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 31, 2007 AND THURSDAY, FEBRUARY 1, 2007

The City Council convened in an informal "B" Session at 3:00 pm, Wednesday, January 31, 2007 in the Council Chambers, Municipal Plaza Building, with the following Councilmembers present: Flores, McNeil, Gutierrez, Perez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger.

1) Presentation, consideration, deliberation and possible action by the City Council on the recommendation of each of the 4 Community Bond Committees of the 2007-2012 General Obligation Bond Program ("Bond Program") for projects to be included in the Bond Program.

City Manager Sheryl Sculley made a brief presentation on the meetings held by the various Bond Committees.

The following Community Bond Committee Chairs presented to the City Council the Bond Proposals:

A) Terrell McCombs, Streets & Sidewalks Committee
B) Manny Pelaez, Drainage Committee
C) Doug McMurry, Parks Committee
D) Aurora Geis, Community Initiatives Committee

The power point presented is on file with the Office of the City Clerk.

2) Presentation of a Proposal to Establish a 5 Year Parks Maintenance Fund.

Ms. Sculley stated that her office would work with the Councilmembers on refining the projects. She stated that the projects noted in the memo derived from the 5 Year Strategic Plan.

The "B" Session adjourned at 4:51pm.

The San Antonio City Council convened in the Council Chambers. Municipal Plaza Building in a Regular Council Meeting on Thursday, February 1, 2007 at 9:00 am.

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

The Invocation was delivered by Reverend Lee Young, Pastor, CrossRoads Community Church of the Nazarene, guest of Councilmember Richard Perez.

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 January 11, 2007 City Council Meeting. Councilmember Flores seconded the motion.

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

CONSENT AGENDA: Items 6 – 28C

Consent Agenda Items 7, 9, 10, 12, 18, 23, 24, and 26 were pulled for individual consideration. The remaining items were approved upon the motion made by Councilmember Gutierrez and seconded by Councilmember Perez.

The vote on the Consent Agenda was deferred in order to hear citizens signed up to speak for Consent Agenda Items that were pulled for individual consideration. The Council addressed Item 4 at this time.

ITEMS FOR INDIVIDUAL CONSIDERATION

The City Clerk read the following Ordinances:

2007-02-01-0108

Item 4A. AN ORDINANCE ESTABLISHING THE $10,000,000 BUDGET FOR THE MAIN PLAZA REDEVELOPMENT PROJECT, COMPRISED OF THE FOLLOWING MONETARY COMMITMENTS: $5,000,000 FROM THE CITY OF SAN ANTONIO, $2,500,000 FROM BEXAR COUNTY, AND $2,500,000 FROM PRIVATE DONATIONS.

Councilmember Perez made a motion to approve the proposed Ordinances. Councilmember McNeil seconded the motion. (Note that the City Council originally intended to approve both items together. As such one motion was made for both Items. During the presentation, it was requested to approve the items individually).

Mr. Tom Wendorf, Director of Public Works, updated the City Council on the construction of the Main Plaza Redevelopment Project. Mr. Wendorf stated that Jerdon Construction had been awarded the contract for Phase I Drainage and Infrastructure Improvements. Phase II Landscaping and Fountain Improvements would be advertised in February. The project was expected to be completed in June 2008 and had a total budget of $10 million. The City would be contributing $5 million and Bexar County would be contributing $2.5 million. The remaining $2.5 million balance would be derived from private contributors. The power point presented by Mr. Wendorf is on file with the Office of the City Clerk.

Mayor Hardberger called upon those that had signed up to speak on Item 4.

Councilmember Perez excused himself from the meeting at this time.

The following citizen(s) appeared to speak:
Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council relating to the excellent job done with the Main Plaza Redevelopment Project.

Mr. Jack M. Finger, P.O. Box 12048, addressed the Council relating the Main Plaza's Redevelopment and the decrease of parking around the San Fernando Cathedral. He noted the subsequent increase of traffic congestion from the Project. He also commented on how citizens would be paying the City's portion as well as the County's portion of the project.

City Clerk Leticia M. Vacek read a written testimony from Faris Hodge, Jr., 140 Dora, relating to the Main Plaza Redevelopment Project. Mr. Hodge stated that the Main Plaza Redevelopment Project was a bad idea because the closing of streets would increase traffic congestion. Additionally, the lack of security and lighting would cause safety problems. Mr. Hodge also stated how the money should be spent fixing streets.

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

2007-02-01-0109

Item 4B. AN ORDINANCE APPROVING THE FIRST PHASE OF CONSTRUCTION FOR A TOTAL ESTIMATED AMOUNT OF $2,556,427.82 TO INCLUDE AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF $2,338,872.20 TO JERDON ENTERPRISE, L.P., OF WHICH $1,019,839 WILL BE REIMBURSED BY SAN ANTONIO WATER SYSTEM AND $51,059 WILL BE REIMBURSED BY CPS ENERGY, IN CONNECTION WITH THE MAIN PLAZA REDEVELOPMENT PROJECT, AN AUTHORIZED CERTIFICATES OF OBLIGATION AND BEXAR COUNTY FUNDED PROJECT LOCATED IN DISTRICT 1, AND APPROPRIATING FUNDS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember McNeil seconded the motion. (Note that the City Council originally intended to approve both items together. As such one motion was made for both Items. During the presentation, it was requested to approve the items individually).

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

The City Clerk read the following Ordinance:

2007-02-01-0135

Item 26. AN ORDINANCE APPROVING AN ADDENDUM TO THE CITY OF SAN ANTONIO'S LEGISLATIVE PLAN FOR THE 80TH REGULAR SESSION OF THE TEXAS LEGISLATURE THAT WAS ADOPTED ON OCTOBER 19, 2006.

Councilmember Radle made a motion to approve the proposed Ordinance. Councilmember Herrera seconded the motion.

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

Point of Personal Privilege

At this time, Councilmember Radle recognized Leon Evans and the Center for Health Care Services for completing its tenth Crisis Intervention Training for San Antonio and area Police Officers. The 40-hour training session teaches officers how to identify and work with people with mental illnesses.

Mayor Hardberger recognized those that had signed up to speak relating to the Consent Items.

The following citizen(s) appeared to speak:

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council relating to Item 7. Mr. Perez stated that Councilmember Radle was doing a good job despite inheriting such problems as the lack of swimming pools and proper drainage in District 5.

Mr. Doug Murray, 10806 Gulfdale, addressed the Council and expressed his support for Item 18.

Mr. Robert Hanley, 222 Ridgecrest, addressed the Council relating to the San Antonio Chapter of the American Institute of Architects' position in support of the passage of Item 18.

Ms. Anne Whittington, 26014 Apache Creek, Council of Engineering Companies, addressed the Council relating to Item 18 and asked the Council to support the delivery method and the consolidation of procurement methods.

Mr. Jack M. Finger, P.O. Box 12048, spoke on Items 12, 13, 14, 15 19, and 25. As it related to Item 25, he asked who in the Timberwood Park Area had enough clout to tell the City of San Antonio to back-off from annexing them. Regarding Item 19, Mr. Finger questioned why the City was giving out money for something that was not the fault of the City. He also spoke against the City funding the teen abstinence program entitled "Project Worth" under Item 15. For Item 12, Mr. Finger questioned why the City did not seek bids for professional services. He also noted the campaign contributions received by Councilmembers.

City Clerk Leticia M. Vacek read a written testimony from Mr. Faris Hodge, Jr., 140 Dora, relating to Item 16. Mr. Hodge stated that the lack of internet filters on City Library Computers allowed for pornography to be viewed by library patrons. He referenced a law that requires entities receiving federal grants for the purchase of library computers to install internet filters. Mr. Hodge noted that the City was breaking the law by not having the required internet filters.

The deferred vote on the consent agenda took place at this time.

CONSENT AGENDA VOTE

The motion on approving the balance of the Consent Items prevailed by the following vote: **AYES**: Flores, McNeil, Gutierrez, Radle, Herrera, Guajardo, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS**: None. **ABSTAIN**: None. **ABSENT:** Perez.

2007-02-01-0112

Item 6. AN ORDINANCE ACCEPTING THE OFFER SUBMITTED BY CALDWELL COUNTRY CHEVROLET, UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS CONTRACT, TO PROVIDE 15 PICKUP TRUCKS FOR THE CITY FOR A COST OF $233,123.00, FROM THE DEVELOPMENT SERVICES SPECIAL REVENUE FUND.

2007-02-01-0114

Item 8A. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE AMOUNT OF $874,395.47 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH CLARK CONSTRUCTION OF TEXAS, LTD FOR ADDITIONAL ASPHALT RECYCLING AND OVERLAY WORK IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-02-01-0115

Item 8B. AN ORDINANCE APPROVING CHANGE ORDER NO. 2 IN THE DEDUCTIVE AMOUNT OF $160,742.31 TO THE CONSTRUCTION CONTRACT, AS CHANGED, WITH CLARK CONSTRUCTION OF TEXAS, LTD FOR REDUCED HOT PAVER-LAID MICRO SURFACE WORK IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-02-01-0116

Item 8C. AN ORDINANCE APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF $2,114,108.19 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD FOR ASPHALT OVERLAY WORK IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-02-01-0117

Item 8D. AN ORDINANCE APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF $115,517.51 TO THE CONSTRUCTION CONTRACT WITH CLARK CONSTRUCTION OF TEXAS, LTD FOR MICRO SURFACE WORK IN CONNECTION WITH THE FY 2006 AND FY 2007 STREET MAINTENANCE PROGRAM.

2007-02-01-0120

Item 11. AN ORDINANCE APPROVING A $200,000 AMENDMENT TO AN INDEFINITE DELIVERY PROFESSIONAL ENGINEERING AND CONSTRUCTION ADMINISTRATION SERVICES AGREEMENT WITH HNTB CORPORATION FOR ADDITIONAL AS NEEDED SERVICES IN CONNECTION WITH CITY-WIDE SIDEWALK, STREET AND NEIGHBORHOOD IMPROVEMENT PROJECTS.

2007-02-01-0122

Item 13. AN ORDINANCE DECLARING SURPLUS TO THE CITY'S NEEDS AND AUTHORIZING SALE OF APPROXIMATELY 3,039 CUBIC FEET OF AIR RIGHTS OVER THE SAN ANTONIO RIVER, MARKET, AND NAVARRO STREETS AND APPROXIMATELY TWO SQUARE FEET OF PUBLIC RIGHT OF WAY AT THE INTERSECTION OF NAVARRO AND MARKET STREETS, ADJACENT TO NCB 107, DISTRICT 1, TO SILVER RIO LIMITED PARTNERSHIP, FOR $5,440.00.

2007-02-01-0123

Item 14. AN ORDINANCE AUTHORIZING A FIVE-YEAR RENEWAL OF THE PANCHITO'S LEASE IN THE PLAZA DE ARMAS BUILDING, THE ANNUAL RENTAL BEING APPROXIMATELY $24,884.88.

2007-02-01-0124

Item 15. AN ORDINANCE AUTHORIZING THE EXECUTION OF A CONTRACT CHANGE WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES IN THE AMOUNT OF $15,991.12 WHICH WILL INCREASE THE TOTAL CONTRACT AMOUNT FROM $33,841.02 TO $49,832.14 TO AUGMENT SUPPORT FOR THE ONGOING TITLE X FAMILY PLANNING PROGRAM OF THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT FOR THE PERIOD SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007; AND REVISING THE PROGRAM BUDGET.

2007-02-01-0125

Item 16. AN ORDINANCE AUTHORIZING ACCEPTANCE OF A FY2007 LOAN STAR LIBRARIES GRANT AWARD IN THE AMOUNT OF $87,187.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION TO BE USED FOR REPLACING

OUTDATED PUBLIC DESKTOP COMPUTER WORKSTATIONS THROUGHOUT THE SAN ANTONIO PUBLIC LIBRARY SYSTEM.

2007-02-01-0126

Item 17. AN ORDINANCE AUTHORIZING THE REALLOCATION OF $15,361.22 FROM THE DISTRICT 10 ONE TIME FUNDS TO THE LIBRARY AND THE PARKS AND RECREATION DEPARTMENTS FOR THE PURCHASE OF BOOKS AND COMPUTERS FOR THE JULIA YATES SEMMES BRANCH LIBRARY AND PURCHASE AND INSTALLATION OF A SWING SET IN THE COMANCHE PARK PLAYGROUND NEXT TO THE JULIA SEMMES BRANCH LIBRARY, AS REQUESTED BY COUNCILMAN CHIP HAASS, DISTRICT 10.

2007-02-01-0128

Item 19. AN ORDINANCE AUTHORIZING A SETTLEMENT IN THE LAWSUIT STYLED *ADVANCED LONG TERM CARE CORP. – PERRIN BEITEL V. CITY OF SAN ANTONIO*; CAUSE NO. 2002-CI-13194, IN THE 288TH DISTRICT COURT, BEXAR COUNTY, TEXAS, IN THE AMOUNT OF $265,000.00 AND AUTHORIZING THE PURCHASE OF APPROXIMATELY .40 ACRES.

2007-02-01-0129

Item 20. AN ORDINANCE WAIVING THE NINETY (90) DAY MAXIMUM TIME PERIOD FOR PUBLIC HEARING ESTABLISHED BY CHAPTER 2, ARTICLE VI, CITY CODE OF SAN ANTONIO, FOR THE RENAMING OF FACILITIES AND STREETS AND AUTHORIZING THE RENAMING OF DE ZAVALA ROAD BETWEEN BABCOCK AND MAPLEPARK TO "BAMBERGER WAY" AND DE ZAVALA ROAD BETWEEN NORTH LOOP 1604 AND NCB 14615, BLK 0, LOT 2 TO "BAMBERGER TRAIL."

2007-02-01-0130

Item 21. AN ORDINANCE WAIVING THE NINETY (90) DAY MAXIMUM TIME PERIOD FOR PUBLIC HEARING ESTABLISHED BY CHAPTER 2, ARTICLE VI, CITY CODE OF SAN ANTONIO, FOR THE RENAMING OF FACILITIES AND STREETS AND AUTHORIZING THE RENAMING OF "AMERISUITES DRIVE" LOCATED IN COUNCIL DISTRICT 8 TO "HYATT PLACE DRIVE."

2007-02-01-0131

Item 22. AN ORDINANCE APPROVING A PERMIT FOR A FIREWORKS DISPLAY ON FEBRUARY 16, 2007, AT ABOUT 7:30 P.M. AT 6900 N. LOOP 1604, TO CELEBRATE THE UTSA ROWDY RAMPAGE HOMECOMING, AS REQUESTED BY THE UNIVERSITY OF TEXAS AT SAN ANTONIO AND WESTERN ENTERPRISES, INC.

2007-02-01-0134

Item 25. AN ORDINANCE APPROVING AN AGREEMENT FOR SERVICES IN LIEU OF ANNEXATION OF THE TIMBERWOOD PARK AREA BETWEEN THE CITY OF SAN ANTONIO AND THE REPRESENTATIVES APPOINTED BY THE BEXAR COUNTY COMMISSIONERS TO REPRESENT THE TIMBERWOOD PARK AREA AND AUTHORIZING THE IMPLEMENTATION OF THE AGREEMENT.

BOARD APPOINTMENTS: ITEMS 27-28C

Item 27. CONFIRMING THE REAPPOINTMENT BY THE CITY MANAGER OF ELMER F. WILLIAMS AND GREG A. TRIMBLE TO THE FIRE FIGHTERS' AND POLICE OFFICERS' CIVIL SERVICE COMMISSION TO SERVE THE REMAINDER OF UNEXPIRED TERMS OF OFFICE TO EXPIRE DECEMBER 19, 2007 AND DECEMBER 19, 2008 RESPECTIVELY, AND THE APPOINTMENT OF ALFRED Q. GONZALES FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 19, 2009.

Item 28A. REAPPOINTING ELSA SIXTOS (DISTRICT 5) TO THE CITY OF SAN ANTONIO, TEXAS EDUCATION FACILITIES CORPORATION FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE DECEMBER 15, 2008.

Item 28B. REAPPOINTING DR. HAROLD LEE TIMBOE (DISTRICT 4) TO THE BROOKS DEVELOPMENT AUTHORITY (CATEGORY: TECHNOLOGY/RESEARCH) FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 4, 2007.

Item 28C. APPOINTING SYLVIA G. RODRIGUEZ (DISTRICT 7) TO THE PORT AUTHORITY OF SAN ANTONIO FOR THE REMAINDER OF AN UNEXPIRED TERM OF OFFICE TO EXPIRE NOVEMBER 30, 2008.

[CONSENT ITEMS CONCLUDED]

The City Clerk read the following Ordinances:

2007-02-01-0110

Item 5A. AN ORDINANCE ADOPTING AN INFRASTRUCTURE MANAGEMENT PROGRAM THAT WILL BE USED TO IDENTIFY PROJECTS AND DEVELOP SCHEDULES FOR STREET MAINTENANCE, DRAINAGE MAINTENANCE, SIDEWALKS, AND TRAFFIC SIGNALS.

2007-02-01-0111

Item 5B. AN ORDINANCE APPROVING THE PROJECTS INCLUDED IN THE FY2007-FY2011 ROLLING 5-YEAR INFRASTRUCTURE MANAGEMENT PLAN.

Councilmember Gutierrez made a motion to approve the proposed Ordinances. Councilmember Guajardo seconded the motion.

Mr. Wendorf, Director of Public Works, explained the Five-Year Rolling Infrastructure Management Program. He stated that the program entailed the identification and development of maintenance schedules for street, drainage, sidewalk, and traffic signal improvement projects. From this point on, the appropriations for said Program would be part of the Annual Budget. Mr. Wendorf also explained the benefits of having a Rolling Infrastructure Management Program. The power point presented by Mr. Wendorf is on file with the Office of the City Clerk.

Councilmember Guajardo made an amendment to said item relative to street improvements for District 7. Councilmember Hall seconded the motion.

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

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

The City Clerk read the following Ordinance:

2007-02-01-0118

Item 9. AN ORDINANCE APPROVING CHANGE ORDER NO. 5 IN THE AMOUNT OF $408,341 TO THE $3,008,839 CONSTRUCTION CONTRACT, AS CHANGED, WITH MAC, INC. FOR ADDITIONAL WORK AND INCREASES IN CHANNEL EXCAVATION QUANTITIES, HAULING, AND DISPOSING, IN CONNECTION WITH THE BEITEL CREEK ENVIRONMENTAL RESTORATION PROJECT, LOCATED IN DISTRICT 2, AND APPROPRIATING FUNDS.

Councilmember McNeil made a motion to approve the proposed Ordinance. Councilmember Gutierrez seconded the motion.

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

The City Clerk read the following Ordinance:

2007-02-01-0119

Item 10. AN ORDINANCE AUTHORIZING PAYMENT IN THE AMOUNT OF $192,500 TO AMERIPOINT TITLE COMPANY, AS ESCROW AGENT FOR INEZ CINDY GABRIEL, FOR FEE SIMPLE TITLE TO TWO TRACTS OF LAND AND ACCEPTING PERMANENT

EASEMENT DEDICATION OF TWO TRACTS OF LAND OUT OF NCB 1779 AND NCB 6405, RESPECTIVELY, FOR WIDENED PUBLIC RIGHT OF WAY ALONG BLANCO ROAD IN CONNECTION WITH THE BLANCO ROAD-HILDEBRAND TO SUMMIT PHASE I, LOCATED IN DISTRICT 1; APPROPRIATING FUNDS AND PROVIDING FOR PAYMENT.

Councilmember Guajardo made a motion to approve the proposed Ordinance. Councilmember Herrera seconded the motion.

Councilmember Perez entered the meeting at this time.

The following citizen(s) appeared to speak:
Ms. Cindy Loredo, 715 W. Gramercy Place, addressed the Council relating to Item 10 and how she was against the development of a roundabout in front of a school. Ms. Loredo stated that the construction of the roundabout presented safety problems. Such examples included drivers not knowing how to drive through the roundabout, the roundabout not having protected crosswalks, and the erection of a statue in the middle of the roundabout would block the view of drivers. Ms. Loredo requested that the Council continue to discuss construction options before purchasing the land identified in said item. She stated that this payment of $192,500 for the land was not worth a child's life.

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

The City Clerk read the following Ordinance:

2007-02-01-0113

Item 7. AN ORDINANCE ACCEPTING AN OFFER FROM LANDSCAPE STRUCTURES, INC., UTILIZING A U.S. COMMUNITIES CONTRACT, TO PROVIDE CUSTOM PLAYGROUND EQUIPMENT FOR PALM HEIGHTS PARK FOR A COST OF $54,922.75, FROM HUD 108 LOAN PROGRAM FUNDS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Flores seconded the motion.

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

The City Clerk read the following Ordinance:

2007-02-01-0121

Item 12. AN ORDINANCE SELECTING FUGRO CONSULTANTS, L.P. AND RABA-KISTNER CONSULTANTS, INC FOR NEGOTIATION AND EXECUTION OF TWO

PROFESSIONAL CONSULTING SERVICES AGREEMENTS EACH IN AN AMOUNT NOT TO EXCEED $200,000 FOR INDEFINITE DELIVERY PROFESSIONAL CONSTRUCTION MATERIAL TESTING SERVICES ON AN AS-NEEDED BASIS, IN CONNECTION WITH METROPOLITAN PLANNING ORGANIZATION AND LOCAL AGENCY MANAGED PROJECTS ON A CITY-WIDE BASIS.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Radle seconded the motion.

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

EXECUTIVE SESSION

Mayor Hardberger recessed the Regular Session at 12:00 noon in order to break for lunch and to convene in Executive Session for the purpose of:

A. Deliberate the management, 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 noted that Item B (below) would not be addressed.

B. 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 1:55 pm and addressed the remainder of the pulled consent items beginning with Item 18.
The City Clerk read the following Ordinance:

2007-02-01-0127

Item 18. AN ORDINANCE EXPANDING THE AUTHORIZATION OF THE DIRECTOR OF PUBLIC WORKS TO MAKE DECISIONS REGARDING ACCEPTABLE PROJECT TYPES AND THE APPROPRIATE ALTERNATIVE DELIVERY METHOD FOR CITY PROJECTS TO INCLUDE THE CONSTRUCTION MANAGER AT RISK ALTERNATIVE DELIVERY METHOD AS REGULATED AND LIMITED BY THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CONSTRUCTION MANAGER AT RISK PROCESS FOR IMPLEMENTATION IN CONNECTION WITH THE CONSTRUCTION MANAGER AT RISK SERVICES – TERMINAL EXPANSION PROGRAM AT THE SAN ANTONIO INTERNATIONAL AIRPORT AND AMENDING THE SMALL BUSINESS ECONOMIC DEVELOPMENT ADVOCACY PROGRAM TO INCLUDE THIS ALTERNATIVE DELIVERY METHOD.

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

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

The City Clerk read the following Ordinance:

2007-02-01-0132

Item 23. AN ORDINANCE ADOPTING REVISIONS TO THE EXISTING CITY OF SAN ANTONIO COMMUNITY DEVELOPMENT HOUSING POLICY GUIDE TO INCORPORATE ANNUAL UPDATES MANDATED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR UTILIZATION IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS ADMINISTERED BY THE CITY.

Councilmember Perez made a motion to approve the proposed Ordinance. Councilmember Haass seconded the motion.

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

The City Clerk read the following Ordinance:

2007-02-01-0133

Item 24. AN ORDINANCE AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES AGREEMENT TOTALING $32,000.00 WITH TEXAS COOPERATIVE EXTENSION OF THE TEXAS A&M UNIVERSITY SYSTEM TO PROVIDE ASSISTANCE IN DESIGNING, IMPLEMENTING AND EVALUATING A NUTRITION AND PRENATAL EDUCATION PROGRAM FOR THE PERIOD MARCH 1, 2006 THROUGH AUGUST 31, 2007.

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

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

MASTER PLAN AND ZONING CASES

P-1. **PLAN AMENDMENT CASE # 05009 (District 2):** An Ordinance amending the land use plan contained in the Arena District/Eastside Community Plan, a component of the Master Plan of the City, by changing the use of a 16.43 acre tract of land located at 3841 Commerce Street East from High Density Multi-Family Residential land use to Light Industrial land use. Staff and Planning Commission recommend Approval. **Associated Zoning Case #Z2005145.**

Councilmember McNeil made a motion to continue said item until March 1, 2007. Councilmember Perez seconded the motion.

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

Z-1. **ZONING CASE # Z2006272 CD (District 7):** An Ordinance changing the zoning district boundary from "R-6" Residential Single-Family District to 'R-4" (CD- Duplexes) Residential Single Family District with a Conditional Use for duplexes with density not exceeding 12 units per gross acre on Lot P-119, NCB 15664 (8.004 acres out of NCB 15664), 11100 Block of Bandera Road. As requested by Duran Investments, Inc., Applicant, for Marlin and Gabriel Biefing, Owner. Staff recommends Approval. Zoning Commission recommends Denial.

Mr. John Jacks, Senior Planner, Development Services Department, outlined the proposed rezoning case.

The following citizen(s) appeared to speak:
Mr. Gary Nash, 10407 Goldstone Dr., addressed the Council and stated that he was in opposition to said zoning change. Mr. Nash presented the Council with petitions signed by approximately 273 individuals against the zoning change. Mr. Nash also read a letter from the neighborhood association that listed the reasons against the zoning change. Such reasons included the properties being rental and subsequently decreasing property values for residential homeowners, decreased property maintenance, increased traffic congestion, as well as increased safety concerns due to the lack of sidewalks in area.

Ms. Jerrie Klosterman, 10417 Goldstone Dr., addressed the Council and stated that she was in opposition to the proposed zoning change. Ms. Klosterman stated that she had no objection to the development of single family homes. However, she was against multi-family dwellings due to the increased traffic congestion in the area and lack of property maintenance. Ms. Klosterman requested that the Council vote against said zoning change.

Mr. Jack Finger, P.O. Box 12048, addressed the Council and congratulated the community for opposing said zoning change. He also congratulated Councilmember Guajardo for denying the zoning change. As it related to Z-2, Mr. Finger commented on how many individuals opposed the zoning change. For Item Z-3, Mr. Finger encouraged Councilmembers to err on the side of caution when voting on the zoning change.

Mr. Sid Lifshutz, 8723 Bent Willow, addressed the Council and stated that he was in opposition to the zoning change. Such reasons for the opposition included lack of property maintenance,

decreased property values for area homeowners, increased traffic congestion and noise levels, and increased safety concerns.

Ms. Sandra Ricabaual, 8927 Shady Tree, addressed the Council and stated that she was in opposition to the zoning change. Ms. Ricabaual stated that the area had grown over the past several years. She noted that the added growth from the duplexes to the Braun Oaks Subdivision would negatively impact the community. She requested that the Council vote against the zoning change.

Councilmember Guajardo made a motion to deny the proposed rezoning case. Councilmember McNeil seconded the motion.

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

Z-2. **ZONING CASE # Z2006274 (District 10):** An Ordinance changing the zoning district boundary from "C-3" General Commercial District and "I-1"General Industrial District to "R-4" Single-Family Residential District on 28.769 acres out of NCB 14049 and "MF-25" Multi Family District on 26.932 acres out of NCB 14049, 13900 Block of Lookout Road, as requested by Tesoro Homes Ltd., Applicant, for Cosas Claras Ltd., Owner. Staff recommends Denial. Zoning Commission recommends Approval.

Mr. John Jacks, Senior Planner, Development Services Department, outlined the proposed rezoning case.

The following citizen(s) appeared to speak:
Mr. Lorelei Ann Rubio, God's View Investing, addressed the Council and stated that she was in opposition to the zoning change. Ms. Rubio stated that the area was prone to flooding, does not have traffic lights, and that local schools were over-crowded. She requested that the Council vote against said zoning change.

Mr. James Webster, 6303 Wetzel Rd., addressed the Council and stated that he was in opposition to the zoning change. He commented that last time said zoning change was presented to the City Council he provided the Council with approximately 308 petitions signatures against said zoning change. Mr. Webster stated that he intended on providing the City Council with an additional 326 residential and 51 business petitions against the zoning change. Reasons against the zoning change included concerns with widening Lookout Road to allow for the increased traffic congestion, the developer not meeting the request of the community for mixed-use development, the developer having no intention of building single family homes, and that the site plan does not include a 20-foot berm as required.

Ms. Jackie Wickware, real estate agent, addressed the Council stated that she was in opposition to the zoning change. Reasons given against the zoning change included increased property foreclosures and crime rates. Ms. Wickware commented on how the developer had sold four-plexes even before he had permission to build on the land. She also stated how there was an increase in the number of four-plexes being built in close proximity to each other thus ruining the community. As such, Ms. Wickware requested that the City Council vote against said zoning change.

Councilmember Haass made a motion to continue said item until February 15, 2007. Councilmember Perez seconded the motion.

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

Z-3. **ZONING CASE #Z2007008 (District 2):** An Ordinance changing the zoning district boundary from "I-1" General Industrial District to "I-2" Heavy Industrial District on 8.013 acres out of NCB 10597, 4000 Block of Corner Parkway as requested by John M. Sheesley, Applicant, for John M. Sheesley, Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks, Senior Planner, Development Services Department, outlined the proposed rezoning case.

The following citizen(s) appeared to speak:
Mr. Leon Thomas, 1206 Picardie Dr., addressed the Council and stated that the Eastside had been dumped on with underground fuel tanks. He stated that many individuals had tried to make the Eastside a better place for future generations. Mr. Thomas asked the City Council to vote on this rezoning issue as if this rezoning were in their immediate neighborhood.

Mr. Harold Williams, 822 Dunwood, addressed the Council and stated that he was against the rezoning issue. Mr. Williams yielded the balance of his time to anyone who needed it.

Mr. Oscar Vicks, 1214 Picardie Dr., President of United Homeowners Improvement Association, addressed the Council against the rezoning issue. He stated that people decide to live where they do because they like the scenery or the neighborhood. Mr. Vicks wondered what would happen if one of the tanks exploded. He also requested that the City Council take into consideration the future children of District 2.

Mr. John Sheesley, President of RediFuel, addressed the Council and noted that RediFuel intended on constructing a LEED Certified Green Corporate Campus. At the request of the community, RediFuel would create a foam fire fighting unit at the new facility, down zone the current location once RediFuel relocated to the new location, and limit the tank build-out at the new facility. Mr. Sheesley requested that the City Council vote in favor of the zoning change.

Ms. Elma Sartuche, 751 S. General McMullen, addressed the Council relating to the zoning issue at hand. She spoke in favor of the zoning change due to her medical needs. Ms. Sartuche noted that the emergency energy provided by RediFuel was not just a District 2 issue or a fuel tank issue. Ms. Sartuche requested that the Council consider safety first when voting on said zoning item.

Mr. Mike Lothian, 9702 I-10 East, stated that he owned a business and resided in District 2. Mr. Lothian spoke in favor of RediFuel's request for a zoning change. He stated that the new facility would be better than the current facility due to RediFuel proposing to build a Green Certified Corporate Campus. He also noted that the new facility would receive its diesel fuel via pipeline. This delivery method would allow for RediFuel to provide uninterruptible fuel while decreasing delivery truck traffic. For these reasons, Mr. Lothian urged the Council to support the zoning change.

Mr. Vince Garcia, 930 N. New Braunfels, also addressed the Council and provided his support to RediFuel. He noted that the current RediFuel site was congested. Mr. Garcia noted that the new site would feature wind power, solar lighting, native landscaping, ADA pathways, bike paths, sheltered parking for trucks, and a police comfort station. He stated all this would create an aesthetically pleasing environment. Mr. Garcia also stated that the new facility would reduce pollutants by tying into the pipelines that come from Corpus Christi. For these reasons, Mr. Garcia asked the Council to vote in favor of the zoning change.

Mr. Caz Swier, 950 E. Bitters, # 336, Architect for the RediFuel Project, addressed the Council in favor of the zoning change. He showed the Council the site plan for the RediFuel Facility and noted it was a plan of efficiency. Mr. Swier spoke on the amenities that the plan will incorporate. He noted that said facility would be an asset to District 2 as well as an educational tool regarding green development.

Mr. Dave Caffey, 205 Caffey Rd., addressed the Council and noted that the tanks being installed would be new and therefore resistant to damage. Mr. Caffey also noted that the closest Fire Station to take care of any kind of spill or fire was a distance from the facility. It was noted that traffic congestion in the area would only increase response time. He continued by stating that RediFuel was proposing to have a foam fire unit on site. Mr. Caffey noted the retaining walls for the tanks would be made of concrete and sealed thus preventing leakage. He also stated that RediFuel fire fighting equipment would be available to the City at no cost when needed. Mr. Caffey asked the Council to support the zoning change.

Mr. Richard LaFoillo, 5891 Castle Run, addressed the Council and stated that he supports the RediFuel proposed storage facility. He added that the location was practical due to the fact that it was located in an industrial area. Mr. LaFoillo also noted that the new facility would be an asset to the surrounding area by providing a Diesel Mechanic Training School. Mr. LaFoillo asked the Council to approve the zoning change.

Ms. Janice Gangauer, 6242 Schrank Oaks, addressed the Council on behalf of the I-10 East Corridor Group and noted that there are 9 intersections in the proposed area. Ms. Gangauer also noted that the Group's goal was to keep industrial and residential where they belong, not mixed together. She stated that the I-10 Group supports the rezoning request.

Ms. Brenda Davis, 319 Robeson, also addressed the Council and noted her support for the zoning change. She stated that at first she was in opposition to the project. However, after meeting with Mr. Sheesley, her opinion changed. Ms. Davis stated that by RediFuel providing emergency diesel fuel to various businesses and hospitals in the area, the zoning change affected the entire city. She stated that she was in favor of the zoning change and asked for Council support on same.

Ms. Marie Stout, 420 Pierce, stated that the addition of this business would create jobs in the neighborhood and would provide emergency fuel for hospital generators. Ms. Stout requested the City Council to vote in favor of the zoning change.

Ms. AJ Garcia, 1706 Nevada, addressed the Council and stated that this issue was more than a zoning issue – it was an emergency resource issue. She spoke on how RediFuel was equipped to provide emergency fuel. Ms. Garcia also stated how the proposed Leed Certified Campus would raise the bar for future developments. She encouraged the Council to support the zoning change.

Mr. Fred Koch, 4818 Neil Armstrong, addressed the Council and noted that he resides in Kirby. However, he was interested in this issue due to the fact that the proposed new facility was near the City of Kirby. He stated that he was a retired truck driver for a company that was also located in District 2. Mr. Koch stated that the proposed facility would decrease diesel truck traffic in the area. He asked for the support of the Council on said item.

Ms. Joan Cheever, 125 Newbury Terrace, addressed the Council and noted that RediFuel not only provided a service to the district but to the entire community. Ms. Cheever noted the similarities in the state of the art construction between the Center for the Intrepid Center and RediFuel. She also stated how RediFuel gave back to the community by providing back-up emergency generator power. For these reasons, Ms. Cheever asked the Council to vote yes – just do it.

Mr. Abram Emerson, 1344 Onslow Dr., addressed the Council explaining that the Eastside of San Antonio had been historically infected by industrial encroachment. He stated that the relocation of RediFuel would create one less industrial site in the area. In addition, the relocation would increase the likelihood of economic development in the area.

Mr. Ed Griffith, 13450 Lookout Rd., addressed the Council and stated how RediFuel has never had an emergency situation resulting in a visit by Mr. Griffith's company. He noted how RediFuel has gone above and beyond to provide a growing service to the City of San Antonio. Mr. Griffith requested the City Council to approve the zoning change.

Mr. Royce Wetz, also addressed the Council and noted that even though he was from Stockdale, TX, he was here to support RediFuel. Mr. Wetz noted that in his small community the passage of said item would be a no-brainer.

Mr. Ron Fay, Alamo City Truck Service, addressed the Council and stated how the proposed RediFuel site would be state of the art and how Mr. Sheesley ensured that all equipment was properly maintained. Mr. Fay noted that the relocation would be an asset to the community.

Ms. Karen Woody, 423 Marymont, New Braunfels, TX, addressed the Council relating to the community concerns and noted her support of RediFuel. She added that RediFuel was a safe company to work for due to the fact that Mr. Sheesley invested in the company. Ms. Woody stated that if RediFuel was not a safe company she would be hesitant to allow her husband and daughter to work there.

Mr. Darryl Woody, 423 Marymont, New Braunfels, TX, addressed the Council and noted his support for RediFuel. He noted that RediFuel's redesigned corporate headquarters would be one of five green buildings in the nation. He stated that RediFuel would pipe fuel underground therefore decreasing the number of truck traffic on the highway. Mr. Woody reiterated the positive benefits resulting from the rezoning.

Ms. Laurie Ontjes, 4620 Rader Pass, addressed the Council and spoke on her recent surgical experience. She noted that the electricity went out minutes before going into surgery. The doctors were able to continue with the surgery only because RediFuel provided the fuel for the generators. Ms. Ontjes also made note of other situations whereby hospitals had to rely on RediFuel for generated power. She noted that all the hospitals were able to operate as normal because of RediFuel.

Mr. Ray Martin, Mayor of Kirby, addressed the Council and stated his support for RediFuel. He noted that more residents are affected from Kirby than from District 2. Mr. Martin noted that everyone had their questions answered at a recent meeting. However, the recent meeting held at Sam Houston High School did not allow for citizens to ask questions. Mr. Martin noted that the relocation of RediFuel would be good for the entire community.

Mr. Cal Chapman, Boerne, TX, addressed the Council and noted that RediFuel was required to be regulated by EPA among other agencies. He stated that RediFuel exceeded EPA requirements. Mr. Chapman also noted that RediFuel could continue to operate at its current location. However, growth at the existing facility would result in increased traffic. For this reason, Mr. Chapman asked the City Council to support the zoning change.

Mr. Tom Rascoe, 1000 E. Basse, Suite 100, addressed the Council in support of the RediFuel Campus. He stated that the current site was limited for RediFuel services but could be redeveloped for use as a hotel or retail business.

Mr. Peter Kries, 3226 Autumn Lane, addressed the Council and stated that the tanks would be grounded in case of a lighting strike. He stated that due to the safety features included in the new facility, the RediFuel site plan could be used as a model for future buildings.

Ms. Sarah Westkaemper Lake, 210 Morton St., addressed the Council relating to the proposed green facility RediFuel plans on building. She stated that the campus will look like a park and therefore would be an asset to the community. Ms. Westkaemper Lake also stated that she supported this project and asked the Council to do the same.

Mr. TC Calvert, Sr., 3607 Tuscany, addressed the Council and stated that he had worked in the community for 36 years. Twenty of these years he worked against new storage gas tanks. Mr. Calvert stated that the relocation of RediFuel would be a golden opportunity for the City of San Antonio as well as neighboring communities. This was primarily due to the fact that RediFuel plans on having a foam fire fighting unit on-site. If needed, the equipment could be utilized by the City. Mr. Calvert stated that the relocation of RediFuel was a win-win situation.

Ms. Susan Cavender, 3 Sheffield Park, addressed the Council and stated that she wanted to speak more on the personal integrity of Mr. Sheesley. She stated that she and her husband had worked with Mr. Sheesley and had found him to be honest and hard working. Ms. Cavender stated that she and her husband support the project and zoning change.

Mr. Robert Dawson, 4927 Waycross Lane, addressed the Council with regards to meetings held to answer concerns of the area residents. He thanked Councilmember McNeil and Mr. Sheesley for doing things correctly by contacting those residents that were nearest to the area in question. Mr. Dawson noted that at first he did not even know RediFuel was in the area because they were so quite. He continued by stating that RediFuel was trying to make a good thing better by moving.

Mr. Troy Jessee, 141 Blue Bonnett, spoke about Mr. Sheesley and stated that he was a man of integrity and would do everything within his power to ensure that safety concerns were addressed. Mr. Jessee also noted that the emergency services provided by RediFuel were needed by all. He asked the City to adopt the proposed zoning change.

Mr. Jerry Liehman, former Mayor of Kirby, stated that Kirby had not received any complaints regarding the zoning change. He asked the Council to support the project.

Ms. Rhonda Davis, Mayor Pro Tem of the City of Kirby, also addressed the Council and stated that the proposed site plan was beautiful. Ms. Davis wondered how one could not support the project.

Mr. Ruben Torres, 4939 Creek Moor, stated that he worked for RediFuel and resided in the area. He spoke about Mr. Sheesley being a man of high standards, especially when it came to safety. Mr. Torres requested that the City Council approve the zoning change.

Pastor Rosa Wilson, P.O. Box 200847, addressed the Council and noted that she had served on the MLK Commission, assisted with the Caesar Chavez March, and today she stood for RediFuel. She spoke about how Mr. Sheesley was a professional.

Ms. Stella Ashley, President of Government Hill Alliance, addressed the Council and stated that she attended the meeting held in Kirby whereby many were disappointed that their concerns were not answered. Ms. Ashley indicated that this environmentally friendly facility would set an example for other facilities in San Antonio. She stated that the there would be many benefits to the community from the proposed facility. For these reasons, she requested the City Council to approve the zoning change.

Mr. JL Grant, ACORN, addressed the Council and noted that nobody knows when an accident will happen and therefore asked the Council to vote as if the project were in his/her backyard. He asked the Council to vote no.

Ms. Jill Johnston, Southwest Workers Union, stated that the proposed installation of two 1 million gallon fuel storage tanks jeopardized the safety of the community. She referenced a study conducted by the EPA which stated that one out of every four fuel storage tanks leaked and subsequently released toxic chemicals into the environment. Ms. Johnston also stated that in the proposed RediFuel area over 400,000 pounds of toxic chemicals were currently released into the air. She noted that if one could see the chemical gas, it would be an opaque cloud over the Eastside.

Ms. Julie Iris Oldham, 4523 Alleghany, addressed the Council and stated that her heart belongs in District 2. She added that she was against the rezoning.

Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council and stated that he was against the zoning change.

Ms. Monica Garcia, Southwest Workers Union, addressed the Council stating that she and the organization she represented were against the zoning issue. She stated that the toxic chemicals released by the fuel tanks result in increased health problems. She read two letters from Page Middle School Students and one from a Poe Middle School student who also oppose the RediFuel Project.

Ms. Diane Lopez, Southwest Workers Union, read a letter that she sent to Councilmembers in opposition for the RediFuel Project. She asked the Council vote no on said issue.

Ms. Lara Cushing, Southwest Workers Union, addressed the Council and stated that the Eastside was disproportionately impacted by industrial sites. Ms. Cushing stated that the area contained 60 percent of the storage tanks, six pipelines, and four truck stops. She stated that the toxic chemicals produced by the fuel result in increased upper respiratory problems throughout the community.

Mr. Chavel Lopez, Southwest Workers Union, addressed the Council and noted that this was an issue of race and class. He stated that the Eastside had been the dumping ground for storage tanks. Mr. Lopez stated that the proposed facility would bring more health issues to the community.

Mr. Steve McAllister, 302 Patterson, addressed the Council and stated that he knew Mr. Sheesley very well and was a man of integrity. He stated that the proposed facility was far superior to the current location. Mr. McAllister asked the Council to consider the proposal and vote in favor.

Mr. Tommy Calvert, Jr., RediFuel representative, addressed the Council and clarified comments made by previous speakers. Mr. Calvert stated that RediFuel would only store diesel fuel and not gasoline. He also stated that the information provided by Southwest Workers Union regarding toxic emissions was incorrect. The diesel fuel that RediFuel intends on storing does not emit the toxic gases referenced. Additionally, Mr. Calvert clarified that the flash point for diesel fuel was different than for gas. He continued by stating that the health of the community would not be jeopardized. Mr. Calvert commented on the added benefits the community would receive by having RediFuel as a neighbor.

Ms. Wrey Hood and Mr. David Arevalo, District 2 residents, also addressed the Council in opposition to the zoning request for the RediFuel Project. Ms. Hood stated that the aesthetics of the project do not change the fact that the fuel tanks could fail. Mr. Arevalo stated that his organization went door-to-door in the hopes that individuals would be informed on said issue. He also stated that Mr. Sheesley could build on his current site. Mr. Arevalo stated that he was opposed to the relocation because it would allow Mr. Sheesley to build on 8 areas thus having the ability to have more than two 1 million gallon storage tanks.

Councilmember McNeil made a motion to deny the proposed zoning case. Councilmember Perez seconded the motion.

The motion to deny prevailed by the following vote: **AYES**: Flores, McNeil, Perez, Herrera, Hall, Wolff, Haass, and Mayor Hardberger. **NAYS**: Radle and Guajardo. **ABSENT**: Gutierrez.

At this time, Mayor Hardberger excused himself from the meeting and Mayor Pro Tem Haass presided.

Z-4. **ZONING CASE # Z2007043 (District 2):** An Ordinance amending the zoning district boundary from "RM-4" Residential Mixed District to "RM-4" HS Residential Mixed Historic Significance District on Lots 27, 28, and the East irregular 73 feet of Lot 26, and the North 75 feet of the East 2 feet of Lot 25, Block 54, NCB 1629, 321 Essex Street as requested by City of San Antonio, Planning Department Historic Preservation Officer, Applicant, for San Antonio Housing Authority, Owner.

Mr. John Jacks, Senior Planner, Development Services Department, outlined the proposed rezoning case.

Councilmember McNeil made a motion to continue said item until March 1, 2007. Councilmember Perez seconded the motion.

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

Z-5. **ZONING CASE # Z2006222 CD (District 2):** An Ordinance changing the zoning district boundary from "I-2" Heavy Industrial District to "R-4" (CD - Dwelling, Two-Family) Residential Single-Family District with a Conditional Use for a Two-Family Dwelling not exceeding 13 units per acre on Lot 30, Block D, NCB 1161, 409 Coleman Street, as requested by HTG Real Property Management, Inc., Applicant, for HTG Real Property Management, Inc., Owner. Staff and Zoning Commission recommend Approval.

Mr. John Jacks, Senior Planner, Development Services Department, outlined the proposed rezoning case.

Councilmember McNeil made a motion to continue said item until February 15, 2007. Councilmember Perez seconded the motion.

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

Z-6. **ZONING CASE # Z2005145 CD (District 2):** An Ordinance changing the zoning district boundary from "R-5 EP-1" Residential Single-Family Event Parking District and "C-2 EP-1" Commercial Event Parking District to "L EP-1" Light Industrial Event Parking District on 16.432 acres out of NCB 10578, 3841 East Commerce Street as requested by Drenner & Golden Stuart Wolff, LLP, Applicant for Rockhill Partners, Ltd., Owner. Staff and Zoning Commission recommend approval pending Plan Amendment.

Mr. John Jacks, Senior Planner, Development Services Department, outlined the proposed rezoning case.

Councilmember McNeil made a motion to continue said item until March 1, 2007. Councilmember Perez seconded the motion.

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

Item 29. City Manager's Report
Councilmember Perez asked staff to research the following issues and report back to Council:

1. Status of Graffiti Ordinance;
2. Status of installation of traffic light at the intersection of Southcross and Huron; and
3. Clarification of who is responsible for issuing citations for basketball goals in city streets and rights-of-ways.

CEREMONIAL ITEMS

Mayor Pro Tem Haass presented the following:
1) A Proclamation celebrating African American History Month.

2) A Proclamation acknowledging Shrine Burn Prevention Week.

CITIZENS TO BE HEARD

The following citizen(s) appeared to speak:
Mr. Nazarite Ruben Flores Perez, 627 Hearne, addressed the Council and spoke on the U.S. Constitution.

Mr. Faris Hodge, Jr., 140 Dora, addressed the Council and noted that the Mayor had not made an appointment to the Affirmative Action Board. He also stated that several Councilmembers did not have any Black employees. Mr. Hodge noted that with regards to the recent CPS appointment, no applications were solicited for the position. He also stated that Main Plaza Redevelopment Project was a bad idea. Mr. Hodge continued by stating that racial profiling was being conducted at City Hall.

Mr. George Alejos, LULAC representative, stated that there was an issue with the San Antonio Housing Authority trying to get applicants to purchase substandard homes. He asked that elected officials look into the quality of work done on the homes and hold the contractors accountable for substandard work and mismanagement of federal funds. Mr. Alejos continued by stating that the homes were falling apart. As a Broker, he was required to disclose the deficiencies that existed in homes. However, SAHA did not provide the homeowners with disclosure statements.

Mr. Henry Rodriguez, LULAC representative, also addressed the Council in support of the families that Mr. Alejos alluded to. He asked the Council to assist in rectifying the various situations.

Ms. Estefana Adame-Battle, 448 Precious, stated that her and her husband bought a house in 1999. About 3 weeks ago the house came crashing down. She stated that she went to SAHA with this issue and was referred to the builder. Ms. Battle also stated that she contacted the

previous owners and they were able to verify all of the problems that were wrong with home still exist today. She requested that the homes be demolished so that they could not be re-sold.

Mr. Edward O'Campo, 402 Precious, also addressed the Council relating to the same issue at the Villa De Fortuna Subdivision. He brought an exhibit from his backyard that was identified as a piece of asphalt. Mr. O'Campo stated that the foundation of his home was faulty therefore making his home uninhabitable. He asked that the Council conduct an investigation to determine why the homes are substandard.

Mr. Daniel Battle, 448 Precious, addressed the Council and stated that he was present to back-up his wife. He reiterated the comments made by his wife relating to his son's room buckling and that the house had developed cracks. Mr. Battle stated that SAHA and KB were blaming each other for the problems and that the City needed to take action to get the homeowner's questions answered.

Ms. Sara Olivares, 458 Precious, addressed the Council and stated that she was not able to move into her house for several months after she purchased it. Problems she has had with SAHA include being required to pull the weeds in her yard, numerous management changes, pipes busting, and having a water heater and fuse box next to each other. Ms. Olivares stated that SAHA was passing blame on to KB Homes and the City. She asked that the houses be demolished and that the City take responsibility for allowing KB to build on a landfill.

Ms. Patricia Cabrera, 443 Precious, addressed the Council and stated that she had grass growing in son's room. Also, her backyard flooded every time it rained. Ms. Cabrera requested that her money be refunded or she be allowed to move to another home due to all the problems she has had.

Ms. Luis Cintron, 432 Precious, addressed the Council and spoke on the problems that he has had with his home. Her home was purchased 5 years ago today. Mr. Cintron commented that he only had 3 years left on his home guarantee since the guarantee was based on the date the house was built. He wonders what will happen to her home in 3 years.

Ms. Sandy Romo, 507 Precious, addressed the Council and stated that her home was purchased for her children. Mr. Romo wonders if home would be standing in 30 years due to all the problems. She stated that it was very difficult to understand why she was required to pay a mortgage on a home that was falling apart.

Ms. Janet Amad, 18 Silverhorn, addressed the City Council and stated that she previously had voiced concerns to the City about the poor workmanship of the homes as well as the lack of City inspection and enforcement. She referenced duties that are given to the Development Services Department under the City Charter. Ms. Amad continued by stating that the foundations of the homes were not built to code. She recommended that KB Homes buy back the homes and requested that the City inspect the homes.

Ms. Julie Iris Oldham 4523 Allegheny, addressed the Council and commented on the workmanship of homes she previously resided in. She stated that she had to be hospitalized due to the formation of mold in a former home. Ms. Oldham noted that her current home does not have any cracks. She also spoke on the conditions of streets throughout the City.

Mr. Randy Zaragosa, 1607 NW 26th, addressed the Council and commented on the problems he has had with his home. He stated that an inspection was not made. Mr. Zaragosa added that his home would be worthless in 30 years when it is paid off.

Ms. Ivy Herrera, 2114 Pearl Harvest, addressed the Council and spoke on how "lucky" her family was to get a new house. She stated that she has had problems since day one. Ms. Herrera commented on how the sidewalks were crooked and the poor workmanship of the homes. She stated that the investment made into her home was gone due to the numerous cracks in her 6 month old home. Ms. Herrera stated that the shower leaks after each use and that she expected mold to develop.

Mr. Charles Escobar, 2113 Pearl Harvest, addressed the Council and stated that he purchased a home in the Foxborough Subdivision 6 months ago. Mr. Escobar commented on how KB Homes deceived him and other homeowners into purchasing a home that was worthless. He requested that an investigation be conducted to determine how KB Homes could be allowed to continue building substandard homes.

Mr. Steve Oettinger, 265 Thorain, addressed the Council on being billed twice for electric services for a home he no longer resided in. He stated that he had addressed his concerns with CPS Energy to no avail. Mr. Oettinger, wondered why he had to come to City Council to get his problem resolved.

Mr. Mark Perez, 119 Hardman, addressed the Council and commented on the caliber of work being done by City inspectors. He stated that a change was needed at Development Services. Mr. Perez stated that a certificate of occupancy was issued to Mission Petroleum Carriers in violation of the UDC. He stated that various City officials and departments had been informed of his concerns regarding Mission Petroleum Carriers operating without applicable permits.

ADJOURNMENT

Mayor Pro Tem Haass adjourned the meeting at 7:52 pm.

A P P R O V E D

PHIL HARDBERGER
MAYOR

Attest:

LETICIA M. VACEK
City Clerk

LMV/MLU
2007020l