERATION**

The City Clerk read the following Ordinance:

**2008-01-10-0002**

Item 7. AN ORDINANCE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$76,754.45 TO BOSQUEZ ELECTRIC, LLC IN CONNECTION WITH THE SEELING PARK LIGHTING IMPROVEMENTS PROJECT LOCATED IN CITY COUNCIL DISTRICT 7; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

Councilmember Rodriguez asked if Community Development Block Grant (CDBG) Funds were being used for this project and asked for a status and project timeline. Malcolm Matthews confirmed that there were CDBG Funds available and that construction was scheduled to begin later this month with an estimated completion in April 2008. He added that these funds would be used to install seven large security lights along the Walking Trail at Seeling Park.

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

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

**2008-01-10-0010**

Item 15. AN ORDINANCE AUTHORIZING THE CITY TO ACQUIRE AN EDWARDS AQUIFER-PROTECTION CONSERVATION EASEMENT OVER APPROXIMATELY 2,251 ACRES IN UVALDE COUNTY CALLED THE GULLEY RANCH IN EXCHANGE FOR APPROXIMATELY \$1,447,600.

Mayor Hardberger called upon Former Councilmember Bonnie Conner to speak on said item. Ms. Conner expressed her excitement and stated that this was a positive thing for the City of San Antonio. She introduced Carter Smith, Director of the Nature Conservancy, Michael Luigs, the landowner and developer, and Julie Koppenheffer, Executive Director of the Bexar Land Trust. They each thanked Council for their support of said item. Ms. Conner added that she would continue to work toward additional parks, open space, and water issues.

The City Council thanked Bonnie Conner and all present who worked on this worthwhile community effort. Mayor Hardberger noted that through the 1/8 cent sales tax referendum, 24,215 acres of land over the recharge zone had been protected. He added that this was an intelligent program and that water was a precious resource that needed to be preserved.

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

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

**2008-01-10-0014**

Item 19. AN ORDINANCE AUTHORIZING VARIOUS APPLICATIONS AND ACCEPTANCE OF APPROXIMATELY \$781,472.00 OR MORE FROM THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR REGIONAL SOLID WASTE PASS-THROUGH GRANTS FOR FISCAL YEAR 2008, THROUGH THE ALAMO AREA COUNCIL OF GOVERNMENTS.

Councilmember Rodriguez asked how the funds would be utilized and requested a timeline. Dave Newman stated that the Solid Waste Department had applied for six different grants in various categories. He noted that the one with the highest priority totaled \$342,000 and would be utilized for educational purposes. He added that some funds would be used for promotional items, a van and trailer which would be used to transport mulch, and the department's mascot, and for the purchase of necessary machinery and equipment. Mr. Newman stated that the Department would be notified of grant acceptance within the next few weeks and if received, funds would be available in Fiscal Year 2008.

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

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

**2008-01-10-0015**

Item 20. AN ORDINANCE AUTHORIZING GRANT APPLICATION AND ACCEPTANCE OF FUNDING AWARD TO THE U.S. DEPARTMENT OF ENERGY (DOE) SOLAR AMERICA INITIATIVE GRANT PROGRAM FOR UP TO \$200,000.00 FOR DEVELOPMENT OF A SUSTAINABLE SOLAR INFRASTRUCTURE AND TECHNOLOGIES.

Councilmember Rodriguez recognized Bill Sinkin for his outstanding efforts for Solar Energy. He asked how the City was doing in terms of Solar Energy and if the City was encouraging private businesses to utilize Solar Energy. Erik Walsh stated that within Downtown, several Solar Trash Bins had been installed and were very successful. He added that this grant would provide educational outreach as well as examine market barriers that existed for both residential and commercial use of Solar Energy.

Bill Sinkin thanked the City Council and Former Councilmember Conner for their land and water conservation efforts. He expressed his enthusiasm for Solar Energy and for this grant application and the partnerships it will create.

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

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

**2008-01-10-0017**

Item 22. AN ORDINANCE AMENDING CHAPTER 6 OF THE CITY CODE OF SAN ANTONIO, TEXAS, TO ESTABLISH THE SAN ANTONIO BUILDING CODES ACADEMY (SABCA) TO PROVIDE TRAINING COURSES RELATING TO CONTINUING EDUCATION FOR TECHNICAL CODES AND INTERNATIONAL CODE COUNCIL CERTIFICATIONS; ESTABLISHING ATTENDANCE FEES; AND ESTABLISHING A SABCA FUND.

Councilmember Herrera asked Mr. Rod Sanchez for further explanation of said item. Mr. Sanchez reported that an advisory committee had been formed to review processes and procedures of the Development Services Department and to provide recommendations for improvement. The committee identified staff training as inadequate and therefore, the SABCA was formed to ensure that Development Services Staff receives necessary training. Additionally, the SABCA will be offered to other staff throughout the State of Texas.

Councilmember Rodriguez asked if any of the courses focused on green buildings or green initiatives. Mr. Sanchez stated that although there were no green courses offered, the City of San Antonio had adopted an Energy Code which was written at a national level and has stringent design requirements.

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

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

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

Ms. Sheryl Sculley reported that the Health Department would be offering free flu clinics on January 15<sup>th</sup> and 16<sup>th</sup> at the Alamodome from 1:00 pm to 7:00 pm. She noted that year-to-date, the Health Department had immunized over 28,000 adults and 6,400 children, the highest count in the City's History.

Ms. Sculley stated that during the month of December, the exterior of City Hall had been cleaned. The project involved the cleaning of limestone and masonry and was completed ahead of schedule. She added that work would begin soon on the City Hall Lighting Project.

Lastly, Ms. Sculley provided information on the Volunteer Income Tax Assistance (VITA) Program. She stated that the VITA Program offered income tax preparation assistance free of charge to those individuals whose income was \$45,000 or less per year. She noted that there were 31 VITA sites that would be opening on January 23, 2008. Ms. Sculley added that for the first time ever, the City would be partnering with H.E.B. Stores to provide free VITA Services at four locations.

### **EXECUTIVE SESSION**

Mayor Hardberger recessed the Regular Meeting at 10:24 am to convene in Executive Session for the purposes of:

- A. Deliberate the appointments of new councilmembers, pursuant to Texas Government Code Section 551.074 (personnel matters).
- B. Discuss legal issues and deliberate the purchase, exchange, lease or value of real property pursuant to Texas Government Code Sections 551.071 (consultation with attorney) and 551.072 (real property).
- C. Discuss legal issues related to the transfer of health services from the San Antonio Metropolitan Health District to the University Health System, pursuant to Texas Government Code Section 551.071 (consultation with attorney).

Mayor Hardberger reconvened the Regular Meeting at 2:10 pm at which time it was noted that the City Council had been briefed on the above-styled matters but took no action.

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

#### **2008-01-10-0003R**

Item Z-1. A Resolution directing Development Services Staff to initiate the process for a change in the zoning of property consisting of approximately 1.9950 acres located at 13327 Western Oak from "C-3" NA ERZD General Commercial, Non-alcoholic Sales, Edwards Recharge Zone District to "C-3" NA ERZD (CD-Outside Storage-Screened) General Commercial, Non-alcoholic Sales, Edwards

Recharge Zone District with a Conditional Use for outside storage with screening, as requested by Councilmember Diane Cibrian, District 8.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. Jack M. Finger spoke against Z-1, Z-2, Z-3, and Z-4. He expressed his concern with development over the aquifer. He added that bus lanes could not be enforced and that cars would continue to use them.

Councilmember McNeil moved to adopt the proposed Zoning Item with 30% impervious cover. Councilmember Cortez seconded the motion.

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

**2008-01-10-0004R**

Item Z-2. A Resolution directing Development Services Staff to initiate the process for a change in the zoning of property consisting of 7.51 acres located at 5330 Medical Drive from "R-5" and "R-6" Residential Single-Family Districts to "C-2" Commercial District for the VIA Metropolitan Transit System to facilitate the relocation of a new transit center, as requested by Councilmember Diane Cibrian, District 8.

Mr. Chris Looney presented the proposed Zoning Case.

Mr. John Milam, CEO of VIA Metropolitan Transit System, thanked the Council for their support for said item. He stated this was an important project due to the increasing gas prices and traffic congestion and noted that this would offer additional access for patients being treated in the Medical Center. Mr. Milam expressed his enthusiasm for the project and the impact it would have on the future of public transportation.

Councilmember Cibrian noted the importance of the project and moved to adopt the proposed Zoning Item. Councilmember Clamp seconded the motion.

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

**2008-01-10-0005R**

Item Z-3. A Resolution directing the Development Services Department to initiate the process for a change in the zoning district boundary for property generally located on Blue Crest Lane, bound by Jones Maltsberger and Bitters Road, as requested by Councilmember Kevin Wolff, District 9.

Mr. Chris Looney presented the proposed Zoning Case. Councilmember Cibrian noted that this item was a resolution to initiate the rezoning.

Mr. Rick Drury stated that although he was not opposed to the rezoning, he requested that his property, along with his father's and sister's, to remain unchanged.

Councilmember Cibrian moved to adopt the proposed Zoning Item with the exclusion of the Drury properties. Councilmember Clamp seconded the motion.

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

**2008-01-10-0018**

Item Z-4. **ZONING CASE # Z2008004 S (District 6):** An Ordinance changing the zoning district boundary from "C-2" Commercial District to "C-2" S Commercial District with a Specific Use Permit for a Car Wash on 2.272 acres out of NCB 18805, 7100 Block of Tezel Road as requested by Stephen Cook Engineering, Applicant for Imax Properties, c/o Ravinder Sahota, Owner. Staff and Zoning Commission recommend Approval. (Continued from December 6, 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: 2.272 acres out of NCB 18805 TO WIT: From "C-2" Commercial District to "C-2" S Commercial District with Specific Use Permit for a Car Wash provided all conditions imposed by the City Council are adhered to. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".

Mr. Chris Looney presented the proposed Zoning Case and noted that 9 votes would be needed in order to pass the rezoning.

Mr. Luis Tellez, Oakrest Home Owners Association, stated that he had spoken with the developer and had been assured in writing that it would be a nice strip center and that the developer would work closely with the Association on any concerns they had. With that assurance, the Association supported the zoning change. Lastly, Mr. Tellez requested the City conduct a study on lowering the speed limit in the area.

Councilmember Herrera moved to adopt the proposed Zoning Item with the following conditions:

- 1) Lighting will be directional
  - 2) Hours of Operation for the Car Wash will be 6am-12am
  - 3) Allowance for the construction of an eight-foot fence between the residential and commercial lots
- Councilmember Cibrian seconded the motion.

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

**[ZONING ITEMS CONCLUDED]**

Mayor Hardberger recessed the meeting at 2:48 pm and noted that the meeting would resume at 6:00 pm for Citizens to be Heard.

## CITIZENS TO BE HEARD

Mr. Manuel Landez stated that the City Council should not be allowed to split Harlandale into three districts. He expressed concern that they were not given notice or an opportunity to attend a public hearing.

Mr. Glen Alan Graham submitted a letter to the City Council in opposition to digital billboards and spoke against the new security measures at Municipal Plaza. He thanked Councilmember Rodriguez for being the single vote against digital billboards and compared him to Former Councilmember Patti Radle.

Mr. Bobby Contreras stated that he was the Secretary of the Downtown Vendors Association. He spoke in reference to vending permits and the fact that Mr. Steve Cline, a Dallas native, had been given exclusive rights to vend at several San Antonio events in 2007. Mr. Contreras noted that he had met with the City Manager's Office as well as the City Council Offices. He asked for authorization to present a better process for vending permits.

Mr. Mark Perez stated that he was forced to contact the Texas Environmental Commission (TEC) because City staff was unable to assist him in closing a chemical company and have it moved out of the city. He added that he had also contacted the Environmental Protection Agency (EPA) and they asked if the City had taken any samples at the company's location. Mr. Perez stated that the EPA would be contacting City staff in reference to this issue.

Mr. Faris Hodge Jr. thanked Councilmembers Cibrian and Galvan for remembering him at Christmas time. He stated that CPS should replace street lights as soon as they burned out in the downtown area and noted the recent bust of 150 gang members. He expressed his support for Fiesta being relocated to the Alamodome for safety reasons and his concern with citizens having to pay for garbage pick up even when there were scheduled holidays. He spoke in opposition to fireworks being sold in the County which made their way into the City and that the City needed more firemen. He stated he was disappointed with the lack of notification on the closure of the Westside Community Center and with the new security at City Hall and Municipal Plaza.

Mr. Guadalupe Lopez thanked Councilmember Galvan for attending a meeting with the Mirasol Task Force. He stated that he did not think the Task Force would be able to help the Mirasol Homeowners, but trusted that the Councilmember could. He added that City Staff had conducted the home inspections but asked for additional assistance from the Council.

Ms. Petra Maldonado also thanked Councilmember Galvan and stated that more had been accomplished at the one meeting she had attended than all of the others put together. She noted that the Mayor had helped by appointing new board members to the San Antonio Housing Authority (SAHA).

Mr. George Alejos thanked Councilmember Galvan for attending the meeting and the Mayor for replacing several members of the SAHA Board. He noted his appreciation for Councilmember Cibrian's assistance with preventing an individual from being evicted. He stated that he was hopeful and looked forward to working with the new board. Mr. Alejos noted that because he was a real

estate broker, many of the Mirasol Homeowners came to him for assistance. He stated he would compile all of their information and present the findings to the Council.

Ms. Henrietta DeHoyos also thanked Councilmember Galvan but reported she had requested her paperwork from SAHA over a year ago and had not received it. Ms. DeHoyos stated that when her Section 8 was taken away, she was charged \$700 for construction she felt KB Homes should be held responsible for.

Ms. Janet Ahmad thanked Councilmember Galvan for her attendance at their meeting then introduced Ms. Rodriguez. Ms. Rodriguez requested that Mr. Alejos speak on her behalf. Mr. Alejos stated that Ms. Rodriguez had purchased her home in August, 2006 and had only discovered the buy-back program eight days ago. He expressed his belief that many others had been excluded from the buy-back program.

**ADJOURNMENT**

There being no further business to discuss, Mayor Hardberger adjourned the meeting at 6:35 pm.

**A P P R O V E D**



**PHIL HARDBERGER**  
MAYOR

Attest:



**LETICIA M. VACEK**  
City Clerk